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# SHIRE OF WAROONA

## Local Planning Scheme No. 7 (Municipal District)

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Updated to include AMD 41 GG 12/02/21

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Department of **Planning,  
Lands and Heritage**

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
17 December 1996

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

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

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## SHIRE OF WAROONA LPS 7 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	10/7/98	14/7/98	DH	Schedule 2 - adding Lots 20 and 21 of Wellington Location 3168 Southern Estuary Road, Waroona. (RR7)
8	17/11/00	21/11/00	DH	Schedule 2 - deleting section entitled "Coronation Road".
2	19/4/02	22/4/02	DH	<p>Schedule 2 - including in special provisions for 'Waroona Hills North'</p> <ul style="list-style-type: none"> <li>▪ in column (a) "Pt Murray Location 525 Nanga Brook Road, Waroona (Lots 1-7 Woodley Heights)".</li> <li>▪ inserting after (iii) new number (iv) to read "Subdivision of Pt Murray Location 525 Nanga Brook Road, Waroona shall be generally in accordance with the Subdivision and Development Guide Plan dated 14 March 2001 which forms part of the Scheme, or any variation approved by the Commission".</li> <li>▪ existing (iv) to be changed to (v).</li> <li>▪ sentence following (v) to read (changes in italics) "for lots 41-49 <i>Forrington Heights and 107 Woodley Heights</i> the following additional restrictions apply:"</li> <li>▪ commencing with (vi) clauses to be renumbered.</li> <li>▪ adding new clauses (x), (xi), (xii), (xiii) and (xiv),</li> </ul>
3	4/2/03	18/2/03	DH	Schedule 2 - adding Rural Residential area "Harvey River Waters" with relevant provisions. (R Res8)
9	29/4/03	30/1/03	DH	<p>Part 1 - deleting existing clause 1.2 and replacing with new clause "1.2 Responsible Authority".</p> <p>Part 4 - deleting existing clause 4.2.5 and replacing with new clause 4.2.5.</p> <p>Part 4 - deleting existing third dot point of clause 4.14.3 and replacing with point.</p> <p>Part 4 - deleting clause 4.14.6 and renumbering subsequent clauses.</p> <p>Part 4 - amending clause 4.14.11(c).</p> <p>Part 4 - deleting clause 4.15.2 and renumbering subsequent clauses accordingly.</p> <p>Part 4 - modifying clause 4.15.4 (a) to read: "4.15.4 (a) Where a building envelope is defined for the lot on a subdivision guide plan, the dwelling shall be confined to that envelope".</p> <p>Part 6 - deleting existing clause 6.1.2 and replacing with new clause 6.1.2.</p> <p>Part 6 - renumbering clause 6.11 as clause 6.13.</p> <p>Part 6 - inserting new clause 6.11 and Table 3 - Outbuildings.</p> <p>Schedule 1 - inserting new definition "Outbuilding".</p> <p>Part 6 - inserting clause "6.12 Building Height".</p> <p>Schedule 1 - inserting new definition "Natural Ground Level".</p> <p>Part 8 - deleting clause 8.4.</p> <p>Part 8 - renumbering clause 8.5 as clause 8.7.</p> <p>Part 8 - inserting new clause "8.4 Temporary Planning Approval".</p> <p>Part 8 - inserting new clause "8.5 Scope of Planning Approval".</p> <p>Part 8 - inserting new clause "8.6 Approval Subject to Later Approval of Details".</p> <p>Part 9 - deleting existing clause 9.6 and replacing with new clause "9.6 Delegation of Functions".</p>
14	19/8/05	16/8/05	Dh	Schedule 4 – adding additional use Area "Lot 228 (No. 52) South Western Highway, Waroona. (A1)
13	19/8/05	17/10/05	DH	Schedule 2 – inserting Rural Residential area R Res 9 – "Part Lot 16 and Lot 1209 Southern Estuary Road, Lake Clifton" together with permitted uses and control provisions.
15	17/2/06	21/2/06	DH	Schedule 2 – inserting Rural Residential area "Lot 2 Leavy Road, Waroona" together with permitted uses and control provisions. (R Res 10)
11	7/3/06	29/3/06	DH	Schedule 2 - Adding Rural Residential area "Lots 22, 23 and 25 Southern Estuary Road, Lake Clifton". (R Res 11)

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
20	15/7/08	22/7/08	DH	Schedule 4 - inserting additional use area A2 being "Lot 25 (No. 11) Holmes Road, Lake Clifton" together with relevant conditions of use.
16	22/7/08	29/7/08	DH	Part 4 - adding new clause "4.17 Urban Development". Part 7 - adding new clause "7.4 Special Control Areas". Schedules - adding new schedule "Schedule 6 - Development Areas" and including Development Area DA1 "Lot 386 Hill Street & a portion of Pt Location 254 Elliot Street, Waroona" together with relevant requirements.
21	7/4/09	5/5/09	DH	Schedule 2 - inserting Rural Residential Area 10 being Lot 2942 Old Bunbury Road, Lake Clifton".
23	25/9/09	5/10/09	DH	Part 4 - adding Rural 7 - Rural Small Holdings Zone to Clause 4.1.1. Part 4 - inserting new Clause "4.16 Rural Small Holdings Zone" and renumbering subsequent clauses. Table 1 - modifying by introducing "18. Rural Small Holdings" zone" and applying relevant use classes and permissibilities. Schedules - adding new Schedule "Schedule 7 - Rural Small Holdings Zones" and include SRH1 area being Lots 84 & 85 Riley Road, Hamel.
22	30/3/10	7/4/10	NM	Deleted Clause 4.8.2 (a) and Clause 4.8.2 (b) and renumbered subsequent clauses.
18	23/4/2010	5/3/15	MLD	Insert Scheme Text – "Schedule 2 – Rural Residential Codes" Rezoning Lot 51 Southern Estuary Road, Lake Clifton from 'Rural 1 – General Farming' to Rural 6 – 'Rural Residential'
12	30/4/10	19/5/10	NM	Inserted "Home Business", "Equestrian Centre", "Horse Keeping – Commercial", "Horse Keeping – Hobby", "Stable", "Fuel Depot", "Transport Depot", "Milk Depot", "Ancillary Accommodation", "Winery", "Caravan Park" and "Park Home Park" into Table 1 – Zoning Table. Inserted new clause 6.1.2 (m) a Home Office. Inserted "Home Business", "Home Office", "Equestrian Centre", "House Keeping – Hobby", "House Keeping – Commercial", "Stable", "Ancillary Accommodation", "Winery", "Bed and Breakfast" and "Commercial Vehicle" into Schedule 1 – Interpretations. Deleted "Equestrian Activity" and "Horse Stables" from "Rural - Intensive Agriculture" in Schedule 1 – interpretations. Replaced the definition of "Fuel Depot" in Schedule 1 – Interpretations. Deleted the Use Class of "Depot" from the Zoning Table. Replaced all references to "R Codes" with "Residential Design Codes". Edited the definition "Caravan Park" in Schedule 1 – Interpretations. Removed "Caravan Park/Park Home Park" as a Use Class from Table 1 – Zoning table and replaced with "Caravan Park" and "Park Home Park". Reclassified "Kennels/Cattery" in Table 1 – Zoning Table. Replaced all references to the "Town Planning and Development Act 1928" with "Planning and Development Act 2005". Deleted Clause "xii" from Schedule 2 – Rural Residential Codes, Rural Residential 3 and renumbered subsequent numbers accordingly. Modified Rural Pursuit (Rural 6 – Residential Zone) in Table 1 – Zoning table to have a footnote reference "1" in addition to the present "AA" Classification. Inserted footnote at bottom of Table 1 – Zoning Table: "1 – Rural Pursuit is a "Use Not Permitted" in Rural Residential Precincts 3, 4, 6, 7, 8, 9, 10 and 11.
25	4/6/10	14/6/10	NM	Inserted "R Res12 – Lot 1 Weller Road, Waroona" into Schedule 2 – 'Rural Residential Codes – Zone Descriptions'. Modified "R Res3 (x)", "R Res7 (xi)", "R Res9 (iv)", "R Res10 (ii)" and "R Res 11 (iv)" in Schedule 2 – 'Rural Residential Codes – Zone Descriptions'.
26	18/6/10	25/6/10	NM	Modified Clause (i) of Schedule – 2 "Rural-Residential Area No 9".

AMDT NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
28	01/10/10	02/11/10	NM	Inserted "Lot 195 Weir Road, Waroona" into Schedule 2 – Rural Residential Codes.
4	07/02/12	13/03/12	NM	Inserted "Harvey River Woods" into schedule 2. Inserted clause 6.14 – Environmental conditions. Inserted Schedule 8 – Environmental conditions
17	07/02/12	13/03/12	NM	Inserted no. 17 into Schedule 8 – Environmental conditions.
31	04/04/14	07/05/14	ML	Clause 4.1.1 – introduce 'Rural 8 – Hills Landscape protection Zone' Clauses 4.17 and 4.18 renumbered Clause 4.17 – new clause inserted Table 1 – Zoning Table – introduce '19 Hills Landscape Protection' Schedule 9 – Hills Landscape Protection Zones – new schedule inserted
36	21/10/16	14/11/16	GM	Amended table in Schedule 7I by inserting additional text for Lot 15 Haub Rd, Lake Clifton
32	17/01/17	23/01/17	GM	<p>Changed references to "Town" Planning Scheme to "Local" Planning Scheme throughout the text.</p> <p>Modified the Scheme Text throughout to correctly state the current names of government agencies, legislation, local laws and policies including the change from the "Residential Planning Codes" to the "R-Codes".</p> <p>Addressed incorrect spelling.</p> <p>Changed Schedules from Roman numerals to standard numbering throughout the text.</p> <p>Replaced Clauses 1.1 – 1.5 and replaced with Clauses from the model provisions.</p> <p>Inserted new Clause 1.6.</p> <p>Inserted Clauses 10, 11, 12 as per the model provisions.</p> <p>Replaced Clause 1.6 with Clause 3 of the model provisions.</p> <p>Deleted Part II, Part V, Part VII, Part VIII, Part IX.</p> <p>Deleted Clauses 3.2, 3.3, 4.3, 4.4, 6.13.</p> <p>Modified the number of zones in sub clause 4.1.1 from 18 to 19.</p> <p>Modified Clause 4.2 with Clauses 17 &amp; 18 of the model provisions.</p> <p>Table 1 deleted and replaced with symbols that are consistent with the model provisions.</p> <p>Replaced Clause 4.9.3.</p> <p>Modified sub clauses 4.13.3, 4.14.3, 4.14.4, 4.14.9, 4.14.10, 4.16.8.</p> <p>Deleted "in accordance with Clauses 4.14.8 and 4.15.4" in the last bullet point of sub clause 4.14.1.</p> <p>Replaced sub clause 4.12.6, 4.15.8, 4.16.7.</p> <p>Inserted sub clause 4.12.8.</p> <p>Deleted sub clauses 4.14.8 – 4.14.11, 6.8.1, 6.8.2.</p> <p>Inserted Clauses 4.13, 4.20, 5.3, 5.12, 5.13, 5.15, 5.16, 5.20 – 5.24, 6.1, 6.2, 6.6.</p> <p>Added Clauses 19-24 of the model provisions and tables relocated to schedules to scheme text as required.</p> <p>Modified Clause 5.9.</p> <p>Renumbered Clause 6.7 as 5.10 and added "the" after "bedrock and".</p> <p>Renumbered Clause 6.8 as 5.11, renamed and added sub clauses 5.11.1 – 5.11.6.</p> <p>Replaced Table 2.</p> <p>Replaced Clauses 6.1, 6.2, 6.14 with Part 5 of the model provisions.</p> <p>Added Schedule A – Supplementary provisions to the deemed provisions.</p> <p>Added, deleted and modified interpretations to Schedule 1.</p> <p>Modified the numbering of Rural Residential Zones No. 10, "R Res 10" (former Lot 2942 Old Bunbury Road, Lake Clifton) to "R Res 11" and accordingly renumber "R Res 11 – R Res 14" to "R Res 12 – 15".</p> <p>Renumbered Schedule VIII to 8 and changed incorrect spelling of heading.</p> <p>Renumbered Appendix 1B "Decision on Application for Council's Planning Consent" to Appendix 2 and modify generally in accordance with the MST.</p> <p>Modified all references contained in the scheme to 'Clause 9.5</p>

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				Advertising of Applications' to Part 8 of the deemed provisions. Modified all references contained in the scheme to the preparation, assessment and approval of structure plans to Parts 4 to 6 of the deemed provisions as applicable. All details included in Schedule 3 – Special Use Zones, Schedule 4 – Additional Uses, Schedule 6 – Development Areas and Schedule 8 – Environmental Conditions be incorporated into the relevant tables within the scheme text and the appendices deleted. Renumbered Clauses and sub clauses and modified cross-referencing throughout the Scheme Text.
34	27/10/17	31/10/17	MLD	Adding reference to Portion of Lot 524 (No. 40) Look Road Waroona to Clause 3.21 (Additional Uses)
37	07/11/17	06/12/17	GM	Added the following provisions to Schedule A - Supplementary Provisions: 61(1(s) The erection or extension of a single house on a lot where shown as a 'P' use in the Zoning Table and all other requirements of the Scheme are met, except where the lot is zoned Rural Residential. 61(1(t) The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house where shown as a 'P' use in the Zoning Table and all other requirements of the Scheme are met, except where the lot is zoned Rural Residential.
40	27/08/19	28/08/19	MLD	Modifying Clause 61(1)(s) of Schedule A – Supplementary Provisions.  Modifying Clause 61(1)(t) of Schedule A – Supplementary Provisions.
41	12/02/2021	14/02/2021	MLD	Changing the density coding applicable to Lot 3 (No. 34) Thatcher Street, Waroona from R12.5 to R30.  Amending the Scheme Maps accordingly.

**SHIRE OF WAROONA**  
**LOCAL PLANNING SCHEME NO 7**  
**MUNICIPAL DISTRICT**

The Waroona Shire Council, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* (as amended) hereinafter referred to as The Act, hereby makes the following Local Planning Scheme for the purposes laid down in The Act.

The text of this local planning scheme must be read in conjunction with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Where a provision of this scheme is inconsistent with a deemed provision, the deemed provision shall prevail.

**SHIRE OF WAROONA**  
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# PART 1 - PRELIMINARY

## 1.1 CITATION

*AMD 32 GG 17/01/17*

This local planning scheme is the Shire of Waroona Municipal District Scheme No 7.

## 1.2 COMMENCEMENT

*AMD 32 GG 17/01/17*

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

## 1.3 SCHEME REVOKED

*AMD 32 GG 17/01/17*

The Shire of Waroona Local Planning Schemes listed hereunder are revoked -

Town Planning Scheme No. 1	Gazetted 17 October	1969
Town Planning Scheme No. 3	Gazetted 10 March	1972
Town Planning Scheme No. 4	Gazetted 29 May	1981
Town Planning Scheme No. 5	Gazetted 13 May	1983
Town Planning Scheme No. 6	Gazetted 5 December	1986

## 1.4 NOTES DO NOT FORM PART OF THE SCHEME

*AMD 32 GG 17/01/17*

Notes, and instructions printed in italics, do not form part of this scheme.

Note: The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

## 1.5 RESPONSIBILITY FOR SCHEME

*AMD 32 GG 17/01/17*

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

## 1.6 SCHEME AREA

*AMD 32 GG 17/01/17*

This Scheme applies to the area shown on the Scheme Map.

Note: The Scheme area (or part) is also subject to the Peel Region planning scheme (see clause 12) and other local planning schemes (see clause 11).

## 1.7 CONTENTS OF SCHEME

*AMD 32 GG 17/01/17*

- (1) In addition to the provisions set out in this document (the scheme text), this Scheme includes the following –
  - (a) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2);
  - (b) the Scheme Map;
  - (c) the following plans, maps, diagrams, illustrations or materials –

- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

## **1.8 PURPOSES OF SCHEME**

The purposes of this Scheme are to –

- (a) set out the local government planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

## **1.9 AIMS OF THE SCHEME**

*AMD 32 GG 17/01/17*

The aims of the Scheme are to:

- (i) encourage, direct and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well-being of the community, and the amenity of the area;
- (ii) promote sustainable development that integrates consideration of economic, social and environmental goals for the district;
- (iii) provide a sufficient supply of serviced and suitable land for housing, rural living, commercial and industrial activities, community facilities, recreation and open space;
- (iv) assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourist development, as well as providing opportunities for home-based employment;
- v) seek to avoid future land use conflicts for extraction of mineral and basic raw material resources;
- (vi) ensure that appropriately located mining, mineral processing and forestry activities are able to provide significant contributions to the District economy in a manner consistent with protection of the District's environment and landscape;
- (vii) support rational decisions being made in regard to land use and ensure that the assessment and classification of land resources is made on the basis of land capability and land suitability;
- (viii) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;
- (ix) protect and enhance the environmental values and natural resources of the District and

- (x) to promote ecologically sustainable land use and development; appropriately take account of flooding, fire and other risks;
- (xi) protect and enhance the landscape values of the District;
- (xii) maintain and protect valuable areas of agricultural production and conserve its non-urban character whilst accommodating other complementary rural activities;
- (xiii) ensure that agriculture continues as a major component of the District's land use pattern, economy and lifestyle;
- (xiv) promote appropriately located and designed tourist development;
- (xv) encourage an efficient use of existing infrastructure and sustainable energy;
- (xvi) conserve existing local Aboriginal and built heritage;
- (xvii) preserve and enhance the amenities of the District and to manage land uses so as to minimise conflicts between otherwise incompatible uses;
- (xviii) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the municipality through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;
- (xix) improve the management of the natural resources of the Scheme Area to the extent possible under the Scheme;
- (xx) conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the municipality and its environs by ensuring that land use and development is undertaken sustainably;
- (xxi) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity, and environmental and heritage values;
- (xxii) improve the means of access into and around the District and to ensure the safe and convenient movement of people including pedestrians, cyclists and motorists;
- (xxiii) provide for the growth of settlements in a land use pattern which reduces pressure to convert good quality agricultural land to non-agricultural uses;
- (xxiv) provide opportunities for properly planned, contained and sustainable settlements.
- (xxv) guide the location of urban, rural-residential and rural smallholding development in order to:
  - (a) minimise impacts on rural land;
  - (b) protect and enhance the rural landscape and environmental values;
  - (c) recognise the potential for environmental repair and ensure its enhancement and management in subdivision and development proposals; and
  - (d) be appropriately serviced in a sustainable manner that does not place inappropriate demands on the local government or servicing authorities in terms of upgrading or maintaining services.
- (xxvi) provide guidance and controls for possible future residential, rural residential, rural small holding, commercial, industrial and tourist development within the municipality;
- (xxvii) assist in the effective implementation of State and region plans, strategies and policies;
- (xxviii) adopt a set of Local Planning Policies which will achieve the stated objectives.

