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SHIRE OF WICKEPIN

Local Planning Scheme No.4

Updated to include AMD 2 GG 27/01/2017



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

**Original Town Planning Scheme Gazettal
12 December 2007**

Disclaimer

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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, Lands and Heritage of any errors or omissions in this document.

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SHIRE OF WICKEPIN TPS 4 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	12/07/16	14/07/16	MLD	<p>Delete clauses from the Scheme Text, as they have been superseded by the deemed provisions.</p> <ul style="list-style-type: none"> • Parts 2, 7, 8, 9, 10 and 11 in their entirety; • Clause 5.15; 5.16.1; 5.21.1(c); 5.21.1(d); 5.22.2; and 6.1.5 in their entirety; • Schedules 6; 7; 8; 9 in their entirety; • Table 1 - Zoning Table Special Use and Development Zone columns <p>Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions,</p> <p><i>advertisement; amenity; cultural heritage significance; local government; local planning strategy; owner; premises; region scheme; substantially commenced; zone;</i></p> <p>Remove the following clauses from the Scheme Text and insert them into Schedule A – Supplemental Provisions:</p> <ul style="list-style-type: none"> • Clause 8.2 (b)(v), (b)(vi), (b)(viii), (b)(ix), (c), (f), (g), (h), (i), (j) <p>Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions:</p> <ul style="list-style-type: none"> • Clause 3.4.1(b), 3.4.2 (a); 4.3.2 'A'; 4.3.3 (Note 3.); 4.8 (c); 4.9.2; 5.4.2; 5.5.2 (a), 5.5.3 (a); 5.10; 5.22.1 (b); 6.1.7; <p>Delete reference to the following terms and replace them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> • 'consent' replaced with 'approval'; • 'planning approval' replaced with 'development approval'; • 'outline development plan' replaced with 'structure plan'; • 'council' replaced with 'local government'; • 'Town Planning Regulations 1967' replaced with '<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; <ul style="list-style-type: none"> • Insert reference to the deemed provisions and supplemental provisions in Part 1.4; • Insert Clause 18(7) of the model provisions to ensure guidance is provided for when considering applications within a special development zone; • Delete the words "Council will require an outline development plan" and insert "A structure plan is" at the beginning of clause 5.10; • Delete "Council" and replace with "the Commission" in clause 5.22.1(b); • Insert 'transportable structure/buildings' use class into the Zoning Table after 'trade display'. <p>Insert reference to the deemed provisions in the preamble to the Scheme.</p> <p>Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.</p>
2	27/01/17	31/01/17	RMc	<p>Re-classifying Lot 17 Tincurrin Road, Tincurrin known as Reserve 18106 from Local Scheme Reserve 'Public Purpose - Primary School' to 'Development' zone and amending Scheme Maps accordingly.</p>

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SHIRE OF WICKEPIN
LOCAL PLANNING SCHEME NO. 4

Preamble

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

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

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

Scheme Details

The Shire of Wickepin

Local Planning Scheme No. 4.

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

PART 1 - PRELIMINARY

1.1 CITATION

- 1.1.1 The Shire of Wickepin Scheme No. 4 (“**the Scheme**”) comes into operation on its Gazettal date
- 1.1.2 The following Scheme is revoked –
- Shire of Wickepin Town Planning Scheme No. 3
Gazetted 28 May 1996.

1.2 RESPONSIBLE AUTHORITY

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

1.3 SCHEME AREA

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

1.4 CONTENTS OF SCHEME

The Scheme comprises –

- (a) the Scheme Text;
- (b) the deemed provisions (set out in the *Planning and Development (Local Planning Scheme) regulations 2015* Schedule 2;
- (c) the supplemental provisions contained in Schedule A; and
- (d) the Scheme Map (sheets 1 - 3)

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

Note: The Scheme Maps comprise sheets 1 to 3 depicting the reservation of land for public purposes and the zoning and density coding of remaining land within the Scheme Area.

1.5 PURPOSES OF SCHEME

The purposes of the Scheme are to –

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;

- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the Schedule Seven to the Planning and Development Act.