## **1.10 RELATIONSHIP WITH LOCAL LAWS**

*AMD 32 GG 17/01/17*

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

## **1.11 RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES**

*AMD 32 GG 17/01/17*

The following local planning schemes of the Shire of Waroona also apply in the Scheme area —

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

## **1.12 RELATIONSHIP WITH REGION PLANNING SCHEME**

*AMD 32 GG 17/01/17*

The Peel Region Scheme made (or continued) under Part 4 of the Act applies in respect of part or all of the Scheme area.

Note: The authority responsible for implementing the Peel Region Scheme is the Western Australian Planning Commission.

## **1.13 INTERPRETATION**

### **1.13.1 Words to Have Normal Meanings**

Except as provided in clauses 1.7.2 and 1.7.3, the words and expressions of the Scheme have their normal or common meaning.

### **1.13.2 Exceptions**

In the Scheme, unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in The Act and Schedule 1 of the Scheme (Interpretations).

### **1.13.3 Special Application of R-Codes - Interpretations**

Where a word or term is defined in the *Residential Design Codes*, then notwithstanding anything else in the Scheme that word or term, when used in respect of residential development, has the meaning given to it in the *Residential Design Codes*.

## PART 2 – RESERVES

### 2.1 REGIONAL RESERVES

AMD 32 GG 17/01/17

- (1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The lands marked as regional reserves are lands reserved for a public purpose under the Peel Region Scheme.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the Land Administration Act 1997 section 41.

### 2.2 LOCAL RESERVES

AMD 32 GG 17/01/17

- (1) In this clause —

**Department of Main Roads** means the department principally assisting in the administration of the *Main Roads Act 1930*;

**Western Australian Road Hierarchy** means the document of that name available on the website maintained by the Department of Main Roads.

- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

### 2.3 ADDITIONAL USES FOR LOCAL RESERVES

AMD 32 GG 17/01/17

There are no additional uses for land in local reserves that apply to this Scheme.

## PART 3 - ZONES

### 3.1 ZONES

3.1.1 The Scheme area contains 19 zones as set out hereunder:

Urban 1	Town Centre	
Urban 2	Community & Civic	
Urban 3	Service Commercial	
Urban 4	Residential	
Urban 5	Special Residential	
Urban 6	Rural Living	
Urban 7	Industrial	
Urban 8	Hamel	
Urban 9	Preston Beach	
	Special Industry	
Rural 1	General Farming	
Rural 2	Irrigated Agriculture	
Rural 3A	Coastal	
Rural 3B	Coastal Highway	
Rural 4	Hills Face	
Rural 5	Darling Range	
Rural 6	Rural Residential	
	Special Uses	
Rural 7	Rural Small Holdings	AMD 23 GG 25/9/09
Rural 8	Hills Landscape Protection Zone	AMD 31 GG 04/04/14

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

### 3.2 ZONING TABLE

AMD 32 GG 17/01/17

The zoning table for this Scheme is as follows -

# TABLE 1 - ZONING TABLE

AMD 32 GG 17/01/17

## KEY TO COLUMNS:

URBAN		RURAL	
1	TOWN CENTRE	11	GENERAL FARMING
2	COMMUNITY & CIVIC	12	IRRIGATED AGRICULTURE
3	SERVICE COMMERCIAL	13A	COASTAL
4	RESIDENTIAL	13B	COASTAL HIGHWAY
5	SPECIAL RESIDENTIAL	14	HILLS FACE
6	RURAL LIVING	15	DARLING RANGES
7	INDUSTRIAL	16	RURAL RESIDENTIAL
8	HAMEL	17	SPECIAL USES
9	PRESTON BEACH	18	RURAL SMALL HOLDINGS
10	SPECIAL INDUSTRY	19	HILLS LANDSCAPE PROTECTION

ZONES	URBAN										RURAL									
	1	2	3	4	5	6	7	8	9	10	11	12	13A	13B	14	15	16	17	18	19
Abattoir	X	X	X	X	X	X	X	X	X	SPECIAL INDUSTRY - SEE NOTE *	X	X	X	X	X	X	X	SPECIAL USES - SEE NOTE **	X	X
Agriculture - Extensive	X	X	X	X	X	D	X	X	X		P	P	P	P	P	P	D		P	D
Agriculture - Intensive	X	X	X	X	X	D	X	X	X		D	P	D	D	D	D	X		A	D
Amusement Parlour	D	X	D	X	X	X	X	X	D		X	X	X	X	X	X	X		X	X
Ancillary Accommodation	D	D	D	P	D	D	X	P	P		D	D	D	D	D	D	D		D	D
Animal Establishment	X	X	X	X	X	X	X	X	X		A	A	A	A	X	A	X		X	X
Animal Husbandry - Intensive	X	X	X	X	X	X	X	X	X		D	D	X	X	X	D	X		X	X
Bed and Breakfast	D	X	X	D	D	D	X	D	D		D	D	D	D	D	D	D		D	A
Betting Agency	D	X	D	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X
Brewery	D	X	X	X	X	X	X	X	X		A	X	A	A	X	A	X		A	A
Bulky Goods Showroom	D	X	P	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
Caravan Park	X	X	X	X	X	X	X	X	D		D	X	D	D	X	D	X		X	X
Caretaker's Dwelling	IP	IP	IP	X	X	X	IP	X	IP		IP	IP	IP	IP	IP	IP	X		IP	IP
Carpark	P	P	P	X	X	X	P	IP	IP		IP	IP	IP	IP	IP	IP	IP		X	X
Chalet	X	X	X	X	X	X	X	X	A		D	D	D	D	A	D	X		A	A

ZONES	URBAN										RURAL											
	1	2	3	4	5	6	7	8	9	10	11	12	13A	13B	14	15	16	17	18	19		
Childcare Premises	D	P	D	D	X	X	X	D	D	SPECIAL INDUSTRY - SEE NOTE *	X	X	X	X	X	X	X	SPECIAL USES - SEE NOTE **	X	X		
Civic Use	P	P	P	D	X	X	X	P	D		D	X	D	A	A	A	A		A	A	A	A
Club Premises	D	D	D	X	X	X	X	D	D		A	X	X	X	X	X	X		X	X	X	X
Commercial Vehicle Parking	X	X	D	D	D	D	P	D	D		P	D	D	D	D	D	D		D	D	D	D
Community Facility Depot	D	P	D	X	X	X	P	P	D		D	A	A	A	A	A	A		A	A	A	A
Community Purpose	P	P	P	P	D	D	D	P	P		D	X	AA	AA	X	D	A		A	A	A	A
Consulting Rooms	P	P	D	D	X	X	X	D	D		X	X	X	X	X	X	X		X	X	X	X
Convenience Store	D	X	D	A	X	X	D	A	A		X	X	X	X	X	X	X		X	X	X	X
Dry Cleaning Premises	D	X	D	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X	X	X
Educational Establishment	D	P	D	A	X	X	X	X	A		D	X	X	X	X	X	X		X	X	X	X
Equestrian Centre	X	X	X	X	X	X	X	X	X		D	D	A	A	X	A	X		X	X	X	X
Exhibition Centre	D	D	D	X	D	D	D	D	D		D	X	A	A	A	A	A		A	A	A	A
Family Day Care	D	D	D	D	D	D	X	D	D		D	D	D	D	D	D	D		D	D	D	D
Farm Stay Accommodation	X	X	X	X	X	X	X	X	X		D	D	D	D	A	D	X		X	X	X	X
Fast Food Outlet	P	X	D	X	X	X	X	X	D		X	X	X	X	X	X	X		X	X	X	X
Fuel Depot	X	X	X	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X	X	X
Funeral Parlour	P	X	P	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X	X	X
Garden Centre	P	P	P	X	X	D	X	X	A		D	X	D	D	X	X	X		X	X	X	X
Grouped Dwelling	D	D	X	D	X	X	X	D	D		X	X	X	X	X	X	X		X	X	X	X
Guest House	D	A	X	A	A	D	X	D	D		D	A	D	D	D	D	D		D	D	D	D
Holiday House	D	X	X	A	A	D	X	D	D	D	D	D	D	D	D	D	D	D	D	D		
Home Business	D	D	D	D	D	D	X	D	D	D	D	D	D	D	D	D	D	D	D	D		
Home Occupation	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		
Hospital	A	D	X	X	X	X	X	X	A	X	X	X	X	X	X	X	X	X	X	X		
Hotel	P	X	D	X	X	X	X	X	A	X	X	X	A	X	X	X	X	X	X	X		



ZONES		URBAN									RURAL										
USE CLASSES		1	2	3	4	5	6	7	8	9	10	11	12	13A	13B	14	15	16	17	18	19
Industry	Cottage	D	D	D	D	D	D	D	D	D	SPECIAL INDUSTRY – SEE NOTE *	D	D	D	D	D	D	D	SPECIAL USES – SEE NOTE **	D	D
	General	X	X	X	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X
	Hazardous	X	X	X	X	X	X	X	X	X		A	X	X	X	X	X	X		X	X
	Light	X	X	D	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
	Service	X	X	P	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
	Extractive	X	X	X	X	X	X	X	X	X		A	A	A	A	A	A	X		X	A
	Noxious	X	X	X	X	X	X	A	X	X		A	X	X	X	X	X	X		X	X
	Rural	X	X	X	X	X	X	D	X	X		D	D	D	D	X	D	X		A	X
	Laundromat	D	X	D	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X
	Liquor Store	D	X	D	X	X	X	X	X	A		X	X	X	X	X	X	X		X	X
	Medical Centre	D	D	D	D	X	X	X	A	D		X	X	X	X	X	X	X		X	X
	Milk Depot	X	X	D	X	X	X	D	X	X		D	D	D	D	D	D	X		X	X
	Motel	P	X	D	X	X	X	X	X	D		X	X	X	A	X	A	X		X	X
	Motor Vehicle, Boat or Caravan Sales Premises	A	X	P	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
	Motor Vehicle Repair	D	X	D	X	X	X	P	X	X		X	X	X	A	X	X	X		X	X
	Motor Vehicle Wash	IP	X	IP	X	X	X	IP	X	X		X	X	X	X	X	X	X		X	X
	Motor Vehicle Wrecking Premises	X	X	X	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X
	Nursery	X	X	X	X	X	D	X	X	X		D	D	D	D	D	D	X		A	A
	Office	P	D	P	X	X	X	IP	X	D		X	X	X	X	X	X	X		X	X
	Park Home Park	X	X	X	A	X	X	X	X	A		X	X	A	A	X	X	X		X	X
	Place of Public Worship	P	P	D	D	X	X	X	D	D	X	X	X	X	X	X	X	X	X		
	Produce Store	D	X	P	X	X	X	P	X	X	D	X	D	D	X	X	X	X	X		
	Public Amusement	D	D	P	X	X	X	X	X	A	X	X	X	X	X	X	X	X	X		
	Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Reception Centre	D	D	P	X	X	X	X	X	D	X	X	X	X	X	X	X	X	X		

ZONES	URBAN										RURAL											
	1	2	3	4	5	6	7	8	9	10	11	12	13A	13B	14	15	16	17	18	19		
Recreation - Private	D	P	D	D	X	X	X	D	D	SPECIAL INDUSTRY – SEE NOTE *	D	X	D	D	D	D	A	SPECIAL USES – SEE NOTE **	A	A		
Recreation -Public	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P		P	P	P	P
Residential Building	D	D	X	A	X	A	X	A	A		X	X	X	X	X	X	X		X	X	X	X
Restaurant	P	X	D	X	X	X	X	X	D		IP	IP	X	IP	IP	IP	X		X	A	A	A
Restricted Premises	X	X	D	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X	X	X
Rural Pursuit	X	X	X	X	X	D	X	X	X		P	P	D	D	D	P	D		D	D	D	D
Rural Workers Dwelling	X	X	X	X	X	X	X	X	X		D	D	D	D	D	D	X		X	X	X	A
Salvage Yard	X	X	X	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X	X	X
Sawmill	X	X	X	X	X	X	D	X	X		D	X	X	X	X	D	X		X	X	X	X
Service Station	A	X	D	X	X	X	D	X	A		A	X	X	X	X	X	X		X	X	X	X
Shop	P	D	P	X	X	X	IP	A	A		X	X	X	D	X	X	X		X	X	X	X
Single House	D	P	D	P	P	P	X	P	P		P	P	P	P	P	P	P		P	P	P	P
Tavern	P	X	D	X	X	X	X	X	D		X	X	X	A	X	X	X		X	X	X	X
Tourist Development	D	D	X	X	X	X	X	X	D		X	X	A	A	A	A	X		X	X	X	X
Transport Depot	X	X	D	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X	X	X
Tree Farm	X	X	X	X	X	X	X	X	X		D	D	D	D	D	D	X		X	X	X	X
Veterinary Centre	X	X	D	X	X	D	P	D	A		D	X	D	D	X	X	X		X	X	X	X
Warehouse	X	X	P	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X	X	X
Wayside Stall	X	X	X	X	X	D	X	D	X		D	D	D	D	D	D	D		D	D	D	D
Winery	X	X	X	X	X	X	X	X	X		A	A	A	A	A	A	A		A	A	A	A

**Notes:**

\*Uses restricted to company operations of industry identified on Scheme Maps.

\*\*Uses restricted to those listed in Schedule 3.

### 3.3 INTERPRETING ZONING TABLE

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- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
  - (2) The symbols used in the zoning table have the following meanings —
    - P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
    - I means that the 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;
    - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
    - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
    - X means that the use is not permitted by this Scheme.
- Note:
1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.
  2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
  - (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
    - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
    - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
    - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
  - (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
  - (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless —
    - (a) the development approval application relates to land that is being used for a non-conforming use; and

- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —
- (a) a structure plan;
  - (b) an activity centre plan;
  - (c) a local development plan.

### 3.4 URBAN 1 - TOWN CENTRE ZONE

#### 3.4.1 Objectives and Policies

Council's objective is to ensure that the zone develops as the Commercial and community activity centre for the Town and the District, and that the functional and visual qualities of the zone are commensurate with that status.

Council's policies will therefore be to:

- permit a wide range of uses which will achieve the objective;
- permit, at Council discretion, medium density residential uses;
- require that development by its design, construction and materials contributes satisfactorily to the streetscape of the zone, particularly to the frontage of South Western Highway;
- prepare and implement a streetscape study as the basis for a program of design and amenity control.

#### 3.4.2 Setbacks

Minimum setbacks from lot boundaries or any proposed road widening shall be in accordance with the following:

Residential uses	Residential Planning Code Standards
Other uses	
Street Frontage	Nil
Side Boundaries	Nil unless access to rear is required
Rear Boundaries	At the discretion of Council

### 3.5 URBAN 2 - COMMUNITY & CIVIC ZONE

#### 3.5.1 Objective and Policies

Council's objective for the zone is to encourage the establishment of civic and community use facilities in this area adjoining the Town Centre, and ensure that the amenity and streetscapes of the zone are satisfactorily enhanced.

Council's policies will therefore be to:

- permit a wide range of uses consistent with the zone objective;
- encourage the establishment of uses which contribute to the welfare and activity of the community;
- permit medium density housing to appropriate Residential Code standards;

- ensure that development attains a high standard of appearance and convenience of use.

### 3.5.2 Setbacks

Minimum setbacks from lot boundaries or any proposed road widening shall be in accordance with the following:

Residential Uses Other Uses	R Code Standards
Street Frontage	6 metres
Side Boundaries	3 metres
Rear Boundary	10 metres

### 3.5.3 Setback Area

Within the street setback area, Council may permit the provision of car parking spaces and may require the establishment and maintenance of approved landscaping as a condition of Planning Consent.

## 3.6 URBAN 3 - SERVICE COMMERCIAL ZONE

### 3.6.1 Objectives and Policies

Council's objective is to provide areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

Council's Policies will therefore be to:

- ensure that development is functionally and visually appropriate to the location adjoining the Town Centre and abutting the South Western Highway;
- minimise access to the Highway from establishments by requiring, wherever possible, controlled access points;
- ensure adequate on-site car parking provision and setbacks from the road frontages;
- require appropriate landscaping in the setback area abutting the Highway.

### 3.6.2 Building Materials

Buildings in the zone shall not be constructed, altered or added to unless the facade of the building and the side walls to a depth of 6 metres from the front of the building are constructed of brick, brick veneer, masonry or other material approved by Council.

### 3.6.3 Setbacks

Minimum setbacks from lot boundaries shall be in accordance with the following:

South Western Highway Frontage	9 metres east side of highway 5 metres west side of highway
other road frontages	9 metres
other lot boundaries	3 metres from one side boundary and rear boundary. Other side boundary nil if masonry parapet wall.

Except for frontages to South Western Highway, where a lot has frontage to more than one street, Council may permit a reduction of the street setback to 3 metres on one street frontage.

#### 3.6.4 Setback Area

Within the setback area abutting South Western Highway or the railway, Council will require adequate landscaping to be established and maintained.

#### 3.6.5 Limited Highway Access

Access from a lot to the South Western Highway shall be restricted to access points approved by the Council and in this respect Council, where it considers such to be desirable, will refer a proposal to Main Roads WA for advice and comment.

#### 3.6.6 Parking

Vehicle parking shall be provided on-site in accordance with the provisions of Clause 6.8, **Table 2**.

### 3.7 URBAN 4 - RESIDENTIAL ZONE

#### 3.7.1 Objectives and Policies

Council's objective is to ensure that the residential areas of Waroona Townsite development in a manner which will provide adequately for the variety of residential needs anticipated in the reasonably foreseeable future, consistent with the best use of available land resources and a high level of urban amenity.

Council's policies will therefore be to:

- protect by appropriate zoning, land considered to be adequate and suitable for Waroona's anticipated residential needs;
- adopt land use control and Residential Design Codes which will permit development of a range of housing types.
- achieve maximum economic use of the urban land resource by encouraging development of vacant subdivided lots and other serviced unsubdivided lots and other serviced unsubdivided areas;
- require that residential development attains a satisfactory standard of urban amenity through siting, design and construction.

#### 3.7.2 Special Applications of *Residential Design Codes*

- (a) In exercising its discretion to permit grouped housing or non-residential uses in the zone, Council will have regard to the effect of such development on existing housing, the effect of additional traffic on the street system and the amenity of the area generally.
- (b) In exercising its powers to permit variation of the standards of the *Residential Design Codes* applicable to a development, Council will ensure that:
  - the streetscape is not detrimentally affected;
  - the privacy and use of adjoining dwellings is not adversely affected;
  - adequate car parking and private open space can be provided on the lot;
  - landscaping of a suitable standard is provided.

### 3.7.3 Structure Plan

Prior to considering subdivision or development of unsubdivided land in the zone, Council may request preparation of an overall structure plan of the land and adjoining areas which:

- (a) defines a suitable road pattern in accordance with currently adopted principles of residential road planning;
- (b) provides adequately for external and site drainage requirements;
- (c) provides public open space of appropriate location and quantity, provided that Council in lieu of land may accept an equitable cash contribution in accordance with the Act;
  - for the purchase of land for open space in the said locality; or
  - with the approval of the Commission, for the improvement or development as parks, recreation grounds or open spaces generally of any land in the said locality vested or administered by Council for those purposes.

## 3.8 URBAN 5 - SPECIAL RESIDENTIAL ZONE

### 3.8.1 Objectives and Policies

Council's objective is to permit residential development of suitable land in order to provide for a range of residential opportunities and lot sizes in the Waroona Townsite area. Council policies will therefore be to:

- require that development proposals are appropriate to the physical, locational and landscape conditions of the zone;
- recommend to the Commission that subdivision should be in accordance with a subdivision guide plan adopted by Council and approved by the Commission;
- adopt Scheme and Strategy provisions which ensure that a satisfactory level of amenity is maintained within the zone.

### 3.8.2 Building Envelopes

- (a) Within the Special Residential Zone, Council may request a copy of a plan of subdivision to be lodged on which is shown a building envelope for each lot and Council may adopt such a plan.
- (b) Where a building envelope is shown on a lot under the provisions of the preceding sub-clause, all buildings must be contained within the building envelope.
- (c) Where no building envelope is shown, all buildings shall be setback a minimum of 10 metres from the front boundary and 5 metres from any other boundary.
- (d) Notwithstanding the provisions of the preceding sub-clauses, Council may permit an alternative building envelope or setback to be defined on a lot if Council is satisfied that the configuration of the lot or site difficulties make the siting of any structure undesirable or unduly difficult and that the location of the proposed building envelope or setback variation will not be detrimental to the protection of the environment or the amenity of the area.

3.8.3 Clearing of Trees or Vegetation  
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Development approval is required for the clearing of indigenous trees or other substantial vegetation except where exempt by clause 61(m) of Schedule A.

3.8.4 Guide Plan

Council may request that subdivision and/or development guide plans be prepared for adoption which may include building envelopes or building lines, conservation and/or tree planting areas, access and strategic firebreak provisions, or any other requirements which the Council may reasonably include.

3.8.5 Subdivision Guide Plan Variation

Notwithstanding other provisions of the Scheme and what may be shown on an adopted subdivision guide plan for the Special Residential Zone, the Commission may approve a variation to the subdivisional design.

### 3.9 URBAN 6 - RURAL LIVING ZONE

3.9.1 Objectives and Policies

Council's objective is to provide for consolidation of further residential development in the zone which consists of small rural lots adjoining the Waroona Townsite, and to permit a range of uses consistent with the zone's location.

Council's policies will therefore be to:

- support further subdivision of large lots in the zone;
- require provision of reticulated water supply to lots prior to residential occupation;
- permit a range of appropriate uses.

3.9.2 Minimum Lot Size

Except for smaller lots existing at the time of Scheme gazettal, Council will recommend that the minimum lot size in the zone should be no less than 7000m<sup>2</sup> and the provisions of the *Residential Design Codes* pertaining to the R2 Code shall otherwise be used.

3.9.3 Reticulated Water

Council will recommend that reticulated scheme water should be supplied to all new lots prior to clearance of subdivision and the owner should therefore be responsible for providing connection to any building to be occupied for residential purposes.

### 3.10 URBAN 7 - INDUSTRIAL ZONE

3.10.1 Objectives & Policies

Council's objective is to provide adequate and suitably located land for industrial uses to service the district, whilst achieving a satisfactory standard of appearance.

Council's policies will therefore be to:

- ensure that General Industry and Transport Depots are located so as to achieve suitable levels of accessibility to the district road system and minimal impact on the residential area;



- require that buildings for industrial use are of satisfactory design and construction with adequate site controls to ensure that no less of amenity occurs.

### 3.10.2 Limited Highway Access

Development of lots abutting South Western Highway will have access to the Highway limited to points determined by the Council after consultation with Main Roads WA and a service road may be recommended as a condition of a subdivision or development.

### 3.10.3 Setbacks

- (a) Minimum setbacks from lot boundaries shall be in accordance with the following:
- |   |           |
|---|-----------|
| frontage to South Western Highway         | 20 metres |
| frontage to a service road or other roads | 9 metres  |
| side boundaries                           | 3 metres  |
| rear boundaries                           | 9 metres  |
- (b) Notwithstanding the above, Council may grant consent to construction of a masonry parapet wall on side or rear boundaries unless adjacent to the Railway Reserve, landscaping to a standard approved by Council shall be established and maintained.

### 3.10.4 Setback Areas

- (a) Storage of materials will not be permitted in the front setback area but it may be used for the parking of vehicles and for landscaping.
- (b) Within the front setback area of lots abutting the South Western Highway or a service road, and within the rear setback of lots abutting the Railway Reserve, landscaping to a standard approved by Council shall be established and maintained.

### 3.10.5 Minimum Lot Size

Council will recommend that the minimum size of a lot in the Industrial Zone should be 2000m<sup>2</sup> but the minimum lot size required for the development of multiple factory units shall be 4000m<sup>2</sup>.

### 3.10.6 Factory Units

Development of factory unit buildings, for the purpose of providing multiple factory units on one lot shall conform to the following requirements:

- (a) No unit shall have a floor area of less than 100m<sup>2</sup>.
- (b) Each unit shall have an appurtenant service yard which shall be a minimum of fifty per cent of the unit floor area.
- (c) Access to an office forming part of the unit and the major access to the unit itself shall not be through the service yard.
- (d) Off street parking in accordance with the requirements of Table 2 (clause 6.8.1) may be provided as an overall area on the site.
- (e) All facades of buildings shall be of masonry construction or other materials approved by Council.

- (f) All other requirements including access to the area of units for loading and unloading, servicing, building clearances, internal dividing walls and traffic circulation shall be at the discretion of Council, having regard to the need for satisfactory standards of construction, privacy, appearance and amenity.

### **3.11 URBAN 8 - HAMEL ZONE**

#### **3.11.1 Policies & Objectives**

Council's objective is to ensure that residential use of the townsite provides for continuation of the existing amenity.

Council's policies will therefore be to:

- adopt Residential Planning Code 'R10' for the area;
- permit uses consistent with retention of the Townsite's existing residential character.

#### **3.11.2 Minimum Lot Size**

Council will recommend that the minimum lot size within the zone should be 1000m<sup>2</sup>.

### **3.12 URBAN 9 - PRESTON BEACH ZONE**

#### **3.12.1 Objectives and Policies**

Council's objective is to ensure that the Preston Beach Townsite develops for residential, holiday accommodation and recreational uses in a manner consistent with protection of the environment and landscape of the area.

Council's policies will therefore be to:

- support the District Planning Strategy recommendations for development of the zone with flexibility to adapt to changing circumstances;
- permit, at the discretion of Council, a range of uses compatible with the character and intent of the zone;
- require that development be of a scale, construction and appearance which is, in the opinion of Council, appropriate to the area;
- ensure that development has minimal adverse impact on the Yalgorup National Park and Coastal reserves which abut the zone;
- implement the adopted Management Plan for the Preston Beach Coast.

#### **3.12.2 Preston Beach Development Guide Plan**

In exercising its discretionary powers to grant Planning Consent to development in the zone, Council will have regard for any Local Planning Scheme Policy adopted under the provisions of Clause 2.4 of the Scheme, including but not limited to, the Preston Beach Development Guide Plan, and may impose such development conditions as it thinks fit.

### 3.12.3 Referrals to Government Agencies

*AMD 32 GG 17/01/17*

Where development is considered by Council to have the potential to adversely affect the environment of the area, Council may require preparation by the proponent of an appropriate study of the environmental effect of the development and will refer the proposed development to agencies considered relevant to the proposal by the Council for advice and comment and will give due consideration to imposing any conditions recommended by these agencies.

### 3.12.4 Special Application of R Codes - Setback Variations

Notwithstanding the minimum setbacks from boundaries in Table 1 of the Residential *Design Codes* the minimum front setback in the subdivided portion of Preston Beach established at the time of Scheme Gazettal may be reduced to 4.6m and may be further reduced with planning consent of Council.

## 3.13 RURAL ZONES - ALL

### 3.13.1 Objectives & Policies

Council's objective is to preserve the rural character of the District's farming lands and to ensure that they continue to contribute materially to the District's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Council's policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;
- require that Intensive Agriculture be subject to the Planning Consent of Council;
- support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation;
- maintain open rural atmosphere by encouraging generous setbacks.

*AMD 32 GG 17/01/17*

### 3.13.2 Additional Dwellings

Except with the Planning Consent of Council, not more than one single house may be erected on a lot used for rural activity.

- (a) In considering granting its consent, Council will give due regard to whether the additional dwelling is necessary or desirable to support the primary rural activity.
- (b) Prior to approving an application for an additional dwelling or dwellings, Council may require that a development envelope be defined for the lot subject to the application.
- (c) Approval to develop an additional dwelling or dwellings shall not be grounds for obtaining separate titles of ownership of the two dwellings and any future subdivision application will be treated on its own merits by Council and the Commission.
- (d) Only one single dwelling may be erected on a Rural Residential Zone lot in accordance with Clause 4.15.3.

### 3.13.3 Intensive Agriculture & Rural Industry

In considering a proposal to develop land for intensive agriculture the Council shall:

- take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Peel Harvey Estuary;
- take account of the objectives of the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment with respect to the potential impact of the proposal on the environment and water quality;
- Seek advice from relevant agencies and, where the proposal is located within the Peel-Harvey Coastal Plain Catchment, as indicated on the Scheme Maps, have due regard for that advice in making its determination or defer the decision pending formal assessment under Part IV of the Environmental Protection Act.

*AMD 9 GG 29/4/03; AMD 32 GG 17/01/17*

### 3.13.4 Clearance from Designated Wetlands

No domestic on-site effluent disposal system or rural point source of pollution shall be located any less than 100 metres from any wetland designated in any adopted Environmental Protection Policy unless approval has been obtained from the Environmental Protection Authority .

*AMD 32 GG 17/01/17*

### 3.13.5 Development Adjacent to Conservation or Catchment Reserves

No development except rural pursuits on established grazing land shall be located closer than 100 metres to the boundary of any conservation or water catchment reserve or the Murray or Harvey rivers unless the proposal is referred to the Government instrumentality responsible for the Crown reserve for advice and comment and, if Planning consent is granted, Council shall give due consideration to imposing such conditions as have been recommended.

### 3.13.6 Grazing/Stocking of Land

Wherever, in the opinion of Council, land is being grazed or stocked to cause topsoil to be exposed and/or trees to be ringbarked to the general detriment of the character and good management of the area, the matter may be referred to relevant agencies for investigation and recommendation. Having regard to any recommendations received, Council may order the reduction of number of or removal of stock and/or the protection of trees by fencing or lattice binding. Failure to comply with such order shall constitute an offence under The Act. *AMD 32 GG 17/01/17*

### 3.13.7 Guideline Plan

Council may recommend as a condition of subdivision or require as a condition of development in any rural zone that a guideline plan be prepared which may include building envelopes, conservation and/or tree planting areas, access and strategic firebreak provisions, or any other requirements which the Council may reasonably include and any such plan adopted by Council shall be subject to Clauses 4.15.2 - 4.15.12 of this Scheme.

### 3.13.8 Building Envelopes, Setbacks and Variations

*AMD 32 GG 17/01/17*

- (a) Where a building envelope is defined for the lot on a Structure Plan, all buildings on the lot should be confined to that envelope.
- (b) If no building envelope is specified, the Council will require the minimum setbacks to be consistent with the Local Planning Strategy and as a minimum shall be 20 metres from any road and 10 metres from rear and side boundaries.

- (c) Notwithstanding the provisions of the preceding sub-clauses, Council may permit variation of setback or the location of a building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.

### **3.14 RURAL 3A & 3B – COASTAL & COASTAL HIGHWAY ZONES**

*AMD 32 GG 17/01/17*

#### **3.14.1 Objectives and Policies**

Council's objective will be to ensure continuation of appropriate rural activities which are consistent with protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road and the traffic management requirements of that road by:

- (a) ensuring that rural pursuits are consistent with achieving the objective;
- (b) permitting, at Council discretion in accordance with the requirements of its Policy, other uses, additional, or special uses, appropriate to the objective and to the location of the zone including establishment of commercial uses in accordance with the provisions of Tables 1 and 2 on lots in the zone subject to:
- satisfactory advice from the Department of Parks and Wildlife and/or the Environmental Protection Authority, that the proposed use will not impact detrimentally on Yalgorup National Park;
  - a building setback from the lot frontage of Old Coast Road of fifty metres, and satisfactory landscaping within the setback area.

#### **3.14.2 Development setback**

Council will require that all new development, including agricultural use, is to be setback at least 150 metres from the high water mark of Lake Clifton and at least 20 metres from the edge of the Vasse soil landform.

#### **3.14.3 On-site effluent disposal**

Within the Peel-Harvey Catchment, standard septic systems are to be no closer than 100 metres from any watercourse or wetland and are to have a 2 metre minimum vertical separation from the highest known groundwater level. Alternative Treatment Units to be provided where the setback is less than 100 metres. No septic system is to be closer than 50 metres to any watercourse or wetland.

#### **3.14.4 EPA Guidance Note**

Development is to comply with EPA Guidance Note No. 28 'Protection of the Lake Clifton Catchment'.

### **3.15 RURAL 6 - RURAL RESIDENTIAL ZONE**

#### **3.15.1 Objectives and Policies**

Council's objective is to select and appropriately zone areas wherein subdivision and development of small holdings will be permitted to provide for such uses as rural-residential and hobby farms, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

Council's policies will therefore be to:

- require that an application for rezoning to Rural Residential Zone shall be accompanied by a submission supporting the proposed rezoning which will include detailed site plans and other technical data as required by Council;
- recommend that subdivision in the Rural Residential zone should comply with the provisions of Clause 4.15 and the requirements set out against the particular localities within the zone in Schedule 2 and further, to require development within the zone to comply with the same;
- give due consideration to the Peel Regional Plan and the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment.

#### 3.15.2 Dwellings and Outbuildings

- (a) No more than one single dwelling shall be constructed and occupied on any lot in the zone;
- (b) All dwellings within the Zone shall have external walls constructed of brick, masonry, stone, limestone blocks, stabilised rammed earth, or similar materials. However, Council may approve the use of alternative materials if, in its opinion, the type and colour of the materials and the design of the dwelling are of a sufficiently high standard to complement and blend in with the environment of the area. All other buildings shall be constructed of materials which are of a sufficiently high standard to complement and blend in with the environment of the area.
- (c) All buildings intended for residential use must include provision for the storage of water in tanks of not less than 92,000 litres capacity unless satisfactory proof is provided that arrangements for connection to a Water Corporation reticulated water supply service have been made.
- (d) Residential use will not be permitted in a building other than one approved by the Council for that purpose under the conditions of its building bylaws, except that Council may grant permission for occupation of a caravan or outbuilding for a period not exceeding twelve months if a building permit for a dwelling is concurrently in force or an application for such is before Council.

#### 3.15.3 Building Envelopes, Setbacks & Variations

- (a) Where a building envelope is defined for the lot on a subdivision guide plan, the dwelling shall be confined to that envelope. *AMD 9 GG 29/4/03*
- (b) If no building envelope is specified the minimum setback shall be 40 metres from any street frontage and rear boundaries and 20 metres from each side.
- (c) Notwithstanding the provisions of the preceding sub-clauses, Council may permit variation of setback or the location of a building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.

#### 3.15.4 Clearing Restrictions

Subject to any provision of Schedule 2 the approval of Council is required for the clearing of indigenous trees or other substantial vegetation except for the clearing of vegetation which is:

- dead, diseased or dangerous;
- necessary for any firebreak required by law;

- for the purpose of access to an approved dwelling or outbuildings;
- within a defined building envelope and limited to that;
- necessary for the construction of a dwelling, outbuildings and an area of 20 metre width surrounding the dwelling for the purpose of bush fire protection.

#### 3.15.5 Conservation Areas

- (a) Development control and subdivision guide plans may show thereon:
- Vegetation Protection Area
  - Landscape Protection Area
  - Wetland Protection Area
  - Highway Protection Area
- (b) Within any Vegetation, Wetland or Landscape Protection Area, the Council shall, in considering development, take into account the need to protect vegetation or wetlands from activity that would damage the vegetation or wetlands. It is Council's intention to encourage landowners to maintain such designated areas in their natural state and to establish additional vegetation where possible.
- (c) Within the Highway Protection Area, buildings, advertising signs or hoardings shall not be erected and notwithstanding subclause 4.15.5 trees or other indigenous vegetation shall not be cleared or felled except those which are dead, diseased or dangerous, or for the purpose of a firebreak are required by a bylaw.
- (d) Council may, as a condition of development, require the planting and maintenance of native trees and fencing - off of vulnerable areas.
- (e) When a subdivider is required to undertake a revegetation program, Council will recommend to the Commission that satisfactory arrangements are required to be made with Council for rehabilitation area to be maintained by subdivider for three years or until the land is sold and responsibility is transferred to the purchaser.

#### 3.15.6 Fencing

- (a) Fencing shall be of a rural character and boundary fences shall be to a standard capable of confining livestock and be constructed in accordance with Council bylaws.
- (b) The minimum standard of boundary fencing shall be 1.4m post and 4 strand wire or such similar materials as approved by Council, but materials such as asbestos, metal sheeting or wooden pickets shall not be used.

#### 3.15.7 Access

Access to lots adjacent to South Western Highway, Old Coast Road, Peppermint Grove Road, Coronation Road and Old Bunbury road shall be from an internal road and access to such roads may be limited to locations agreed to by Council and Main Roads WA.

#### 3.15.8 Fire Management

*AMD 32 GG 17/01/17*

Applications for subdivision/development will not be supported/approved by Council unless the applicant has satisfactorily demonstrated compliance with the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas.