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are through the zoning and reserving of land in appropriate locations:

- To maintain and protect valuable areas of agricultural production.
- To provide opportunities for planned, contained and sustainable settlements in accordance with the regional settlement hierarchy.
- To provide the opportunities to improve the economic base for the Scheme Area through the mixing of compatible uses as recognised in the zoning and development tables.
- To encourage a better utilisation of existing infrastructure including the increased usage of sustainable energy sources.
- To protect existing local heritage.
- To maintain the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme Area through appropriate control over the layout and design of developed areas.
- To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development.

1.7 DEFINITIONS

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

- a) in the Planning and Development Act; or
- b) if they are not defined in that Act –
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.

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

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

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

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

1.8 RELATIONSHIP WITH LOCAL LAWS

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

1.9 RELATIONSHIP WITH OTHER SCHEMES

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

PART 2 – RESERVES

2.1 RESERVES

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

2.2 REGIONAL RESERVES

There are no regional reserves in the Scheme area.

2.3 LOCAL RESERVES

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

2.4 USE AND DEVELOPMENT OF LOCAL RESERVES.

2.4.1 A person must not –

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

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

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

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

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

PART 3 – ZONES AND THE USE OF LAND

3.1 ZONES

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

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

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are –

(a) Town Centre Zone

- To provide for a consolidated, accessible, safe and vibrant town centre with a mix of compatible uses.
- To protect, maintain and enhance where possible the visual and heritage elements of the town.
- To maintain the attractive features of a rural town lifestyle.

(b) Rural Townsite Zone

- To provide for a consolidated, accessible, safe and vibrant townsite with a mix of compatible uses that may be found in a small country town.
- To protect, maintain and enhance where possible the visual elements of the town particularly its rural setting and character.
- To protect the residential amenity of the town from commercial or industrial uses.
- To provide for the protection of the natural environment.

(c) Residential Zone

- To provide for a range of housing choice with high level of amenity in residential areas and which reflects a rural lifestyle.

(d) Rural-Residential Zone

- To provide opportunities for planned, contained and sustainable low-density living environments in locations which do not adversely impact upon general agriculture production and/or town development and in accordance with the regional settlement hierarchy.
- To provide for a range of rural lifestyle opportunities such as hobby farms, horse breeding, rural retreats.
- To ensure rural-residential development is managed to minimise impacts on the natural environment and to enhance natural resource management.
- To ensure that all lots are adequately serviced with the necessary infrastructure.

(e) **General Agriculture Zone**

- To protect areas of broadacre agricultural significance for sustainable production.
- To encourage processing and value adding industries to be located within the zone.
- To encourage intensive agriculture where it can be demonstrated that off-site impacts (if any) will not adversely affect existing agricultural activities.
- To protect and enhance rural landscapes.
- To protect the natural environment and biodiversity while ensuring appropriate development opportunities within the zone are realised.
- To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning.

(f) **Industry Zone**

- To encourage the consolidation of industrial development into areas which have been appropriately located for that purpose.
- To improve the amenity and visual appearance of industrial areas through appropriate landscaping.
- To protect the amenity of zones abutting the Industry zone.

(g) **Development Zone**

- To make provision for future residential and industrial development.
- To ensure that development zoned areas are developed in an orderly manner in accordance with an approved Structure Plan.

3.3 ZONING TABLE

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

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

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions;
- 'X' means a use that is not permitted by the Scheme.

TABLE 1 - ZONING TABLE

LANDUSE	Town Centre	Rural Townsite	Residential	Rural Residential	General Agriculture	Industry
abattoir	X	X	X	X	A	X
agriculture – extensive	X	X	X	X	P	X
agriculture – intensive	X	X	X	X	A	X
agroforestry	X	X	X	A	P	X
amusement parlour	A	A	X	X	X	X
animal establishment	X	X	X	A	D	A
animal husbandry – intensive	X	X	X	X	A	X
bed & breakfast	A	P	A	D	P	X
betting agency	D	A	X	X	X	X
caravan park	A	A	X	X	D	X
caretaker’s dwelling	D	D	X	X	D	D
car park	D	A	X	X	X	D
childcare premises	D	D	D	D	X	X
cinema/theatre	D	A	X	X	D	X
civic use	P	P	A	A	A	X
club premises	P	D	X	X	D	X
community purpose	P	D	A	D	D	X
consulting rooms	P	D	A	X	X	X
convenience store	P	P	A	X	X	X
corrective institution	X	X	X	X	A	X
dwelling - grouped	D	D	P	X	X	X
dwelling - single	D	P	P	P	P	X
educational establishment	D	A	A	X	A	A
exhibition centre	D	D	X	D	D	X
family day care	D	D	D	D	D	X
fast food outlet	A	A	X	X	X	X
fuel depot	A	D	X	X	D	D
funeral parlour	D	A	X	X	X	X
home business	D	D	A	A	A	X
home occupation	D	D	A	A	P	X
home office	P	P	P	P	P	X
home store	D	D	A	X	X	X
hospital	D	A	X	X	X	X
hotel	A	A	X	X	X	X
industry – cottage	P	P	A	D	D	X
industry – extractive	X	X	X	X	A	A
industry – general	X	X	X	X	D	P
industry – light	D	D	X	X	X	D
industry – mining	X	X	X	X	A	X

LANDUSE	Town Centre	Rural Townsite	Residential	Rural Residential	General Agriculture	Industry
industry – rural	D	X	X	X	D	A
industry – service	P	D	X	X	X	D
lunch bar	P	D	X	X	X	D
market	D	D	X	X	D	X
medical centre	P	D	A	X	X	X
motel	D	D	X	X	X	X
motor vehicle, boat or caravan sales	D	D	X	X	X	X
motor vehicle repair	A	D	X	X	D	P
motor vehicle wash	D	D	X	X	D	P
nightclub	D	A	X	X	X	X
office	P	D	X	P	P	X
park home park	A	A	D	D	A	X
place of worship	P	D	A	A	D	X
plantation	X	X	X	X	A	X
reception centre	A	D	X	A	A	X
recreation – private	D	D	A	D	D	A
residential building	D	P	P	P	P	X
restaurant	D	D	A	X	A	X
restricted premises	D	A	X	X	X	X
rural home business	X	A	X	A	D	X
rural pursuit	X	D	X	A	P	D
service station	D	D	X	X	X	A
shop	P	P	X	X	X	X
showroom	D	D	X	X	X	A
storage	A	A	X	X	D	P
tavern	D	D	X	X	X	X
telecommunications infrastructure	A	D	X	D	D	D
trade display	D	D	X	X	X	A
transportable structure/buildings	D	D	D	D	D	X
veterinary centre	D	D	X	A	A	A
warehouse	A	A	X	X	X	P
winery	X	D	X	A	A	X

3.3.3 A change in the use of land from one use to another is permitted if –

- a) the local government has exercised its discretion by granting development approval;
- b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

- c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- d) the change is to an incidental use that does not change the predominant use of the land.

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

3.4 INTERPRETATION OF THE ZONING TABLE

- 3.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –
 - a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for development approval; or
 - c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
- 3.4.3 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.

3.5 ADDITIONAL USES

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

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

3.6 RESTRICTED USES

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

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

3.7 SPECIAL USE ZONES

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

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

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

3.8 NON-CONFORMING USES

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

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

Note: "Land" has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.

3.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

3.9.1 A person must not –

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

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

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

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

3.10 DISCONTINUANCE OF NON-CONFORMING USE

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

3.11 TERMINATION OF A NON-CONFORMING USE

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

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

3.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

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

PART 4 – GENERAL DEVELOPMENT REQUIREMENTS

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.2 RESIDENTIAL DESIGN CODES

- 4.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
- 4.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
- 4.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

4.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

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

4.4 RESTRICTIVE COVENANTS

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

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

- a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
- b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that –

- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.6 ENVIRONMENTAL CONDITIONS

4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 6 of the Scheme.

4.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

4.6.3 The local government is to –

- a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
- b) make statements available for public inspection at the offices of the local government.

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

4.7 DEVELOPMENT STANDARDS AND REQUIREMENTS

4.7.1 Except where otherwise provided in the Scheme, development standards and requirements shall be in accordance with Development Table - General (Table 2).

4.7.2 Notwithstanding any other provisions of this Scheme, residential development with an R20 code or higher, in the Residential zone, the Town Centre zone and in the Rural Townsite zone shall be connected to a comprehensive sewerage system. Where such a connection is not available, and cannot reasonably be made available, the development will be assessed in accordance with the provisions of the Government Sewerage Policy.