### 3.15.9 Subdivision Guide Plan Variation

Notwithstanding the provisions of the Scheme and what may be shown on the adopted subdivision guide plan for the Zone, the Commission may approve a variation to the subdivisional design.

### 3.15.10 Additional Provisions

In addition to the above sub-clauses, land included in a Rural Residential Zone shall be subject to any additional provisions as may be set out against the zone in Schedule 2 and to relevant provisions generally applicable to all Rural zones.

## **3.16 RURAL 7 SMALL HOLDINGS ZONE**

*AMD 23 GG 25/9/09*

### 3.16.1 Objectives

Council's objective of the Rural Small Holding Zone is to select areas within the rural areas wherein closer subdivision will be permitted to provide for a rural lifestyle on a small rural lot where uses such as hobby farms, minor rural pursuits, rural retreats and keeping of animals can be carried out.

### 3.16.2 Subdivision, Land Use and Development Control

In addition to clause 4.16 further provisions for controlling subdivision, land uses and development relating to specific areas will be as laid down in Schedule VII to the Scheme. Before making provision for a Rural Small Holding Zone, the local government will prepare or require the proponent to prepare a submission supporting the creation of the Rural Small Holding Zone and such submission shall be in accordance with the Western Australian Planning Commission's Rural Land Use Planning Policy and consistent with Council's Local Planning Strategy.

### 3.16.3 Subdivision Guide Plan

A Subdivision Guide Plan shall be prepared and shall include the following:

- (i) The proposed ultimate subdivision including approximate lot sizes and dimensions and building envelopes as necessary.
- (ii) Areas to be set aside for Public Open Space, pedestrian accessways, horse trails, community facilities, etc as may be considered appropriate.
- (iii) Physical features that are intended to be conserved.
- (iv) Any other features relevant from the Local Planning Strategy.

### 3.16.4 Dwellings

No more than one single dwelling shall be constructed on any lot in the zone.

### 3.16.5 Lot Sizes

The minimum lot size shall be 2 hectares unless a higher minimum lot size is specified for an estate within Schedule VII.

### 3.16.6 Building Envelopes, Setbacks and Variations

- (a) All building envelope boundaries are to be setback a minimum of 20 metres from any street frontage and 10 metres from a rear or side boundary unless alternate setbacks are specified for a particular estate under Schedule VII.



- (b) Where a building envelope is defined for a lot on a subdivision guide plan, the dwelling and any outbuilding(s) shall be confined to that envelope.
- (c) Notwithstanding the provisions of the preceding sub-clauses, Council may permit variation of the location of the building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the zone or the amenity of the area.
- (d) If no building envelope is specified the setbacks of any development is to comply with the 20 metre street frontage and 10 metre rear/side setbacks unless alternate setbacks are specified for a particular estate under Schedule VII.

#### 3.16.7 Clearing Restrictions *AMD 32 GG 17/01/17*

Subject to any provision of Schedule 7 the approval of Council is required for the clearing of indigenous trees or other substantial vegetation except for the clearing of vegetation which is:

- (a) dead, diseased or dangerous;
- (b) necessary for any firebreak required by law;
- (c) for the purpose of access to an approved dwelling or outbuildings;
- (d) within a defined building envelope and limited to that;
- (e) necessary for the construction of a dwelling, outbuildings and an area of 20 metre width surrounding the dwelling for the purpose of bush fire protection.

#### 3.16.8 Fencing *AMD 32 GG 17/01/17*

Boundary fencing shall generally be of open post and rail or post and wire construction to the satisfaction of Council.

#### 3.16.9 Fire Management

The subdivider shall prepare and implement a Fire Management Plan as part of any application to subdivide the land, with the plan being to the satisfaction of Council and Fire and Emergency Service Authority (FESA).

#### 3.16.10 Effluent Disposal

Standard on-site septic systems only to be provided where there is compliance with the minimum setbacks prescribed in Statement of Planning Policy No. 2.1 The Peel-Harvey Coastal Plain Catchment, being a minimum of 100 metres from any watercourse or wetland and a 2 metre minimum vertical separation from the highest known groundwater level. Alternative Treatment Units to be provided where the setback is less than 100 metres from a watercourse or wetland and/or the vertical separation to the highest known ground water level is less than 2 metres.

#### 3.16.11 Water Supply

A minimum 92, 000 litre capacity rainwater tank(s) is required to contain a domestic water supply unless varied by Schedule VII.

### 3.16.12 Drainage

The drainage system shall not be altered without the prior approval of the Council in writing. In considering any proposal to obstruct or dam any part of the drainage system the Council shall have regard to the effect of the drainage system and the impact on the land and the environment in general, and shall consult with any appropriate authority prior to granting approval.

### 3.16.13 Stocking of Animals

The number of livestock on a property shall not exceed the stocking rates as provided in the Department of Agriculture's, "Stocking Rate guidelines for rural small holdings". Such assessment is to only include cleared land and not the total lot area.

## **3.17 RURAL 8 – HILLS LANDSCAPE PROTECTION**

*AMD 31 GG 04/04/14*

### 3.17.1 Objectives

The Council's objective of the Hills Landscape protection zone is to provide opportunities for lifestyle purposes, small-scale agricultural and tourism accommodation while protecting the landscape.

### 3.17.2 Subdivision, Land use and Development Control-

- (a) Clause 4.17 sets out controls which apply to all land within the Hills Landscape Protection Zone. Subdivision, land use and development controls relating to specific areas will be laid down in Schedule IX of the Scheme.
- (b) Before making provisions for land within the Hills landscape protection zone, the local government will prepare or will require the proponent to prepare a submission, which is to include a fire management plan, supporting the transfer of land to the Hills Landscape protection Zone. Each such submission shall be consistent with the Western Australian Planning Commission' rural land use planning policies and the Council's local planning strategy.

### 3.17.3 Subdivision Guide Plan

- (a) Council will not recommend the Western Australian Planning Commission approve an application for subdivision unless the application is consistent with a subdivision guide plan that has –
  - (i) been advertised for public comment, adopted by the local government and endorsed by the Western Australian Planning Commission in accordance with the procedures outline in clauses 7.4.2.8-7.4.2.10 or
  - (ii) come into effect as a result of a particular Local Planning Scheme amendment.
- (b) Subdivision Guide Plans shall be supported by a visual landscape assessment demonstrating that the implementation of the subdivision guide plan and future development will not result in an adverse impact on the scenic values of the Darling Scarp as viewed from the coastal plain.

### 3.17.4 Dwellings and Outbuildings

- (a) No more than one single dwelling shall be constructed and occupied on any lot in the zone.
- (b) All dwellings within the zone shall have external walls constructed of brick masonry, stone limestone blocks, stabilised rammed earth or similar material.

However, the Council may approve the use of alternative materials if, in its opinion, the type and colour of the materials and the design of the dwelling are of a sufficiently high standard to complement and blend in with the environment of the area. All other buildings are to be of a sufficient standard and are to use colours and materials to complement and blend in with the environment of the area.

- (c) No galvanised iron, Zinalume or white Colorbond may be used as exterior roof, cladding or fencing material.
- (d) Buildings are to be constructed in accordance with Australian Standard **AS3959-2009: Construction of Buildings in Bushfire Prone Areas** (as amended) or subsequent editions.
- (e) All buildings intended for residential use must include provisions for the storage of water in tanks of not less than 100,000 litres capacity unless satisfactory proof is provided that arrangements have been made for a reticulated water supply to be provided.

#### 3.17.5 Lot sizes

The minimum lot size shall be not less than 10 hectares unless varied by a Subdivision Guide Plan adopted by the Council.

#### 3.17.6 Tourist Accommodation

The Council will consider proposals to 'cluster' low-scale development for recreation, tourist and holiday purposes, which does not exceed a density of 1 unit per hectare.

#### 3.17.7 Bush Fire Protection

- (a) The Council shall require the subdivider prepare a Bush Fire Management Plan to the satisfaction of the Council and the Department of Fire and Emergency Services. Such a plan will be used as the basis for ongoing bush fire management of the property.
- (b) Individual landowners shall be responsible for maintaining strategic fire breaks, as depicted in the relevant Bush Fire Management Plan, where they cross the landowner's lot.
- (c) The clearing of fire breaks other than for strategic fire break purposes will not be permitted unless required for safety reasons and/or to comply with Council and Department of Fire and Emergency Services requirements. The selective clearing of low fuel areas to a minimum of 20 metres around each building shall be required by the Council. Such low fuel zones should be kept free of debris and shrubs, and maintained to a standard approved by the Council in accordance with the Bush fire Management Plan.
- (d) The subdivider shall make arrangements to the satisfaction of the Council to ensure that the prospective purchasers of land are aware of the fire management guidelines set out in the Home Owners Bush Fire Survival manual and the requirements of Australian Standard **3959-2009: Construction of Buildings in Bush Fire Prone Areas** or subsequent editions.
- (e) All fire breaks shall be provided to the specification and satisfaction of the Council and Department of Fire and Emergency Services.

### 3.17.8 Hazard Separation Zones, Building Envelopes, Setbacks and Variations

- (a) Subject to compliance with identified hazard separation zones or any requirements of an endorsed Bush Fire Management Plan, all buildings are to be set back a minimum of 40 metres from any street frontage and 20 metres from a rear or side boundary.
- (b) Where a Subdivision Guide Plan defines a building envelope, the dwelling shall be confined to that envelope.
- (c) Notwithstanding the provisions of the preceding subclauses, the Council may permit a variation of a setback or the location of a building envelope if it is satisfied that such a variation is desirable and will not detrimentally affect the objective of the zone or the amenity of the area generally.

### 3.17.9 Clearing Restrictions

The approval of Council is required for the clearing of indigenous trees or other substantial vegetation except for the clearing of vegetation which is -

- Dead, diseased or dangerous;
- Necessary for any firebreaks or any clearing required by an adopted Bush Fire Management Plan or Subdivision Guide Plan;
- For the purpose of access to an approved dwelling or outbuilding;
- Within a defined building envelope and limited to that.

### 3.17.10 Fencing

- (a) Fencing shall be of a rural character and boundary fences shall be constructed to a standard capable of confining livestock and be constructed in accordance with Council bylaws.
- (b) The minimum standard of boundary fences shall be 1.4 metre post and 4 strand wire or such similar materials as approved by the Council, but materials such as asbestos, metal sheeting or wooden pickets shall not be used.

### 3.17.11 Effluent Disposal

Suitable on-site effluent disposal is to be provided to the satisfaction of the Council.

### 3.17.12 Drainage

- (a) Any drainage system shall not be altered without the prior, written approval of the Council.
- (b) In considering any proposal to obstruct or dam any part of the drainage system the Council shall have regard for the impact of the proposal on the drainage system, the impact on the land and the impact on the environment in general and may consult with any authority it considers appropriate, before making a decision.

### 3.17.13 Stocking of Animals

The number of livestock on a property shall not exceed the stocking rates as provided in the Department of Agriculture's 'Stocking Rate guidelines for rural small holdings'.

Stocking rate assessment is to only include cleared land and not the total lot area.

#### 3.17.14 Additional Provisions

In addition to the above sub-clauses, land included in the Hills Landscape Protection zone is subject to any additional provisions as may be set out against the zone in Schedule IX and to any relevant provisions generally applicable to all Rural zones.

### 3.18 SPECIAL INDUSTRY

*AMD 31 GG 04/04/14; AMD 23 GG 25/9/09*

3.18.1 Land use and development of any Special Industry Zone shall be restricted to the operations of the industry identified on Scheme Map.

3.18.2 Land included in the Special Industry Zone for buffer purposes may continue to be used for rural activities.

3.18.3 Nothing in this Scheme shall be construed to limit the operation of the *Alumina Refinery (Wagerup) Agreement and Acts Amendment, 1978* as amended.

### 3.19 URBAN DEVELOPMENT

*AMD 31 GG 04/04/14; AMD 16 GG 22/7/08; AMD 23 GG 25/9/09*

3.19.1 Council's objectives are to:

- (a) provide for the orderly planning of large areas of land for residential and associated purposes through a comprehensive Structure Plan which is able to respond to changing circumstances throughout the developmental stages of the area;
- (b) promote the sustainable development of new urban communities in accordance with the social, environmental and economic goals of the Shire of Waroona.

3.19.2 Subdivision and Development

3.19.2.1 Subdivision and development within the Urban Development zone shall be in accordance with an approved Structure Plan prepared in accordance with Part 7.4.

3.19.2.2 Where a use identified on a Structure Plan refers to a use that does not correspond to a Zone or Reserve, a subsequent Structure Plan is required to be prepared for that area in accordance with Part 7.4.

### 3.20 SUBDIVISION FOR AGRICULTURAL PURPOSES

*AMD 32 GG 17/01/17*

In order to protect the productive capacity of agricultural land, there is a general presumption against the further subdivision of land in the Rural zones. Any proposal for the further subdivision of rural land should be in accordance with the lot sizes recommended by the Local Planning Strategy. Applications to subdivide for agriculture purposes should clearly demonstrate that the subdivision will be beneficial to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjacent lands.

### 3.21 ADDITIONAL USES

*AMD 32 GG 17/01/17*

- (1) The Table sets out —
  - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that additional use.

**Table**

**Specified additional uses for zoned land in Scheme area**

<b>No.</b>	<b>Description of land</b>	<b>Additional use</b>	<b>Conditions</b>
A1	Lot 228 (No. 52) South Western Highway, Waroona  <i>AMD 14 GG 19/8/05</i>	(a) Light Industry (Cabinetmaker)	N/A
A2	Lot 25 (No. 11) Holmes Road, Lake Clifton  <i>AMD 20 GG 15/7/08</i>	(a) Public Amusement (Frog Farm)	N/A
A3	Portion of Lot 534 (No. 40) Look Road, Waroona  <i>AMD 34 GG 27/10/17</i>	Industrial uses associated with repairs, modification to and maintenance of heavy vehicles, plant and equipment and including, metal fabrication, refurbishment, reconditioning, customisation, machining of parts, hydraulic repairs and servicing and base for mobile breakdown and maintenance service	Use and development of the land should be in accordance with a local structure plan.

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

**3.22 RESTRICTED USES**

*AMD 32 GG 17/01/17*

There are no restricted uses which apply to this scheme.

**3.23 SPECIAL USE ZONES**

*AMD 32 GG 17/01/17*

- (1) The Table sets out –
- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
  - (b) the classes of special use that are permissible in that zone; and
  - (c) the conditions that apply in respect of the special uses.

**Table**  
**Special use Zones in Scheme Area**

No.	Description of land	Special use	Conditions
1	<p><b>Drakesbrook Motel &amp; Nanga Brook Restaurant</b></p> <p>Lot 342 corner South Western Highway and McDowell Street Waroona</p>	<p>(a) hotel/motel (b) restaurant &amp; reception centre (c) bottle shop (d) management accommodation (e) boat storage facilities (f) other minor associated facilities as approved by Council.</p>	
2	<p><b>Lake Clifton Tourist &amp; Shopping Village</b></p> <p>Lots 19, 20, 21 &amp; 22 Pt Murray Loc 793, Old Coast Road, Lake Clifton</p>	<p>In accordance with Development Guide Plan forming part of District Planning Strategy:</p> <p>(a) tavern (b) motel (c) caravan park (d) shopping centre &amp; compatible uses to maximum of 1000m<sup>2</sup> GLA (e) wildlife park (f) museum (g) picnic &amp; barbecue facilities</p>	

- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

### 3.24 NON-CONFORMING USES

AMD 32 GG 17/01/17

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

- (2) Subclause (1) does not apply if –
  - (a) the non-conforming use of the land is discontinued; and
  - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government –
  - (a) purchases the land; or
  - (b) pays compensation to the owner of the land in relation to the non-conforming use.

### **3.25 CHANGES TO NON-CONFORMING USE**

*AMD 32 GG 17/01/17*

- (1) A person must not, without development approval –
  - (a) alter or extend a non-conforming use of land; or
  - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
  - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
  - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –
  - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
  - (b) is closer to the intended purpose of the zone in which the land is situated.

### **3.26 REGISTER OF NON-CONFORMING USES**

*AMD 32 GG 17/01/17*

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following –
  - (a) a description of each area of land that is being used for a non-conforming use;
  - (b) a description of any building on the land;
  - (c) a description of the non-conforming use;
  - (d) the date on which any discontinuance of the non-conforming use is noted.



- (3) If the local government prepares a register under subclause (1) the local government -
  - (a) must ensure that the register is kept up-to-date; and
  - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
  - (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

## PART 4 – GENERAL DEVELOPMENT REQUIREMENTS

AMD 32 GG 17/01/17

### 4.1 R-CODES

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government —
  - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3)

### 4.2 MODIFICATION OF R-CODES

#### SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

AMD 32 GG 17/01/17

Particular applications, variations or exclusions to the provisions of the R Codes shall be included under the following heading:

“Special Application of Residential Design Codes” (see Clauses 3.7.2 and 3.12.4).

### 4.3 STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME

- (1) State Planning Policy 3.6 — Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government —
  - (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

### 4.4 MODIFICATION OF STATE PLANNING POLICY 3.6

*There are no modifications to State Planning Policy 3.6.*

### 4.5 OTHER STATE PLANNING POLICIES TO BE READ AS PART OF SCHEME

- (1) The State planning policies set out in the Table, modified as set out in clause 30, are to be read as part of this Scheme.

**Table**

<b>State planning policies to be read as part of Scheme</b>
<i>State Planning Policy 2.1- Peel–Harvey Coastal Plain Catchment Policy</i>

- (2) The local government —
  - (a) must make a copy of each State planning policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of each of those State planning policies on the website of the local government.

#### **4.6 MODIFICATION OF STATE PLANNING POLICIES**

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

#### **4.7 ENVIRONMENTAL CONDITIONS**

- (1) The conditions set out in Schedule 8 to the Scheme are environmental conditions that apply to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.
- (2) The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- (3) The local government —
  - (a) must make available for public inspection during business hours at the offices of the local government all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3; and
  - (b) may publish those statements on the website of the local government.

#### **4.8 ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS**

There are no additional site and development requirements that apply to this Scheme.

#### **4.9 ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN**

There are no additional requirements that apply to this Scheme.

#### **4.10 VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS**

- (1) In this clause —  
*additional site and development requirements* means requirements set out in clauses 4.8 and 4.9
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —
- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

#### **4.11 RESTRICTIVE COVENANTS**

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant —
- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
  - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

#### **4.12 CARETAKER'S DWELLING**

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

#### **4.13 LAND LIABLE TO FLOODING**

A building shall not be constructed upon any land defined by Council or the Water and Rivers Commission as being liable to flooding or inundation.