- 4.7.3 Except as specified elsewhere in the Scheme or in the Residential Design Codes, no person shall use the land between the street alignment and the front setback, other than for:
- a) gardens and other landscaping;
 - b) access driveways; and
 - c) the parking of any motor vehicle or caravan for periods of not more than eight (8) hours consecutively.

TABLE 2 - DEVELOPMENT TABLE - GENERAL⁽¹⁾

Land Use Zones	Min Lot Area (m ²)	Min Effect Frontage (m)	Min Boundary Setbacks (m)			Maximum Plot Ratio ⁽⁴⁾	Min Car Parking Spaces ⁽⁵⁾	Min Landscaping (% of Site) ⁽⁷⁾
			Front ⁽²⁾	Rear	Side ⁽³⁾			
Town Centre⁽⁶⁾	-	-	As determined by local government			0.8	1/15m ² of GLA for retail/commercial; 1/25m ² of GLA for office; 2/practitioner for consulting rooms; 1/5m ² of public areas; 1/bedroom for accommodation; or combination of above as determined by local government .	As determined by the local government .
Rural Townsite	-	-	As determined by local government			0.5		As determined by the local government.
Industry								
Warehouses	1000	25	15	7.5	5	0.60	1 per 50m ² of GLA or as determined by local government .	15
Light	1000	25	11	7.5	5	0.60		15
Factory Units	2000	30	11	5.0	5	0.60		15
General	2000	30	15	7.5	5	0.50		20
Residential	In accordance with the Residential Design Codes as varied by Scheme provisions							
Rural Residential		25	15	10	10	Residences, outbuildings within defined building envelopes or as determined by local government	n/a	As determined by the local government I or Scheme provisions and the local government's 's Natural Resource Management Policy.
General Agriculture		n/a	20 (50 to major road)	20	20	n/a	n/a	In accordance with Scheme provisions and the local government's Natural Resource Management Policy.
Development	See Clause 4.22							
Special Use	As determined by local government							

Footnotes

- (1) Development standards may be varied by local government at its discretion under Clause 4.5 and in accordance with Scheme provisions.
- (2) Where a lot has more than one street frontage, local government may reduce the minimum setback to the secondary street (as determined by local government by not more than 50% subject to Clause 4.19.6 in the Rural Residential zone.
- (3) Side setbacks in the Industry zone may be reduced to zero subject to the agreement of the adjoining owner and the construction of a parapet wall to local government's satisfaction.
- (4) Maximum plot ratio may be varied in the Town Centre and Rural Townsite zones in accordance with the provisions of Clause 4.18.
- (5) The car parking requirement may be varied in accordance with the provisions of Clause 4.13.3 and/or 4.13.5.
- (6) Development standards for the Town Centre zone may be varied in accordance with the provisions of Clause 4.18.
- (7) local government may vary landscaping requirements for development where it abuts a highway or major road.

4.8 DEVELOPMENT OF LAND WITHOUT CONSTRUCTED/DEDICATED ROAD FRONTAGE OR ACCESS

Notwithstanding any other provision of the Scheme, the local governments development approval is required for any development on land abutting an un-constructed road or a lot or location which does not have frontage to a dedicated road. In considering such an application, the local government may: -

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

4.9 CATEGORIES OF DEVELOPMENT OR DEVELOPMENT IN AREAS AFFECTED BY LOCAL PLANNING POLICIES

Where local government adopts a Local Planning Policy under the provisions of Part 2 of the deemed provisions, local government shall have due regard to the provisions of such a policy affecting a specific area or development type in determining applications for development approval in addition to the relevant provisions of the Scheme.

4.10 STRUCTURE PLANS

A Structure Plan is to be prepared in accordance with Part 4 of the deemed provisions, prior to its consideration of an application to subdivide in the Special Use zone, Development zone and in the Rural Residential, Industry and Residential zones, when the proposed development proposes to create more than five (5) lots or an area greater than 10 ha is to be subdivided.

4.11 AMENITY PROVISIONS

4.11.1 Relocated Second-hand buildings

local government may permit the erection of a transported building on a lot where:

- a) in its opinion such building is in a satisfactory condition and the design and location of the building is to the satisfaction of local government, and will not adversely affect the amenity of the locality;
- b) the proposal complies with the provisions of local government's Local Planning Policy - Relocated Buildings.

4.11.2 Derelict Vehicles, Machinery and Objects

Local government shall not permit the storage and/or wrecking of derelict vehicles, sea containers or machinery or the storage of any materials within any zone if it is visible from any road or where, in the opinion of local government, it detracts from the amenity of the landscape.

4.11.3 Outbuildings

- a) development approval will not be granted for any outbuildings on any Rural Townsite or Rural Residential zoned lot which does not contain a residence.
- b) The design and construction of outbuildings will be in accordance with the provisions of local government's Local Planning Policy - Outbuildings.

4.11.4 Use of Setback Areas

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

- a) a means of access;
- b) the daily parking of vehicles;
- c) loading and unloading of vehicles;
- d) trade display only with the approval of the Local government; and
- e) landscaping.

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

4.11.6 Parking and Repair of Commercial Vehicles in Residential Areas

The parking of a commercial vehicle in excess of 3 tonnes tare weight shall not be permitted on any Residential zoned lot without the approval of local government except for the purpose of delivering or loading normally associated with domestic residential uses. Any such approval shall be valid for a period of 12 months only and will be subject to renewal by local government at 12 monthly intervals thereafter.

4.12 LANDSCAPING

4.12.1 The landscaping requirement for particular developments and land uses are listed in the Development Table - General (Table 2) or as varied by the provisions of this Scheme.

4.12.2 The landscaping requirement shown in the Development Table - General (Table 2) or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of local government natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however garbage collection and handling spaces, and other open storage areas shall not be included.

4.12.3 In considering the landscaping requirement of any application for development approval, local government will have due regard to local government's Local Planning Policy - Landscaping.

4.12.4 Access driveways between a street alignment and any buildings may be included in the landscaping requirement but other car parking areas and driveways shall not be included.

4.12.5 Landscaping required pursuant to this Scheme or pursuant to a conditional development approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government and shall thereafter be permanently maintained to the satisfaction of the local government.

4.12.6 No person shall, unless the local government otherwise approves, occupy any buildings forming part of an approved development until the required landscaping has been constructed and planted.

4.12.7 Retaining Walls/Screen Walls

No retaining wall shall be constructed which alters the contours of the natural surface by more than 0.6 metres without the approval of local government.

4.13 CAR PARKING

4.13.1 The off street car parking requirements for particular developments and land uses are listed in the Development Table - General. (Table 2) or as varied by the provisions of this Scheme.

54.13.2 Subject to the provisions of this Clause, the car parking requirements shall be provided on the site which is the subject of the proposed development, or with the approval of local government in the immediate vicinity thereof.

4.13.3 Where an applicant for development approval can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in Table No. 2, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking not as landscaping.

4.13.4 Where the maximum dimension of an open car parking area exceeds 20 m in length or width, one parking space in every 20 shall be used for garden and planting of native plants and trees to provide visual relief and so long as the garden and planting areas are maintained in good order, those parking spaces shall be included in calculations as landscaping and not as car parking.

4.13.5 Where an applicant for development approval can demonstrate that other off-street parking facilities are available to be shared with other land uses operating at different times, local government may approve a development with less than the required number of on-site car bays provided:

- a) 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; and
- b) landowners who request sharing of parking facilities enter into a legal agreement to local government's satisfaction for reciprocal rights to parking facilities.

4.14 TRAFFIC MANAGEMENT

4.14.1 Parking, loading and unloading and access, complete with necessary drainage, signs and marking as required by local government shall be provided prior to any occupation of the development or at such time as may be agreed in writing between local government and the developer. Such areas shall be maintained to the satisfaction of local government.

4.14.2 Traffic Entrances

- a) 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.
- b) Access to a lot for vehicles shall not be permitted directly to or from major roads where access is available from side or rear streets.
- c) Where access to a lot abutting a major road outside of the Town Centre 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.
- d) In the case of access to any road which is the responsibility of Main Roads Western Australia, that department is to be consulted prior to the construction/modification or closure of any vehicular access to such road.

4.14.3 Visual Truncations

Except with the approval of local government, no building, or fence or other form of visual obstruction greater than 0.75m in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within a 15m truncation of a street corner or within a 3m by 1.5m truncation of a vehicular access way.