#### **4.14 SUBDIVISION IN UNSEWERED AREAS**

No subdivision will be supported by Council in unsewered areas unless the proposal is in accordance with the R Codes depicted on the Scheme Maps and it can comply with the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment where applicable. In making its recommendations to the Commission, Council will need to be satisfied that the proposed subdivision will not prejudice future development options in the area.

#### **4.15 EFFLUENT DISPOSAL NEAR WATERCOURSES**

*AMD 32 GG 17/01/17*

No household or rural point source effluent disposal system shall be located closer than 100m to any watercourse or wetland unless it has at least a 2m vertical separation between the base of the leach drain and the highest known groundwater level or bedrock and the applicant has demonstrated to satisfaction of Council, Health Department of Western Australia and the Water and Rivers Commission that there is no other practical location and proposed on-site disposal and/or any associated site modifications would be acceptable to remove any adverse effects on public health, water resources or the environment while not detrimentally impacting on the amenity of the area.

#### **4.16 VEHICLE PARKING AND VEHICLE ACCESS REQUIREMENTS**

*AMD 32 GG 17/01/17*

4.16.1 Land within the Scheme Area shall not be used or developed for any of the purposes requiring Planning Approval under the Scheme unless car parking accommodation, in accordance with the provisions of Table 2, is provided on the site the subject of the application in accordance with the standards and requirements, including parking space layouts and dimensions and circulation areas as set out in the relevant Australian Standard. Additionally, the local government may require the provision of spaces for cycle racks and vehicles for the disabled as considered necessary.

4.16.2 Where land is to be developed or used for purposes not mentioned in Table 2, or where a standard or requirement is not specified in the Scheme, the local government shall determine in each case the number of spaces to be provided on the land having due regard to the:

- (i) nature of the proposed development;
- (ii) number of employees or others likely to be employed or engaged in the use of the land;
- (iii) anticipated demand for visitor parking; and
- (iv) orderly, proper and sustainable planning of the area.

4.16.3 The off street car parking requirements for particular developments and land uses are listed in Table 2 or as may be varied by the provisions of this Scheme.

4.16.4 Subject to the provisions of this clause, the car parking requirements shall be provided on the site the subject of the proposed development, or with the approval of the local government in the immediate vicinity thereof provided that arrangements for the permanent retention of that parking can be set in place to the satisfaction of the local government.

4.16.5 Where an applicant can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in Table 2, the local government can vary this standard where it considers this represents orderly and proper planning.

4.16.6 Where an applicant can demonstrate to the satisfaction of the local government that other off-street parking facilities are available and that these facilities can be shared with a nearby land use, the local government may approve a development with less than the required number of on-site car bays provided:

- (i) the local government is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed;
- (ii) the local government is satisfied that the shared bays are in close proximity; and

- (iii) landowners who request sharing of parking facilities enter into a legal agreement to the local government's satisfaction for reciprocal rights to parking facilities to assure the continued access to shared parking facilities.

**Table 2**

<b>Use</b>	<b>Minimum Number of Parking Spaces to be Provided</b>
Caravan Park	1.25 per unit, bay or tent site.
Cabin	1 per cabin + 1 space for each staff member
Chalet	1 per chalet + 1 space for each staff member
Civic Use	1 per 30m <sup>2</sup> NLA
Club Premises	1 per 50m <sup>2</sup> NLA
Club (Licensed)	1 per 5m <sup>2</sup> bar and other activity area
Consulting Rooms	4 per practitioner for the first practitioner and 2 bays for each practitioner thereafter
Factory Units	1 per 50m <sup>2</sup> NLA or 2 for every factory unit whichever produces the greatest number of car parking spaces.
Family Day Care Centre	1 per staff member + 2 extra spaces for the picking up and setting down of persons
Dry Cleaning/Laundry	1 per 30m <sup>2</sup> NLA
Fast Food Outlet	1 per 4 seated patrons
Medical Centre	1 per 30m <sup>2</sup> NLA
Hotel	1 per 5m <sup>2</sup> public area + 1 per bedroom
General Industry	1 per 100m <sup>2</sup> NLA
Guesthouse	1 per room + 1 space for each staff member
Light & Service Industry	1 per 50m <sup>2</sup> NLA
Liquor Store	1 per 25m <sup>2</sup> NLA
Motel	1 per unit + 1 per 25m <sup>2</sup> service area
Office	1 per 40m <sup>2</sup> NLA
Public Amusement	1 per 4 seats provided
Public Worship	1 per 4 seats provided
Residential	As per the Residential Design Codes
Restaurant	1 per 4 patrons
Restricted Premises	1 per 25m <sup>2</sup> NLA
Service Station	1 per 200m <sup>2</sup> gross site area
Shop	1 per 20m <sup>2</sup> NLA
Showroom	1 per 50m <sup>2</sup> NLA
Tavern	1 per 5m <sup>2</sup> public area
Veterinary Consulting	4 per practitioner
Warehouse	1 per 100m <sup>2</sup> NLA
Other Uses Not Listed	Determined by the local government after consideration of the parking need generated by the use and/or outlined in a Local Planning Policy.

#### **4.17 CONSTRUCTION OF PARKING AND VEHICLE ACCESS AREAS**

*AMD 32 GG 17/01/17*

4.17.1 Except as may otherwise be approved by the local government, all parking areas, loading areas and accessways shall be constructed with a sealed surface comprising bitumen seal, concrete, brick paving or pea-gravel seal on a compacted gravel base with satisfactory:

- (i) drainage to a sump and connected to the local government's main drain system;
- (ii) surface line-marking and signage being provided to show the manner in which the parking, loading and access areas are to be used;
- (iii) design to allow turning and manoeuvring of vehicles on-site; and

- (iv) landscaping where large parking areas are involved to effectively screen the paved areas from view from the street or other public places and around and within the parking area to provide shade, as determined by the local government.

4.17.2 All parking, loading and access areas shall be provided in accordance with clause 6.9.1 and shall be constructed prior to any occupation of the development or at such time as may be agreed in writing between the local government and the developer. Such areas shall be maintained to the satisfaction of the local government.

#### **4.18 CASH-IN-LIEU**

*AMD 32 GG 17/01/17*

4.18.1 Notwithstanding the provisions of Table 2, Council may, for a use within the Town Centre Zone or the Service Commercial Zone, waive the requirement for on-site parking and accept a cash payment in lieu of the provision.

4.18.2 Any payment made under the provisions of the preceding sub-clause shall be not less than the estimated cost of providing and constructing the parking spaces and associated vehicle manoeuvring spaces required by the Scheme plus the value of the area of land which might have been occupied by the parking spaces, and be paid to Council into a special fund to be applied solely to the provision, construction and maintenance of car parking facilities within the zone.

#### **4.19 VEHICLE CROSSOVERS/ENTRANCES**

*AMD 32 GG 17/01/17*

4.19.1 The local government may limit access to a lot to a single entry/exit point or may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.

4.19.2 Access to a lot for vehicles shall not be permitted directly to or from major roads where suitable access is available from side or rear streets unless the applicant suitably demonstrates traffic safety and need.

4.19.3 Where access to a lot abutting a major road outside of the Commercial zone is available only from that road, parking, servicing, and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear.

#### **4.20 DEVELOPMENT OF LAND WITHOUT CONSTRUCTED/DEDICATED ROAD FRONTAGE OR ACCESS**

*AMD 32 GG 17/01/17*

Where the local government's development approval is required on land not abutting a constructed gazetted road the local government, in considering the application, may:

- (i) refuse the application until the road has been constructed and access by means of a dedicated road is provided; or
- (ii) require other legal arrangements to be made for permanent legal access, to the satisfaction of the local government; or
- (iii) where dedicated road access is available grant approval to the application subject to a condition requiring the applicant to pay a sum of money for the cost of constructing the road or part thereof.

#### **4.21 REAR ACCESS AND LOADING DOCKS**

When considering any application for Planning Consent, the Council shall have regard to and may require the provision of loading docks and/or rear access. In particular, the Council may impose conditions concerning:

- size of loading docks;
- minimum width of rear access;
- means of providing rear access.

#### **4.22 HOME OCCUPATIONS AND COTTAGE INDUSTRIES**

Where the Council grants approval to carry on a home occupation or cottage industry:

- a) the approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;
- b) the approval shall not run with the land in respect of which it was granted;
- c) the person to whom approval is granted by the Council to carry on a home occupation or cottage industry shall not carry on that home occupation or cottage industry at any premises other than the land in respect of which the Council's approval is granted; and
- d) if a home occupation or cottage industry has been carried on with the approval of the Council and if in the opinion of the Council such home occupation or cottage industry is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw the approval granted by it and after such withdrawal, no person shall upon the subject land carry on a home occupation or cottage industry unless a further approval to do so is granted by the Council.

#### **4.23 OUTBUILDINGS**

*AMD 9 GG 29/4/03; AMD 32 GG 17/01/17*

- 4.23.1 Unless otherwise approved by Council, the size and height of outbuildings shall comply with the provisions of any relevant Local Planning Policy.
- 4.23.2 Unless otherwise approved by Council, no outbuilding in the Urban 4 - Residential, Urban 5 - Special Residential, Urban 8 - Hamel or urban 9 - Preston Beach Zone shall be erected within the front building setback.

#### **4.24 BUILDING HEIGHT**

*AMD 9 GG 29/4/03*

- 4.24.1 Unless otherwise approved, no building shall be erected with the apex of the roof, exclusive of masts, aerials or the like, exceeding 9.0 metres in height above natural ground level, except on "Urban 9 - Preston Beach" Zoned land, where, unless otherwise approved, no building shall be erected with the apex of the roof, exclusive of masts, aerials or the like, exceeding 7.5 metres in height above natural ground level.
- 4.24.2 Notwithstanding clause 6.13, buildings of a height exceeding the maximum heights specified in clause 6.12.1 may only be approved following the advertising and consideration of the application in a manner consistent with clause 8.2 and where Council is satisfied that the proposed development -
  - a) Will not cause unacceptable impacts to the general amenity of the streetscape or landscape; and
  - b) Will not cause unacceptable to impacts to the amenity of adjoining or nearby properties.



## **4.25 GENERAL APPEARANCE OF BUILDINGS AND PRESERVATION OF AMENITY**

*AMD 32 GG 17/01/17*

4.25.1 Where, in the opinion of the local government, any proposed building or the erection of structures or carrying out of site works proposed as part of a development application is out of harmony with existing buildings or the landscape of the locality by virtue of the design and appearance of the development, the colour or type of materials to be used on exposed surfaces, the height, bulk and massing of any building, the local government may refuse the application notwithstanding that it otherwise complies with, the provisions of the Scheme, or may place conditions on any planning approval granted for the proposed development to ensure that it will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality.

4.25.2 In exercising its discretion under this clause, the local government shall have regard to the following when assessing any application for Planning Approval:

- (i) the external appearance of the building and any associated structures and landscaping;
- (ii) the dimensions and proportions of the building or structure;
- (iii) the materials used in the construction of the building taking into consideration texture, scale, shape and colour;
- (iv) the effect of the development on nearby properties, and on the occupants of those buildings;
- (v) the effect of the development on existing and future services and community facilities. In particular, drainage, sewerage, water reticulation and existing or proposed community facilities such as schools, parks, civic buildings, malls and pedestrian links;
- (vi) the effect on the landscape and environment generally; and
- (vii) any other matter which in the opinion of the local government is relevant to the amenity of the locality.

4.25.3 In responding to submissions made by persons owning or having an interest in land affected directly or indirectly by the proposal the local government shall have satisfied itself that the proposed building or structure:

- (i) will be in harmony with the general character of buildings in the locality;
- (ii) will not be detrimental to the amenity or, character of the locality or the quality of environment or the townscape;
- (iii) will observe the required setbacks from the boundaries of the lots on which it is to be constructed and will not prejudice the siting, design, aspect and privacy of buildings on other nearby lots;
- (iv) will not impact the potential for the realistic development in the opinion of the local government of other vacant blocks in the vicinity with particular regard to amenity, aspect and views; and
- (v) has been designed in harmony with the natural land form of the site.

#### **4.26 USE OF SETBACK AREAS**

*AMD 32 GG 17/01/17*

4.26.1 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:

- (i) means of access;
- (ii) the daily parking of vehicles;
- (iii) loading and unloading of vehicles;
- (iv) trade display only with the consent of the local government;
- (v) alfresco or other uses approved by the local government; and
- (vi) gardens and other landscaping.

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

#### **4.27 SHORT STAY ACCOMMODATION USES**

*AMD 32 GG 17/01/17*

No person shall occupy any short stay accommodation use, as specified in the zoning table for more than a total of 3 months in any 12 month period unless approved by the local government for management purposes and staff accommodation.

#### **4.28 SERVICES TO DEVELOPMENT**

*AMD 32 GG 17/01/17*

The local government shall not grant its consent to the carrying out of any development on any land unless:

- (i) a water supply and facilities for the removal or disposal of sewerage and drainage are available to that land;
- (ii) appropriate legal and practical vehicular access are in place to the satisfaction of the local government; and
- (iii) satisfactory arrangements have been made for the provision of that supply and those facilities.

#### **4.29 PARKING OF COMMERCIAL VEHICLES**

*AMD 32 GG 17/01/17*

4.29.1 No person shall park a Commercial Vehicle on any lot without the Planning Consent of Council. In considering an application to park a Commercial Vehicle Council shall apply the following criteria:

- (i) A person shall not park, or cause to be parked, more than one heavy vehicle per lot in the Residential, Special Residential, Rural Living, Hamel or Preston Beach zones.
- (ii) A person may park one Commercial Vehicle in the zones listed above zone if:
  - i. no part of the vehicle is parked on any portion of a right-of-way or public road contiguous with the lot;

- ii. the vehicle forms an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried on upon the lot does not contravene the Scheme;
- iii. the vehicle is effectively screened from view from outside the lot;
- iv. the vehicle does not exceed 3.0 metres in height or 8.0 metres in length;
- v. the vehicle is parked behind the front building line;
- vi. any noise created by the vehicle does not contravene the Environmental Protection (Noise) Regulations 1997;
- vii. major repairs to the vehicle are not undertaken on the lot;
- viii. any minor repairs, servicing or cleaning of the vehicle are carried out in an area which is effectively screened from view from outside of the lot; and
- ix. the vehicle is not brought to or taken from the lot between the hours of 10pm and 6am.

4.29.2 For the purpose of clause 5.24.1, 'Commercial Vehicle' means a vehicle exceeding an unladen tare weight of 3 tonnes or a length of 5 metres.

# SCHEDULES

## SCHEDULE 1 - INTERPRETATIONS

**Abattoir:** - means any premises used commercially for the slaughtering of animals for the purpose of consumption as food products; AMD 32 GG 17/01/17

**Absolute Majority:** - shall have the same meaning as is given to it in and for the purposes of the *Local Government Act 1995* (as amended); AMD 32 GG 17/01/17

**Act:** - means the *Planning and Development Act 2005* (as amended);

**Agriculture – Extensive:** – means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture – intensive or animal husbandry – intensive; AMD 32 GG 17/01/17

**Agriculture – Intensive:** – means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following –

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture; AMD 32 GG 17/01/17

**Amusement Machine:** - means a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with electronic screen(s) operated by one or more players for amusement or recreation;

**Amusement Parlour:** - means premises –

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines; AMD 32 GG 17/01/17

**Ancillary Accommodation:** - means self-contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling; AMD 12 GG 30/4/10

**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; AMD 32 GG 17/01/17

**Aquaculture:** means any fish farming operation for which an Aquaculture license issued pursuant to the provisions of the *Fish Resources Management Act, 1994* (as amended), is required. AMD 32 GG 17/01/17

**Arts, Crafts and Handicrafts:** - means the use of land or a building for the purpose of making, displaying and sale of artefacts and shall also include the function of tuition in such skills;

**Battle-axe lot:** - means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot;

**Bed and Breakfast:** - means a dwelling, used by a resident of the dwelling, to provide accommodation for person away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast; AMD 12 GG 30/4/10

**Betting Agency:** - means a building operated in accordance with the *Totalisator Agency Board Betting Act 1960* (as amended);

**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 32 GG 17/01/17

**Building:** - means any structure whether fixed or movable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandas, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming; AMD 32 GG 17/01/17

**Building Envelope:** - means the area of land within which all buildings and effluent disposal facilities on a lot must be contained AMD 32 GG 17/01/17

**Building Height:** - in relation to a building –

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

AMD 32 GG 17/01/17

**Building Setback:** - means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected;

**Bulky Goods Showroom:** – means premises –

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes –
  - (i) automotive parts and accessories;
  - (ii) camping, outdoor and recreation goods;
  - (iv) electric light fittings;
  - (iv) animal supplies including equestrian and pet goods;
  - (v) floor and window coverings;
  - (vi) furniture, bedding, furnishings, fabrics, Manchester and homewares;
  - (vii) household appliances, electrical goods and home entertainment goods;
  - (viii) party supplies;
  - (ix) office equipment and supplies;
  - (x) babies' and childrens' goods, including play equipment and accessories;
  - (xi) sporting, cycling, leisure, fitness goods and accessories;
  - (xii) swimming pools;or
- (b) used to sell by retail goods and accessories by retail if –
  - (i) a large area is required for the handling, display or storage of the goods; or
  - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

AMD 32 GG 17/01/17

**Camping Area:** - means land used for the lodging of persons in tents or other temporary shelter;

**Caravan Park:** - means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1); AMD 32 GG 17/01/17

**Caretaker's Dwelling:** - means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant; AMD 32 GG 17/01/17

**Car Park:** - means premises used primarily for parking vehicles whether open to the public or not but does not include -

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

AMD 32 GG 17/01/17

**Chalet:** - means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility; AMD 32 GG 17/01/17

**Child Care Premises:** – means premises where - AMD 32 GG 17/01/17

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

**Civic Building:** - means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose;

**Civic Use:** - means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes; AMD 32 GG 17/01/17

**Club Premises:** - means premises used by a legally constituted club or association or other body of persons united by a common interest; AMD 32 GG 17/01/17

**Commission:** - means the Western Australian Planning Commission as provided for by the *Planning and Development Act 2005*; AMD 12 GG 30/4/10

**Community Facility Depot:** - means land and buildings used by a Government or other statutory authority, a Fire Brigade, an Ambulance Service or other like body, for the provision of a service to the public and which may include the garaging and servicing of vehicles and equipment;

**Conservation:** - means, in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will:

- a) enable the cultural heritage significance of that place or precinct to be retained; and
- b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting;

**Consulting Rooms:** - means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care; AMD 32 GG 17/01/17

**Convenience Store:** - means premises –

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m<sup>2</sup> net lettable area; AMD 32 GG 17/01/17

**Cultural Heritage Significance:** - means in relation to a place or Heritage Precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

**Cultural Use:** - means any use aimed at the improvement or refinement of people by entertainment and/or education.

**Development:** - shall have the same meaning given it in and for the purposes of The Act and includes intensive agriculture which shall be deemed to be a material change of use requiring approval of the Council.