4.14.4 Access for Loading and Unloading Vehicles

In non-residential zones

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

4.15 HOME OCCUPATION/HOME BUSINESS/HOME OFFICE

4.15.1 Where local government issues an approval to conduct a home occupation or a home business, the approval relates to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change in the occupier of the land in respect of which a home occupation or home business approval is issued, the approval is cancelled.

4.15.2 If in the opinion of the local government, a home occupation or home business is causing a nuisance or annoyance to owners or occupiers of land in the locality, the local government may rescind the approval.

4.15.3 An approval to conduct a home occupation or home business is issued subject to an annual permit which may be renewed by application to the local government for development approval.

4.15.4 In considering an application for home occupation or home business local government will have regard for the provisions of local government's Local Planning Policy - Home Occupation/Home Business.

4.16 NATURAL RESOURCE MANAGEMENT

4.16.1 Notwithstanding the specific provisions of the Scheme or any Local Planning Policies detailed within the Scheme, local government shall in considering any development proposal have regard to any systems areas designated by the Environmental Protection Authority and/or any Drainage Plan and/or Soil Conservation Plan which relates to land within the Scheme area.

4.16.2 Tree Planting/Vegetation Corridors/Greenbelt

In order to improve the environmental amenity of areas that local government considers deficient in tree cover, local government may require as a condition of any development approval, the planting of such trees and/or groups of trees and species as specified by the local government.

4.16.3 local government may also require on the advice of Landcare Groups, Agriculture WA or the Department of Environment, tree planting and/or drainage measures in designated areas through its Local Planning Policy - Natural Resource Management.

4.17 DEVELOPMENT IN THE TOWN CENTRE AND RURAL TOWNSITE ZONES

4.17.1 Notwithstanding the standards contained in the Development Table - General the local government may vary plot ratios subject to the following considerations:

- a) the proportion of the site area to be covered by building;
- b) any area of public space in relation to the site area;
- c) the amalgamation of the site area with adjacent allotments;
- d) conformity with the Scheme objectives for the particular zone.

4.17.1 Subject to Clause 4.17.1 local government may approve the following variations within the Town Centre and Rural Townsite zones for non-residential development.

- a) An increase in plot ratio of 20% may be granted where local government is satisfied that public open areas, courtyards or colonnades or other setbacks or preservation of heritage buildings warrants an increase to the permissible plot ratio;
- b) Site coverage of up to 100% where local government is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing, loading and unloading, stormwater drainage, effluent disposal and any other matter which local government deems necessary; and

- c) A zero building setback from the front boundary where landscape and paved pedestrian areas are to be provided adjacent to the front boundary and local government is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing and loading and unloading.
- d) Development shall not exceed 2 storeys in height except where local government considers that particular circumstances may warrant an exception and provided local government is satisfied that the proposal is compatible with the objectives for the zone; and
 - (i) will not restrict light, sunshine and natural ventilation enjoyed by surrounding properties;
 - (ii) will not intrude upon the privacy enjoyed by surrounding properties with overview;
 - (iii) will not diminish views or outlook available from surrounding properties;
 - (iv) is sympathetic with the townscape and character of the surrounding built environment.

4.17.3 For mixed use development comprising a combination of residential and non-residential uses, the provisions of Part 4.2 of the Residential Design Codes will apply to the residential component of the development, and the provisions of this Scheme to the non-residential component of the development.

4.17.4 In considering an application for development approval for a proposed development (including additions and alterations to existing development) in the Rural Townsite zone, local government will have regard to the effect of the proposed use on local residential amenity.

4.17.5 Development proposals shall recognise the preservation of areas or buildings of architectural or historic interest and the development of land abutting the same.

4.17.6 Change of Use to Existing Premises

Within the Town Centre and Rural Townsite zones, the local government at its discretion may vary the application of the relevant development standards in respect of any development involving a change of land use of an existing building.

4.17.7 local government may prepare a Local Planning Policy and/or Plan for all or part of the Town Centre and/or Rural Townsite zones where development and uses will accord with the Policy provisions and/or Plan in addition to relevant Scheme provisions.

4.17.8 local government will not support commercial or industrial uses in the Town Centre or Rural Townsite zone where the predominant established use is for residential purposes unless their impacts can be adequately buffered.