**District:** - means the Municipal District of the Shire of Waroona.

**Drive-In Theatre:** - means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

**Dry Cleaning Premises:** - means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

**Educational Establishment:** - means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;  
AMD 32 GG 17/01/17

**Equestrian Centre:** - means premises used for the showing, competition or training of horses and includes a riding school;  
AMD 12 GG 30/4/10

**Exhibition Centre:** – means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;  
AMD 32 GG 17/01/17

**Family Day Care** - means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;  
AMD 32 GG 17/01/17

**Farm Stay Accommodation:** - means accommodation provided on a rural lot and associated rural based activities carried out for the benefit of patrons, but shall exclude a Bed and Breakfast and Guesthouse;  
AMD 32 GG 17/01/17

**Fast Food Outlet:** - means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –

- (a) without further preparation; and
- (b) primarily off the premises;  
AMD 32 GG 17/01/17

**Floor Area:** - has meaning given in the Building Code;  
AMD 32 GG 17/01/17

**Frontage:** - in relation to a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;  
AMD 32 GG 17/01/17

**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;  
AMD 12 GG 30/4/10

**Funeral Parlour:** - means premises used –

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;  
AMD 32 GG 17/01/17

**Garden Centre:** - means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings;

**Gazettal Date:** - means the date of publication in the *Government Gazette*;

**Gross Leasable Area:** - means in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas;

**Grouped Dwelling:** - has the same meaning as in the Residential Design Codes of Western Australia;  
AMD 32 GG 17/01/17

**Guesthouse:** - means an integrated building for short stay guests comprising serviced accommodation and on site tourism facilities such as reception, centralised dining and management;

AMD 32 GG 17/01/17

**Health Studio:** - means premises designed and equipped for physical exercise, recreation and sporting activities and may, if approved by Council include outdoor recreation;

AMD 32 GG 17/01/17

**Heritage Inventory:** - means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended).

AMD 32 GG 17/01/17

**Heritage List:** - means a list established under Clause 7.1 of the Scheme and may include premises in the Heritage Inventory.

AMD 32 GG 17/01/17

**Holiday House:** - means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.

AMD 32 GG 17/01/17

**Home Business:** - means a business, service or professions 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 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 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.

AMD 12 GG 30/4/10

**Home Occupation:** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not -
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

AMD 32 GG 17/01/17

**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;

AMD 12 GG 30/4/10



**Hospital:** - means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital;

**Hostel:** - means accommodation which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations; AMD 32 GG 17/01/17

**Hotel:** - means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises; AMD 32 GG 17/01/17

**Incidental Use:** – means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use; AMD 32 GG 17/01/17

**Industry:** - means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes -

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

AMD 32 GG 17/01/17

**Industry - Cottage:** - means an industry which produces arts and crafts goods which cannot be carried out under the provisions relating to a “home occupation” and that: AMD 32 GG 17/01/17

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash dust, grit, oil, liquid wastes or waste products;
- b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier’s household normally resident on the land;
- c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m<sup>2</sup>.
- d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- e) does not display a sign exceeding 0.2m<sup>2</sup> in area.

**Industry - Extractive:** - means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

AMD 32 GG 17/01/17

**Industry - General:** - means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry;

**Industry Hazardous:** - means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings;

**Industry - Light:** - means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed; AMD 32 GG 17/01/17

**Industry - Noxious:** - means an industry which is subject to licensing as “prescribed premises” under the Environmental Protection Act 1986, but does not include dry cleaning premises, laundromat, piggery or poultry farm; AMD 32 GG 17/01/17

**Industry- Rural:** - means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

**Industry - Service:** means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

**Land:** - shall have the same meaning given to it in and for the purposes of, The Act.

**Laundromat:** - means a building, which may be open to the public, in which washing machines, with or without provision for drying clothes, are available for use. AMD 32 GG 17/01/17

**Liquor Store:** - means a building the subject of a Store Licence granted under the provisions of the *Liquor Act, 1988* (as amended).

**Lot:** - shall have the same meaning given to it in and for the purposes of, The Act and “allotment” has the same meaning;

**Machinery and Commercial Vehicle Sales, Service and Hire:** - means premises used for the sales, service and hire of commercial vehicles and large scale machinery including agricultural, earthmoving, industrial and mining machinery; AMD 32 GG 17/01/17

**Market:** - means land and buildings used for a fair, a farmers’ or producers’ market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental;

**Medical Centre:** - means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care; AMD 32 GG 17/01/17

**Milk Depot:** - means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised;

**Motel:** - means premises, which may be licensed under the *Liquor Control Act 1988* – AMD 32 GG 17/01/17

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles;

**Motor Vehicle, Boat and Caravan Sales and Hire:** – means premises used to sell or hire motor vehicles, boats or caravans; AMD 32 GG 17/01/17

**Motor Vehicle, Boat, Trailer and Caravan Repair:** - means premises used for or in connection with - AMD 32 GG 17/01/17

- (a) electrical and mechanical repairs, or overhauls, to vehicles, boats, trailers and caravans; or
- (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

**Motor Vehicle Wash:** – means premises primarily used to wash motor vehicles; AMD 32 GG 17/01/17

**Motor Vehicle Wrecking Premises:** - means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts;

**Natural Ground Level:** means the levels on a site which precede the proposed development, including any site works unless approved by the Council or established as part of subdivision of the land preceding development; AMD 9 GG 29/4/03

**Net Lettable Area:** – or nla means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas - AMD 32 GG 17/01/17

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

**Non-conforming Use:** - has the meaning given in the Planning and Development Act 2005 section 172; AMD 32 GG 17/01/17

**Nursery:** - means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden décor;

**Office:** - means premises used for administration, clerical, technical, professional or similar business activities; AMD 32 GG 17/01/17

**Outbuilding:** - means an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling; AMD 9 GG 29/4/03

**Owner:** - in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:

- a) is entitled to the land for an estate in fee simple in possession; or
- b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- c) is a lessor or licensee from the Crown; or
- d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise;

**Park Home:** - shall have the same meaning as in the Caravan Parks and Camping Grounds Act 1995; AMD 32 GG 17/01/17

**Park Home Park:** - means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8; AMD 32 GG 17/01/17

**Peel Harvey Coastal Plain Catchment:** - means the Peel Harvey Coastal Plain Catchment as set out in the Commission's State Planning Policy No 2.1, gazetted 21st February 1992 together with any amendments thereto; AMD 32 GG 17/01/17

**Place:** - means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;

- b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surrounds as may be required for the purposes of the conservation of those works or buildings; and
- c) as much of the land beneath the place as is required for the purposes of its conservation;

**Place of Public Worship:** – means premises used for religious activities such as a chapel, church, mosque, synagogue or temple; AMD 32 GG 17/01/17

**Plot Ratio:** - means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located; AMD 32 GG 17/01/17

**Potable Water:** - means water fit for human consumption as determined by the National Water Quality Management Strategy Australian Drinking Water Guidelines 6 (2011) or any updates; AMD 32 GG 17/01/17

**Predominant Use:** – means the primary use of premises to which all other uses carried out on the premises are incidental; AMD 32 GG 17/01/17

**Produce Store:** - means land and buildings wherein fertilisers and grain are displayed and offered for sale.

**Public Amusement:** - means land and buildings used for the amusement or entertainment of the public, with or without charge;

**Public Authority:** - shall have the same meaning given to it in and for the purposes of The Act;

**Public Utility:** - means any work or undertaking constructed or maintained by a Public Authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;

**Reception Centre:** - means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes;

**Recreation - Private:** – means premises that are – AMD 32 GG 17/01/17

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

**Recreation - Public:** - means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge; AMD 32 GG 17/01/17

**Residential Building:** - means 'Residential Building' as defined in the *Residential Design Codes*;

**Residential Design Codes:** - means the *Residential Design Codes* set out in appendix 2 to the Commission's Statement of Planning Policy No 1, gazetted on 13th December 1991, together with any amendments or additions thereto or any code, by-laws, or regulations replacing them and applying or being applicable within the District;

**Restaurant/Cafe:** - means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*; AMD 32 GG 17/01/17

**Restricted Premises:** - means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of –

- (a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements; AMD 32 GG 17/01/17

**Rural Pursuit/Hobby Farm:** - means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household -

- (a) the rearing, agistment, stabling or training of animals;
  - (b) the keeping of bees;
  - (c) the sale of produce grown solely on the premises;
- AMD 32 GG 17/01/17

**Rural Workers Dwelling:** - means a dwelling which; AMD 32 GG 17/01/17

- a) is on land upon which there is already erected a dwelling and which is occupied by persons engaged in any use of a rural nature producing primary goods on the land, and
- b) can accommodate family members involved in the operation of an agricultural enterprise on that land;

**Salvage Yard:** - means premises used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, fire or flood damage to structures including (but without limiting the generality of the foregoing) building, machinery, vehicles and boats; AMD 32 GG 17/01/17

**Sawmill:** - means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein;

**Schedule:** - means a schedule to the Scheme unless otherwise noted;

**Sea Containers:** - means a metal transportable structure designed for the storage and transport of goods from one location to another generally by road and sea; AMD 32 GG 17/01/17

**Service Station:** - means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for – AMD 32 GG 17/01/17

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

**Shop:** - means premises other than a bulky goods showroom, a liquor store - large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services; AMD 32 GG 17/01/17

**Showroom:** - means a building wherein predominantly bulky goods are displayed and may be offered for sale by wholesale and/or by retail excluding foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment;

**Single house:** - has the same meaning as in the Residential Design Codes of Western Australia; AMD 32 GG 17/01/17

**Tavern:** - means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*; AMD 32 GG 17/01/17

**Telecommunication Infrastructure:** – means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network; AMD 32 GG 17/01/17

**Tourist Development:** - means integrated, purpose-built premises for short stay guest comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium and tennis courts; AMD 32 GG 17/01/17

**Trade Display:** - means premises used for the display of trade goods and equipment for the purpose of advertisement;  
*AMD 32 GG 17/01/17*

**Transport Depot:** - means land and buildings used for the open storage or garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles;

**Tree Farm:** – means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act 2003 section 5;  
*AMD 32 GG 17/01/17*

**Veterinary Centre:** - means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;  
*AMD 32 GG 17/01/17*

**Warehouse/Storage:** - means premises including indoor or outdoor facilities used for –

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

*AMD 32 GG 17/01/17*

**Wayside Stall:** - means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located;

**Winery:** - means premises used for the production of viticultural produce and may include sale of the produce.  
*AMD 12 GG 30/4/10*

**Zone:** - means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

**Zoo:** - means premises used for the keeping, breeding or display of fauna, but does not include kennels or keeping, breeding or showing of domestic pets.  
*AMD 32 GG 17/01/17*

## SCHEDULE 2 - RURAL RESIDENTIAL CODES

### ZONE DESCRIPTIONS

(a) Locality of Zone	(b) Permitted Uses & Zone Control Provisions
<p><i>R Res1</i></p> <p>Lake Clifton Part Leschanault Loc 58 Part Murray Loc 793 Part Wellington Loc 3610 which now contains lots on the following roads:</p> <p>Tuart Grove Avenue Peppermint Drive Sharee Close Teakwood Close Willy Wagtail Close</p>	<p>(i) The objective of Council is to ensure that development within the zone occurs with the least possible detrimental effect on the rural landscape of the area. In order to achieve that objective applications for approval to develop must demonstrate adequate concern for the environment and ecology of the area. To retain the rural landscape value landowners will retain, as far as practical, existing vegetation and Council will encourage additional tree planting.</p> <p>(ii) Council shall recommend that subdivision of the area should comply with the subdivision guide plan from the Shire of Waroona Local Planning Scheme No 5 and Council may require development of lots to be in accordance with the subdivision and development guideline plan.</p>
<p><i>R Res2</i></p> <p>Clifton Hills Pt Murray Loc 793 Lot 2 Murray Loc 793 which now contains lots on the following roads:</p> <p>Armstrong Hills Drive Thompson Crescent Gaston Crescent Seery Court Tognela Court</p>	<p>(i) The objective of Council is to ensure that the bushland character of the special rural village is maintained. Development proposals not specifically provided for in the Scheme will not be approved by Council if they would result in excessive clearing, dispersed or unduly large buildings, fire risks, excessive use of ground water, or any other diminution of the health safety and general amenity of the residents of the area.</p> <p>(ii) Council shall recommend that subdivision within the area should comply with the Scheme Area Map and the Subdivision Guide Plan from the Shire of Waroona Local Planning Scheme No. 6 excepting that Lot 101 Old Coast Road (shown on Subdivision Guide Plan as Lot 59) will be deleted from the Zone upon gazettal of this Scheme.</p> <p>(iii) Council may require development of lots to be in accordance with the subdivision and development guideline plan referred to in (ii) above.</p>
<p><i>R Res3</i></p> <p>Pt Lot 11, Pt Murray Location 180 which contains lots on the following roads:</p> <p>Robbie Court Forrington Heights Nanga Brook Road Elliott Street</p> <p>Pt Murray Location 525 Nanga Brook Road, Waroona (Lots 1-7 Woodley Heights)</p> <p><i>AMD 2 GG 19/4/02</i></p>	<p>(i) Council objectives are to provide for Rural Residential subdivision and development in close proximity to Waroona Townsite and to encourage retention and re-establishment of native vegetation, stream protection and unobtrusive development in harmony with the environment consistent with the need for reasonable protection against bushfires.</p> <p>(ii) Lots 15-20 (which became lots 35-40 following compilation of final Diagram of Survey) on the subdivision and development guideline plan adopted by Council on 10th April 1992 are included in this zone and that plan in its entirety was adopted by Council except that modifications to building envelopes were adopted on 10th November 1992.</p> <p>(iii) Lots 41-49 on the subdivision and development guideline plan adopted by Council on 11th April 1994 (incorporating minor modifications to the preliminary plan adopted by Council on 8th September 1992) are included in this zone and that plan in its entirety was adopted.</p> <p>(iv) Subdivision of Pt Murray Location 525 Nanga Brook Road, Waroona shall be generally in accordance with the Subdivision and Development Guide Plan dated 14 March 2001 which forms part of the Scheme, or any variation approved by the Commission.</p> <p>(v) Council shall recommend that any subdivision within the area should be in accordance with the aforementioned subdivision guideline plans and Council may require development of lots to be in accordance with the subdivision and development guideline plan.</p>

## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

	(a) Locality of Zone	(b) Permitted Uses & Zone Control Provisions
<p><i>R Res3</i></p>	<p><b>“Waroona Hills North”</b></p> <p>Pt Lot 11, Pt Murray Location 180 which contains lots on the following roads:</p> <p>Robbie Court Forrington Heights Nanga Brook Road Elliott Street</p> <p>Pt Murray Location 525 Nanga Brook Road, Waroona (Lots 1-7 Woodley Heights)</p> <p>(Continued)</p>	<p>For lots 41-49 Forrington Heights and 1-7 Woodley Heights the following additional restrictions apply:</p> <p>(vi) All lots are subject to clearing restrictions in accordance with this Scheme, guideline and development plan and ‘Agreement to Reserve’ registered on titles by the Commissioner for Soil Conservation to ensure that landowners will retain, as far as practical, all existing native vegetation.</p> <p>(vii) No beekeeping is permitted.</p> <p>(viii) Introduction of non-indigenous plant species which cannot be controlled in a manner to prevent invasion of remnant bushland is prohibited.</p> <p>(ix) No galvanised iron, Zinalume or white Colorbond may be used as exterior roofing, cladding or fencing material.</p> <p>(x) Buildings are to be constructed in accordance with Australian Standards AS3959-2009: Construction of Buildings in Bushfire Prone Area (as amended) or subsequent editions (as amended). <i>AMD 25 GG 4/6/10</i></p> <p>(xi) Prior to issue of a building licence for any lot Council shall, unless the license is to renew approval to a previous licence, require submission of a full report by a practising geotechnical engineer including a groundwater/stormwater drainage design plan, building pad design details, wastewater system siting plan and installation concept plan demonstrating that such installation complies with WA Health Regulations and can achieve disposal of wastewater onsite without effluent surfacing or running off from the site and certifying that if conditions are met the risk of landslip will be negligible.</p> <p>(xii) There shall be no direct vehicular access to Nanga Brook Road (except for Lots 41 and 49) and all access shall be from subdivisional roads with cross rights of carriageway as required being shown on final diagrams of survey.</p> <p>(xiii) Private driveway access from proposed public road (Woodley Heights) to proposed building envelopes for each allotment must be approved by Council, in terms of both location and method of construction. In this regard, it is anticipated driveways having gradient slopes of greater than 5% will be required to be constructed of sealed or other suitable hard pavement surface. Construction of such driveways will also be required to address stormwater runoff such that no drainage or scouring will occur to the proposed public road (Woodley Heights).</p>
<p><i>R Res4</i></p>	<p><b>“Waroona Hills South”</b></p> <p>Location 239 Lyons Road, Waroona</p>	<p>(i) The objective of Council is to ensure that development occurs with the least possible detrimental effect on the rural landscape of this scenic hills area. Applications for planning consent must demonstrate adequate concern for the environment, ecology, and bushfire potential of the area.</p> <p>(ii) Council shall recommend that subdivision within the area should be in accordance with the subdivision guideline plan adopted by Council on 28th April 1992 and Council may require development of lots to be in accordance with the subdivision and development guideline plan.</p>



## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

(a) Locality of Zone	(b) Permitted Uses & Zone Control Provisions
<p><i>R Res4</i></p> <p>“<b>Waroona Hills South</b>”</p> <p>Location 239 Lyons Road, Waroona (Cont'd)</p>	<p>(iii) Responsibility for maintenance of battleaxe legs is to be shared amongst the beneficial owners and titles shall have caveats placed upon them to that effect.</p> <p>(iv) To retain the rural landscape value landowners will retain, as far as practical, existing vegetation.</p> <p>(v) Subdivider is to undertake a re-vegetation program on areas designated on guideline plan for “tree planting” and such parts of “stream protection areas as agreed with Council.</p>
<p><i>R Res6</i></p> <p>Harvey River &amp; Southern Estuary Road Murray Location CG 720</p>	<p>(i) The objective of Council is to ensure that development within the zone occurs with the least possible detrimental effect on the rural landscape and the Peel-Harvey Estuary. In order to achieve that objective land adjacent to the Harvey River is to be set aside as a Conservation Reserve and approval to develop any of the lots resulting from subdivision of the balance of land must demonstrate adequate concern for the environment and ecology of the area.</p> <p>(ii) Council shall recommend that subdivision of Location 720 should be in accordance with the subdivision and development guideline plan adopted by Council on 25th October 1994 and Council may require development of lots to be in accordance with the subdivision and development guideline plan.</p> <p>(iii) Council shall recommend as conditions of subdivision approval that:</p> <p style="margin-left: 20px;">X a foreshore management plan be prepared for the proposed conservation reserve;</p> <p style="margin-left: 20px;">X boundary fencing be erected along the proposed reserve boundaries; and</p> <p style="margin-left: 20px;">X the proposed reserve be vested in the Crown free of cost and without compensation.</p> <p>(iv) To retain the rural landscape amenity, landowners will retain, as far as practical, existing remnant vegetation, all significant remnant vegetation will be protected from grazing stock and the stocking rate shall be limited to 10DSE/ha.</p> <p>(v) Conventional on-site effluent disposal systems shall not be permitted and only Health Department of WA approved aerobic treatment units or other modified systems using amended soil to attenuate nutrients may be used.</p>
<p><i>R Res 7</i></p> <p>Lots 20 and 21 of Wellington Location 3168 Southern Estuary Road, Waroona</p>	<p>(i) Development shall be consistent with the objective of maintaining and enhancing the visual amenity of the land and maintaining use, development and management of the land which is compatible with the natural environment.</p> <p>(ii) Subdivision of the land shall be generally in accordance with the Subdivision and Development Guide Plan which forms part of the Scheme, or any variation approved by the Commission.</p> <p>(iii) Council shall adopt a Bush Fires Management Plan for the subject land which shall be prepared in consultation with the Bush Fires Service of Western Australia. Council may amend the plan where it considers this to be necessary. All owners of affected lots shall manage their properties in accordance with the plan. Development which would conflict with, or impede bushfire management in accordance with the plan shall not be permitted or undertaken.</p>

## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

(a) Locality of Zone		(b) Permitted Uses & Zone Control Provisions
<i>R Res7</i>	Lots 20 and 21 of Wellington Location 3168 Southern Estuary Road, Waroona (Cont'd)	<p>(iv) Within the Conservation Area shown on the Subdivision and Development Guide Plan, no clearing of native vegetation shall be permitted or undertaken, excepting where the clearing occurs within a building envelope or is necessary for the provision of a road pavement, driveway access, essential services, firebreaks required by law or to remove vegetation which is dead, diseased or dangerous. No livestock shall be permitted within the Conservation Area.</p> <p>(v) The subdivider is to undertake a revegetation program on areas designated on a guideline plan for "replanting" and maintain such area in accordance with 4.15.6(e).</p> <p>(vi) A maximum of 2000 m<sup>2</sup> building and development envelope area shall be permitted but this area may be split between a residential building site and an area for keeping of animals or domestic gardening subject to specific Council approval.</p> <p>(vii) Use of zincalume or white cladding material on buildings in exposed elevated positions shall be prohibited.</p> <p>(viii) Conventional on-site effluent disposal systems shall not be permitted on Bassendean soils and only Health Department of WA approved aerobic treatment units or other modified systems using amended soil to attenuate nutrients may be used.</p> <p>(ix) Where permitted, the number of livestock shall be consistent with Agriculture Western Australia guidelines with numbers calculated according to the area of land not subject to clearing restrictions. Where Council considers that the keeping of livestock is detrimental to the condition of the land or its vegetation, Council may require removal of livestock and may impose restrictions on the keeping of livestock at its discretion.</p> <p>(x) Stock shall only be allowed in the area of the lots between the building envelopes and the edge of the lot as an occasional fire control measure on those lots already parkland cleared (ie tree canopy intact but understorey largely cleared).</p> <p>(xi) Buildings are to be constructed in accordance with Australian Standards AS3959-2009: Construction of Buildings in Bushfire Prone Area (as amended) or subsequent editions (as amended). <i>AMD 25 GG 4/6/10</i></p>
<i>R Res8</i>	Harvey River and Southern Estuary Road, Pt. Wellington Location 2986.  <i>AMD 3 GG 4/2/03</i>	<p>(i) The objective of Council is to ensure that development occurs with the least possible detrimental effect on the rural landscape and the Peel-Harvey Estuary. In order to achieve that objective 30 metres of land adjacent to the Harvey River is to be set aside as a Conservation Reserve and approval to develop any of the lots resulting from subdivision of the balance of Location 2986 must demonstrate adequate concern for the environment and ecology of the area.</p> <p>(ii) Subdivision shall be in accordance with the subdivision guide plan adopted by Council.</p> <p>(iii) A 30m foreshore reserve shall be fenced and ceded to the Crown free of cost from the Regional Open Space depicted on the Subdivision Guide Plan at the time of subdivision.</p> <p>(iv) To retain rural landscape amenity, landowners will retain remnant vegetation and protect by fencing, prior to grazing stock.</p>

## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

(a) Locality of Zone		(b) Permitted Uses & Zone Control Provisions	
<i>R Res8</i>	<p>"Harvey River Waters" (Cont'd)</p> <p>Harvey River and Southern Estuary Road, Pt. Wellington Location 2986.</p> <p><i>AMD 3 GG 4/2/03</i></p>	(v)	<p>Conventional on-site effluent disposal systems shall not be permitted. Only Department of Health approved alternative treatment units or other modified systems using, amended soil to attenuate nutrients may be used.</p>
		(vi)	<p>A maximum of 2000 m<sup>2</sup> building and development envelope area shall be permitted but this area may be split between a residential building site and an area for keeping of animals or domestic gardening subject to specific Council approval.</p>
		(vii)	<p>Use of zincalume or white cladding material on buildings in exposed elevated positions shall be prohibited.</p>
		(viii)	<p>Stock shall only be allowed as an occasional fire control measure.</p>
		(ix)	<p>Stocking rates (as advised by Department of Agriculture) shall be determined based on area of cleared land, and not total size.</p>
		(x)	<p>Only stocking rates shall be set as those for dry pasture, with no importation of feed allowed.</p>
		(xi)	<p>Prior to subdivision the owner shall prepare a Vegetation Management Plan to the satisfaction of Council.</p>
		(xii)	<p>There shall be a 30m clearance of all trees and shrubs around each building except for small fire resistant garden plants and a distance of not less than 100m from pine stands to any dwelling.</p>
		(xiii)	<p>The subdivision is located within the South West Coastal Groundwater Area and there is a need to obtain a groundwater extraction licence from the Water and Rivers Commission prior to extraction works being carried out.</p>
<i>R Res 9</i>	<p>Part Lot 16 and Lot 1209 Southern Estuary Road, Lake Clifton</p> <p><i>AMD 13 GG 19/8/05</i></p>	(i)	<p>Subdivision shall generally be in accordance with the subdivisions guide plan adopted by Council, or any variation of that plan approved by Council and the Western Australian Planning Commission. Any subdivision of land shall comply with a minimum lot size of 2ha and an average of 3ha calculated in the basis of a precinct containing Lots 1209 and Part 16.</p> <p><i>AMD 26 GG 18/6/10</i></p>
		(ii)	<p>An alternative treatment unit (ATU) with a minimum horizontal separation of 50m from the estuary boundary or wet areas in the Peel Regional Park is required for those areas designated as "ATU" on the subdivision guide plan.</p>
		(iii)	<p>The liquid waste disposal system to be used on land elsewhere may be a conventional effluent disposal system subject to a minimum horizontal separation of 100m from the estuary boundary or wet areas in the Peel Regional Park.</p>
		(iv)	<p>Buildings are to be constructed in accordance with Australian Standards AS3959-2009: Construction of Buildings in Bushfire Prone Area (as amended) or subsequent editions (as amended). <i>AMD 25 GG 4/6/10</i></p>
		(v)	<p>Dwellings are not permitted within the Development Exclusion Area designated on the subdivision guide plan.</p>
		(vi)	<p>Where permitted, the number of livestock on a lot shall be consistent with Department of Agriculture guidelines on the area of cleared land, not the total lot size. Stocking rates shall be set as those for dry pasture, with no importation of feed permitted.</p>

## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

(a) Locality of Zone		(b) Permitted Uses & Zone Control Provisions
<i>R Res 10</i>	Lot 2 Leavy Road, Waroona  <i>AMD 15 GG 17/2/06</i>	(i) Subdivision shall generally be in accordance with the subdivision guide plan adopted by council. The minimum lot size shall not be less than 4.0 hectares.  (ii) Buildings are to be constructed in accordance with Australian Standards AS3959-2009: Construction of Buildings in Bushfire Prone Area (as amended) or subsequent editions (as amended). <i>AMD 25 GG 4/6/10</i>  (iii) No galvanised iron, Zinalume or white Colorbond may be used as exterior roofing, cladding or fencing material.  (iv) Stock shall only be allowed as an occasional fire control measure and only within the cleared sections of the site or building envelope.  (v) Where permitted, the number of livestock shall be consistent with Department of Agriculture guidelines on the area of cleared land, not the total lot size. Stocking rates shall be set as those for dry pasture, with no importation of feed permitted.
<i>R Res 11</i>	Lot 2942 Old Bunbury Road, Lake Clifton  <i>AMD 21 GG 7/4/09;</i> <i>AMD 32 GG 17/01/17</i>	(i) Subdivision of the land shall be generally in accordance with the Subdivision Guide Plan adopted by the Shire of Waroona and endorsed by the Western Australian Planning Commission that forms part of Scheme Amendment No. 21. No further subdivision shall be permitted.  (ii) A bush fire management plan is to be prepared and implemented at the subdivision stage in consultation with the Shire of Waroona and Fire and Emergency Services Authority, in accordance with the publication 'Planning For Bush Fire Protection" (2001).  (iii) No dwelling shall be approved by Council unless it is connected to an alternative domestic wastewater system as approved by the Health Department of Western Australia with an adequate phosphorous retention capacity and site conditions that achieve the standards specified in the approval of the particular wastewater system being used.  (iv) A foreshore management plan is to be prepared at the subdivision stage for the adjacent Harvey River foreshore area to the satisfaction of the Shire of Waroona and the Department of Environment.  (v) A Landscaping and Revegetation Plan is to be prepared and implemented at the subdivision stage. Revegetation shall consist of deep rooted perennials endemic to the area, or as otherwise recommended by the Shire of Waroona and the Department of Environment.  (vi) No lot shall be less than 2ha in area.  (vii) All dwellings, outbuildings and effluent disposal systems shall be developed within the building envelopes depicted on the Subdivision Guide Plan. Council may upon application from a lot owner agree to vary the position of the building envelope providing it can be demonstrated to the satisfaction of Council that the alternative envelope is suitable for building construction and achieves site conditions for onsite wastewater disposal.

## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

(a) Locality of Zone		(b) Permitted Uses & Zone Control Provisions	
<i>R Res 11</i>	<p>Lot 2942 Old Bunbury Road, Lake Clifton (Cont'd)</p> <p><i>AMD 21 GG 7/4/09</i></p>	(viii)	No building envelope shall exceed 2,000m <sup>2</sup> in aggregate area.
		(ix)	No dwellings, outbuildings or effluent disposal systems shall be constructed within 20 metres of any lot boundary unless a lesser distance is approved by Council in writing; that is, Council is of the opinion that the topography, shape of the lot or natural flora on it make it desirable to alter this provision and that the location of any building will not detract from the environmental quality of the area or the amenity of existing or future dwellings on adjoining lots.
		(x)	For those lots affected by the 50 metre wetland buffer area, no buildings shall be permitted within the buffer area.
		(xi)	The subdivider shall make arrangements satisfactory to Council for prospective purchasers to be advised that a reticulated water supply cannot be provided.
		(xii)	Each dwelling shall be provided with a supply of potable water from either a rainwater storage tank with a capacity of not less than 92,000 litres from a roof catchment of not less than 120m <sup>2</sup> .
		(xiii)	Access shall be permitted to domestic water supplies for emergency fire fighting purposes and all water tanks shall be fitted with a valve to the specification of the Fire and Emergency Services Authority to draw water. The tank fitting shall be positioned so as to leave 25% capacity of water in the tank.
		(xiv)	No dam shall be constructed without the prior written approval of Council.
		(xv)	The subdivision is located within the South West Coastal Groundwater Area where there is a requirement to obtain a groundwater extraction licence prior to any water extraction works being commenced.
		(xvi)	No person shall drain or fill a wetland without the prior written approval of Council.
		(xvii)	No drainage system shall be altered without the prior written approval of Council. In considering any proposal to modify, obstruct or dam any part of a drainage system, Council shall have regard to the affect on the drainage system and the impact on the land and environment in general and shall consult with the appropriate authorities prior to granting any approval.
		(xviii)	All drainage from internal roads and domestic surfaces shall be disposed of on site.
		(xix)	With the intention of preventing overstocking or other practices causing environmental degradation, or impacting on the amenity of the zone, the keeping or breeding of stock shall not be permitted without the prior written approval of Council. In considering any applications for the keeping or breeding of stock, Council will be guided by advice from Agriculture Western Australia. Notwithstanding the above, in cases where stocking approval has been given but where environmental problems develop, Council after consultation with Agriculture Western Australia may take action to reduce or ban stock either temporarily or permanently. Individual owners shall be responsible for organising and meeting all costs associated with obtaining advice where the keeping of any stock is proposed.

## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

(a) Locality of Zone		(b) Permitted Uses & Zone Control Provisions
<i>R Res 11</i>	<p>Lot 2942 Old Bunbury Road, Lake Clifton (Cont'd)</p> <p><i>AMD 21 GG 7/4/09</i></p>	<p>(xx) All lot boundary fencing shall be open post and rail or post and wire construction and shall be maintained to the satisfaction of Council.</p> <p>(xxi) Fences shall be erected where required to protect trees and other vegetation from grazing livestock.</p> <p>(xxii) Fences along all common boundaries between freehold and Crown land shall be maintained by the owners of the freehold land to the satisfaction of Council.</p> <p>(xxiii) Memorials shall be placed on all newly created Certificates of Title alerting prospective purchasers of a health risk due to mosquitoes.</p> <p>(xxiv) Council shall only permit land uses other than a single dwelling if it can be demonstrated that the proposed land use will not detrimentally affect the environmental attributes of the adjacent wetlands and foreshore areas.</p>
<i>R Res 12</i>	<p>Lots 22, 23 and 25 Southern Estuary Road, Lake Clifton</p> <p><i>AMD 11 GG 7/3/06</i></p>	<p>(i) Subdivision shall generally be in accordance with the subdivision guide plan adopted by Council.</p> <p>(ii) An alternative treatment unit (ATU) is required for those areas designated as 'ATU' on the subdivision guide plan.</p> <p>(iii) The liquid waste disposal system to be used on land elsewhere may be a conventional effluent system subject to a minimum 2 metre vertical separation between the base of the leach drain and the highest known groundwater level or bedrock.</p> <p>(iv) Buildings are to be constructed in accordance with Australian Standards AS3959-2009: Construction of Buildings in Bushfire Prone Area (as amended) or subsequent editions (as amended). <i>AMD 25 GG 4/6/10</i></p> <p>(v) Stock shall only be allowed as an occasional fire control measure and only within the cleared sections of the site or building envelope.</p> <p>(vi) Where permitted, the number of livestock shall be consistent with Department of Agriculture guidelines on the area of cleared land, not the total lot size. Stocking rates shall be set as those for dry pasture, with no importation of feed permitted.</p> <p>(vii) Individual conservation covenants are to be placed on each of the proposed rural residential lots containing remnant vegetation to protect and preserve the remnant vegetation under the Soil and Land Conservation Act.</p> <p>(viii) Within the Priority Conservation Area shown on the Subdivision Guide Plan, no fencing (including boundary fencing), firebreaks, stocks or clearing (including slashing) shall be permitted.</p>
<i>R Res13</i>	<p>Lot 1 Weller Road, Waroona</p> <p><i>AMD 25 GG 4/6/10</i></p>	<p>(i) Subdivision shall generally be in accordance with the subdivision guide plan adopted by council. The minimum lot size shall not be less than 4.0 hectares.</p> <p>(ii) Buildings are to be constructed in accordance with Australian Standard AS3959-2009: Construction of Buildings in Bushfire Prone Areas (as amended) or subsequent editions (as amended).</p>

## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

(a) Locality of Zone		(b) Permitted Uses & Zone Control Provisions	
<i>R Res13</i>	Lot 1 Weller Road, Waroona (Cont'd)	(iii)	No galvanised iron, Zinalume or white Colorbond may be used as exterior roofing, cladding or fencing material.
		(iv)	Stock shall only be allowed as an occasional fire control measure and only within the cleared sections of the site or building envelope.
		(v)	Lots 12 and 13, as shown on the approved subdivision guide plan shall not be stocked with livestock. Where permitted on Lots 1 through 11, inclusive, the number of livestock shall be consistent with Department of Agriculture and Food Western Australia guidelines on the area of cleared land, not the total lot size. Stocking rates shall be set at those for dry pasture. With no importation of feed permitted.
		(vi)	To retain the rural landscape value landowners will retain, as far as practical, existing vegetation.
		(vii)	Prior to the grazing of stock all remnant vegetation shall be protected by adequate fencing.
		(viii)	Private driveway access from proposed public road to proposed building envelopes for each allotment must be approved by Council in terms of both location and construction. In this regard, it is anticipated driveways having gradient slopes of greater than 5% will be required to be constructed of sealed or other suitable hard pavement surface. Construction of such driveways will also be required to address stormwater runoff such that no drainage or scouring will occur to the proposed public road.
		(ix)	Fire Management is to be in accordance with the approved Fire Management Plan for the site. Any further development of the site is to comply with the requirements of the Fire and Emergency Services of Western Australia and Western Australian Planning Commission publication Planning for Bush Fire Protection.
		(x)	Notwithstanding Clause 4.15.2(c), a minimum of 120,000 litres of water storage is required for each lot to assist in fire protection.

## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

(a) Locality of Zone		(b) Permitted Uses & Zone Control Provisions
<i>R Res14</i>	Lot 195 Weir Road, Waroona  <i>AMD 28 GG 01/10/10</i>	(i) Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council or any variation approved by the Western Australian Planning Commission.  (ii) The liquid waste disposal system to be used on land may be a conventional effluent system. Possible use of partially inverted leach drains may be required in some areas to address soil depth limitations.  (iii) Buildings are to be constructed in accordance with Australian Standard AS3959-2009; Construction of Buildings in Bushfire Prone Areas (as amended) or subsequent editions (as amended).  (iv) Fire Management is to be in accordance with the approved Fire Management Plan for the site. Any further development of the site is to comply with the requirements of Fire and Emergency Service of Western Australia and Western Australian Planning Commission publication Planning for Bush Fire Protection.  (v) Stock shall only be allowed as an occasional fire control measure and only within the cleared sections of the site or any building envelope.  (vi) Where permitted, the number of livestock shall be consistent with Department of Agriculture guidelines on the area of cleared land, not the total lot size. Stocking rates shall be set as those for dry pasture, with no importation of feed permitted.  (vii) To retain the rural landscape value landowners will retain, as far as practical, existing vegetation.  (viii) Notwithstanding Clause 4.15.2(c), a minimum of 120,000 litres of water storage is required for each lot to assist in fire protection.  (ix) Within building envelopes, vegetation utilised as fauna habitat is to be identified by survey as subdivision stage. Where removal of such vegetation is unavoidable, the subdivider shall implement mitigation measures as necessary, such as placement of artificial nesting hollows nearby.
<i>R Res15</i>	Harvey River Woods Southern Estuary Road, Lot 3 Pt. Wellington Location 2942  <i>AMD 4 GG 07/02/12</i>	(i) The objective of Council is to ensure that development occurs with the least possible detrimental effect on the rural landscape and the wetland on the property. In order to achieve that objective the EPP wetland will be preserved and set aside on a separate lot and approval to develop any of the lots resulting from subdivision of the balance of Lot 3 must demonstrate adequate concern for the environment and ecology of the area.  (ii) Subdivision shall generally be in accordance with a subdivision guide plan adopted by Council, or any variation of that plan approved by Council and the Western Australian Planning Commission. The minimum lot size shall not be less than 2 hectares.  (iii) No clearing of native vegetation shall be undertaken, except where the clearing occurs within a building envelope, or is necessary for the provision of a road pavement, driveway access, essential services, firebreaks required by law, or to remove vegetation which is dead, diseased or dangerous. In the case of vegetation considered by the landowner to be dead, diseased or dangerous, an application to Council seeking the removal of that vegetation shall be supported by a report from an appropriately qualified arborist.



## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

(a) Locality of Zone		(b) Permitted Uses & Zone Control Provisions
		<p>(iv) Conventional on-site effluent disposal systems shall not be permitted and only Health Department of WA approved alternative treatment units or other modified systems using amended soil to attenuate nutrients may be used.</p> <p>(v) A maximum 2,000m<sup>2</sup> building and development envelope area shall be permitted.</p> <p>(vii) Rainwater tanks shall be required for domestic water supply. Groundwater bores shall only be permitted where it can be proven there will be no reduction in the water level of the wetland.</p> <p>(viii) The clearing of native vegetation in, or the filling or excavation of, the Wetland Protection Area is prohibited.</p> <p>(ix) The subdivider shall prepare a Fire Management Plan to be approved by Council and the Fire and Emergency Services of Western Australia. Fire management is to be in accordance with the approved Fire Management Plan for the site. Any further development of the site is to comply with the requirements of the Fire and Emergency Services of Western Australia and Western Australian Planning Commission publication Planning For Bushfire Protection.</p> <p>(x) Buildings are to be constructed in accordance with Australian Standards AS 3959-2009: Construction of Buildings in Bushfire Prone Areas (as amended) or subsequent editions (as amended).</p> <p>(xi) The keeping of stock where permitted shall require the prior written approval of Council and shall be restricted to the building envelope. Approval to keep stock shall not exceed the stocking rates recommended by the Department of Agriculture and Food WA on the area of cleared land, not the total lot size. Stocking rates shall be set at those for dry pasture with no importation of feed allowed.</p> <p>(xii) The subdivider to prepare and implement Wetland, Weed and Mosquito Management Plans as conditions of subdivision approval.</p>
R Res16	<p>Harvey River Woods Southern Estuary Road, Lot 1 Pt. Wellington Location 2942</p> <p><i>AMD 17 GG 07/02/12</i></p>	<p>(3) The objective of Council is to ensure that development occurs with the least possible detrimental effect on the rural landscape and the wetland on the property. In order to achieve that objective the EPP wetland will be preserved and set aside on a separate lot and approval to develop any of the lots resulting from subdivision of the balance of Lot 3 must demonstrate adequate concern for the environment and ecology of the area.</p> <p>(4) Subdivision shall generally be in accordance with a subdivision guide plan adopted by Council, or any variation of that plan approved by Council and the Western Australian Planning Commission. The minimum lot size shall not be less than 2 hectares.</p> <p>(5) No clearing of native vegetation shall be undertaken, except where the clearing occurs within a building envelope, or is necessary for the provision of a road pavement, driveway access, essential services, firebreaks required by law, or to remove vegetation which is dead, diseased or dangerous. In the case vegetation considered by the landowner to be dead, diseased or dangerous, an application to Council seeking the removal of that vegetation shall be supported by a report from an appropriately qualified arborist.</p>

## SCHEDULE 2 - RURAL RESIDENTIAL CODES (Cont'd)

### ZONE DESCRIPTIONS

		<p>(6) Conventional on-site effluent disposal systems shall not be permitted and only Health Department of WA approved alternative treatment units or other modified systems using amended soil to attenuate nutrients may be used.</p> <p>(7) A maximum 1,384m<sup>2</sup> building and development envelope area shall be permitted.</p> <p>(8) Use of reflective or white cladding material on buildings in exposed positions shall be prohibited.</p> <p>(9) Rainwater tanks shall be required for domestic water supply, Groundwater bores shall only be permitted where it can be proven there will be no reduction in the water level of the wetland.</p> <p>(10) The clearing of native vegetation in, or the filling or excavation of, the Wetland Protection Area is prohibited.</p> <p>(11) The subdivider shall prepare a Fire Management Plan to be approved by Council and the Fire Emergency Services of Western Australia. Fire management is to be in accordance with the approved Fire Management Plan for the site. Any further development of the site is to comply with the requirements of the Fire and Emergency Services of Western Australia and the Western Australian Planning Commission publication Planning For Bushfire Protection.</p> <p>(12) Buildings are to be constructed in accordance with Australian Standards AS 3959-2009: Construction of Buildings in Bushfire Prone Areas (as amended) or subsequent editions (as amended).</p> <p>(13) The keeping of stock where permitted shall require the prior written approval of Council and shall be restricted to the building envelope. Approval to keep stock shall not exceed the stocking rates recommended by the Department of Agriculture and Food WA on the area of cleared land, not the total lot size. Stocking rates shall be set at those for dry pasture with no importation of feed allowed.</p> <p>(14) The subdivider to prepare and implement Wetland, Weed and Mosquito Management Plans as conditions of subdivision approval.</p>
<p><i>R Res17</i></p>	<p>Lot 501 Southern Estuary Road, Lake Clifton</p> <p><i>AMD 18 GG 23/4/10</i></p>	<p>(i) Subdivision shall generally be in accordance with the subdivision guide plan adopted by Council.</p> <p>(ii) Alternative treatment units (ATU) are required for all lots.</p> <p>(iii) Buildings are to be constructed in accordance with Australian Standard A53959-1991 'Construction of Buildings in Bushfire Prone Areas'.</p> <p>(iv) Stock shall only be allowed as an occasional fire control measure and only within the cleared sections of the site of building envelope.</p> <p>(v) Where permitted the number of livestock shall be consistent with Department of Agriculture guidelines on the area of cleared land, not the total lot size. Stocking rates shall be set as those for dry pasture, with no importation of feed permitted.</p>

## SCHEDULE 5 -EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 61(1) (R) IN SCHEDULE A

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER(All non- illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation Cottage Industry	One advertisement describing the nature of the home occupation or cottage industry.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup> .
Shops, showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not Applicable
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.  A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m <sup>2</sup> .  Maximum permissible total area shall not exceed 10m <sup>2</sup> & individual advertisement signs shall not exceed 6m <sup>2</sup> .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or Council of municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of such body, and  b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government Department, public authority or the Council of a municipality, and  c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A  N/A  N/A
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 <sup>2</sup> in area.

## SCHEDULE 5 - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 61(1) (R) IN SCHEDULE A (Cont'd)

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Advertisements within Buildings.	All advertisements placed or displayed within a building which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>
ii) Multiple Dwellings, Shops Commercial & Industrial projects.	One sign as for (i) above.	5m <sup>2</sup>
iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above.	10m <sup>2</sup>
	One additional sign showing the name of the project builder.	5m <sup>2</sup>
Sales of Goods or Livestock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
Property Transactions. Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed	Each sign shall not exceed an area of 2m <sup>2</sup> .
b) Multiple dwellings, shops Commercial & Industrial Properties.	One sign as for (a) above.	Each sign shall not exceed an area of 5m <sup>2</sup> .
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m <sup>2</sup> .
Display Homes Advertisement signs displayed for the period over which the homes are on display for public inspection.	i) One sign for each dwelling on display. ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m <sup>2</sup> 5m <sup>2</sup>

## SCHEDULE 6 - DEVELOPMENT AREAS

Area No.	Land Description	Purpose & Particular Requirements
DA 1	Lot 386 Hill Street & a portion of Pt Location 254 Elliot Street, Waroona  <i>AMD 16 GG 22/7/08</i>	To provide for the co-ordinated subdivision of the land, a structure plan must be prepared and approved prior to subdivision and/or development of the land.

## SCHEDULE 7 - RURAL SMALL HOLDINGS ZONES

Area No.	(a) Locality of Zone	(b) Permitted Uses and Conditions of Use
<i>RSH 1</i>	Lots 84 & 85 Riley Road, Hamel  <i>AMD 23 GG 25/9/09</i> <i>AMD 36 GG 21/10/16</i>	1. The subdivision of Lots 84 and 85 Riley Road, Hamel shall be in accordance with the approved Subdivision Guide Plan, or any variation to that plan approved by the Western Australian Planning Commission.  2. The design of dwellings is to be to a standard, and to use colours and materials, which will complement and enhance the rural setting.
<i>RSH 2</i>	Lot 15 Haub Road, Lake Clifton  <i>AMD 36 GG 21/10/16</i>	1. The minimum lot size is 5 hectares.  2. In addition to requirements of clause 4.16.6(a), all future development on the site shall maintain the following minimum setbacks: <ul style="list-style-type: none"> <li>i. 150 metres from the high water mark of Lake Clifton and;</li> <li>ii. 100 metres from extreme hazard vegetation (as identified in the approved Bushfire Management Plan).</li> </ul> 3. Conventional on-site effluent disposal systems shall not be permitted and only Health Department of WA approved alternative treatment units or other modified systems using amended soil to attenuate nutrients may be used.  4. Land will need to be ceded at the subdivision stage, to provide for the extension of Haub Road along the frontage of the site to service the lots.

## SCHEDULE 8 – ENVIRONMENTAL CONDITIONS

Scheme or Amendment No.	Gazettal Date	Environmental Conditions
<p style="text-align: center;">4</p> <p><i>AMD 4 GG 07/02/12</i></p>		<p>EC1. Wetland Protection Area</p> <p>1-1 The subdivision guide plan shall show thereon Portion of Lot 3 Southern Estuary Road (as shown as 'Conservation Area' in Attachment 1 and detailed in Attachment 2) as a Wetland Protection Area.</p> <p>1-2 The clearing of native vegetation in, or the filling or excavation of, the Wetland Protection Area is prohibited.</p>
<p style="text-align: center;">17</p> <p><i>AMD 4 GG 07/02/12</i></p>		<p>EC2. Wetland Protection Area</p> <p>1-1 The subdivision guide plan shall show thereon Portion of Lot 1 Southern Estuary Road (as shown as 'Conservation Area' in Attachment 1 and detailed in Attachment 2) as a Wetland Protection Area.</p> <p>1-2 The clearing of native vegetation in, or the filling or excavation of, the Wetland Protection Area is prohibited.</p>





## SCHEDULE A

AMD 32 GG 17/01/17

### Supplemental provisions to the deemed provisions

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

#### Clause 61(1):

- (k) the carrying out of earthworks that do not, at any point, cause the resultant ground level to deviate by greater than 0.5 metres in height above or below natural ground level, including the construction of a retaining wall;
- (l) aquaculture proposals involving the use of existing dams where no structural works are proposed;
- (m) the clearing of vegetation subject that is:
  - (i) dead, diseased or dangerous;
  - (ii) necessary for any firebreak required by law;
  - (iii) for the purpose of access to an approved dwelling or outbuilding;
  - (iv) within a defined building envelope and limited to that; or
  - (v) necessary for the construction of a dwelling, outbuildings and an area of 20 metres width surrounding the dwelling for the purpose of bushfire protection;
- (n) effluent disposal systems for domestic purposes where they comply with Scheme requirements and relevant legislation;
- (o) satellite dishes and other domestic telecommunication installation unless it does not comply with any relevant adopted standards outlined in a Local Planning Policy or is located within a Heritage Area;
- (p) "Horticulture" utilising less than 1,500kl of water per annum;
- (q) "Rural Pursuit" and works associated therewith that are shown as "P" use in the Zoning Table;
- (r) The signage and advertisements contained in Schedule 5 of this Scheme.
- (s) The erection or extension of a single house on a lot where shown as a 'P' use in the Zoning Table and all other requirements of the Scheme are met. *AMD 40 GG 27/8/19*
- (t) The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house where shown as a 'P' use in the Zoning Table and all other requirements of the Scheme are met. *AMD 40 GG 27/8/19*

# APPENDIX 1A -APPLICATION FOR PLANNING CONSENT

## SHIRE OF WAROONA APPLICATION FOR PLANNING CONSENT

1. Full Name of Owner(s) .....  
Address ..... Tel .....
2. Full Name of Applicant .....  
Address ..... Tel .....
3. Address for Correspondence .....
4. Locality of Proposed Development (Lot No. Street etc.).....
5. Certificate of Title: Vol..... Fol..... Dia/Plan .....
6. Purpose for which Applicant desires to use the land  
.....
7. Nature of buildings and other improvements(s) on the land  
.....
8. Nature of buildings and other improvement proposed to be constructed on the land  
.....
9. Est time of commencement ..... Completion.....
10. No of Employees..... Approximate Cost \$ .....
- Signature of Applicant ..... Date .....
- Signature of Owner ..... Date .....

Forms and Plans  
to be returned to:-

Chief Executive Officer  
Shire of Waroona  
Post Office Box 20  
Waroona WA 6215

### FOR OFFICE USE ONLY:

File No: ..... Gross Floor Area:.....  
Lot Area:..... Date Received: .....

Zone: ..... Policy Precinct: .....

Use Class: ..... Use Table Symbol:.....

### **NOTES:**

1. This application can only be signed by the owner, or purchaser under option, of the land on which the development is proposed.
2. This form is to be submitted to the Council with three (3) copies of site plans including access, parking layout and elevations.
3. Prior to issue of a building licence, Commercial and Industrial developers will be required to provide a detailed landscaping plan showing location and types of all trees and shrubs to be planted or retained, reticulation layout and groundcover treatment proposed.
4. This is not an application for a Building Licence. Separate application for a Building Licence must be made and granted before development commences.

# APPENDIX 2 -DECISION ON APPLICATION FOR COUNCIL'S PLANNING CONSENT

OFFICE USE ONLY:

Lot No. .... House No. .... Street ..... File No.....

## SHIRE OF WAROONA

### LOCAL PLANNING SCHEME NO. 7

#### DECISION ON APPLICATION FOR COUNCIL'S PLANNING CONSENT

Name of Owner of Land on which Development is Proposed:

Surname.....Given Names.....

Address .....

Council's Planning Consent to the proposed development, described on the application dated .....and the accompanying plans for:

located at address shown on top of page is granted subject to the following conditions/refused for the following reasons.

The Planning consent is valid for a period of ..... only. If development is not completed within this period, a fresh approval must be obtained before commencing or continuing with development.

Date.....

Signed

.....  
Chief Executive Officer/Principal Planner

Council Resolution No:...../ .....

# APPENDIX 3 - CONTROL OF ADVERTISEMENTS

## CONTROL OF ADVERTISEMENTS

### ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(To be completed in addition to Application for Planning Consent)

1. Name of Advertiser (if difference from owner):  
.....
2. Address in full:  
.....
3. Description of Property upon which advertisement is to be displayed, including full details of its proposed position within that property:  
.....  
.....
4. Details of Proposed Sign:  
Height: ..... Width: ..... Depth: .....  
Colours to be used:  
.....  
Height above ground level (to top of Advertisement) .....  
(to Underside: .....  
Materials to be used: .....  
Illuminated: YES/NO  
If YES, state whether steady, moving, flashing, alternating, digital,  
animated or scintillating etc: .....  
If YES, state intensity of light source: .....
5. State period of time for which advertisement is required:  
.....
6. Details of signs, if any, to be removed if this application is approved:  
.....  
.....  
.....

**N.B.** Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.

Signature of Advertiser(s): .....  
(If different from landowners)

Date:.....

## ADOPTION

Adopted by Resolution of the Council of the Shire of Waroona at the Planning Meeting of the Council held on the 16th day of August 1991.

.....  
G R STYLES  
Shire President

Dated 6 December, 1996

.....  
R T GOLDING  
Shire Clerk/Chief Executive Officer

Dated 6 December, 1996

## FINAL APPROVAL

1. Adopted for final approval by resolution of the Council of the Shire of Waroona at the Planning Meeting of the Council held on the 24th day of September 1996 and the Seal of the Municipality was pursuant to Resolution hereunder affixed in the presence of:

.....  
G R STYLES  
Shire President

Dated 6 December 1996

.....  
R T GOLDING  
Shire Clerk/Chief Executive Officer

Dated 6 December, 1996

This Scheme Text is to be read in conjunction with the approved Maps of the Scheme described in Clause 1.4 of this Scheme and to which formal approval was given by the Hon Minister for Planning on the date shown below.

2. Recommended/Submitted for final approval:

.....  
EVAN JONES  
for Chairman,  
Western Australian Planning Commission

Dated 8 December 1996

3. Final approval granted:

.....  
RICHARD LEWIS  
Hon Minister for Planning

Dated 8 December 1996