4.18 DEVELOPMENT IN THE RURAL RESIDENTIAL ZONE

4.18.1 In addition to a building licence, all development, including a single house will require an application for development approval to be made to local government, unless it is within a defined building envelope accepted by local government

- 4.18.2 Only one dwelling will be permitted on any lot in the Rural Residential zone.
- 4.18.3 local government may permit ancillary accommodation providing it is located within the same building envelope or building clearance area as the first or primary dwelling, or otherwise complies with the Residential Design Codes.
- 4.18.4 Outbuildings in excess of 65m² floor area will not be granted development approval on any lot within the Rural Residential zone, unless a single dwelling exists on the lot, or is to be constructed as the first stage of the development proposal.
- 4.18.5 The minimum setbacks for dwellings, outbuildings, or any other structure shall be in accordance with the Development Table - General (Table 2) or as varied by the provisions of this Scheme.
- 4.18.6 In the case where a lot has more than one street frontage, local government may at its discretion permit the construction of buildings nearer to the secondary street frontage nominated by local government, but not nearer than 10m to that street or streets.
- 4.18.7 For the purposes of guiding subdivision and development in specific rural residential zones, the provisions set out in Schedule 7 (where different to Scheme Provisions) shall apply to the specified zones. Future subdivision will be required to generally accord with an Structure Plan prepared for the specified area referred to in Schedule 7 and such a plan of subdivision shall form part of the Scheme.
- 4.18.8 Proposals for Rural Residential zones shall have due regard to local government's Local Planning Policy - Rural Residential Development.

4.19 DEVELOPMENT IN THE GENERAL AGRICULTURE ZONE

- 4.19.1 In assessing applications for development and/or subdivision within the General Agriculture zone, local government will consider the following:
 - a) the availability of services required to support the proposed development or subdivision and the economic impact of the provision of, extension or upgrading of those services that may be required;
 - b) the adequacy of the roads, existing or proposed in the area which may be needed to support the amount of road traffic expected to be generated by the development or subdivision; and
 - c) the need to enforce such conditions as local government deems appropriate in order to minimise any adverse effect the development or subdivision may have on the general environment of the area.
- 4.19.2 local government may grant approval of up to two dwellings on any lot, provided the lot exceeds 40ha in area, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.
- 4.19.3 local government shall refuse an application for development approval where in its opinion the proposed development will adversely affect the rural landscape or will adversely impact upon the agricultural use of the land.
- 4.19.4 An application for development approval for intensive agriculture in the General Agriculture zone shall be assessed by local government in accordance with local government's Local Planning Policy - Intensive Agriculture.

4.20 DEVELOPMENT IN THE INDUSTRY ZONE

Factory Unit Development

Land in the Industry zone may be used for a Factory Unit development, provided that:

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

4.21 DEVELOPMENT IN THE DEVELOPMENT ZONE

4.21.1 Development in the Development zone will be subject to:

- a) The availability of services adequate to accommodate the proposed development.
- b) The preparation of a Structure Plan prepared in accordance with the provisions of Sub-Clause 4.10 and Part 4 of the deemed provisions and approved by the Commission.

PART 5– SPECIAL CONTROL AREAS

5.1 OPERATION OF SPECIAL CONTROL AREA

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

- Harrismith townsite;
- Tincurrin townsite;
- Toolibin townsite.

5.1.2 The base zoning for each special control area is “Rural Townsite”.

5.1.3 Purpose

The purpose of the special control area in each case is to guide development in an orderly manner:

- a) in accordance with and consistent with the limitations of existing infrastructure;
- b) local government's regional settlement hierarchy;
- c) the natural resource management provisions of this Scheme;
- d) the general land use allocations indicated in local government's policy plan for each area.

5.1.4 Application Requirements

An application for development approval is required for all development within the special control area.

5.1.6 Relevant Considerations

An application for development approval for any use other than residential needs to demonstrate how its operation and location will be compatible with existing residences.

5.1.7 An application for a use which would otherwise not be permitted in the Scheme for the particular zone or reserve may be approved by local government having regard to the following criteria and only after following the procedure set down in Clause 64 of the deemed provisions:

- the consistency of the proposal with the regional settlement hierarchy;
- the adequacy of existing infrastructure to accommodate the proposal;
- the compatibility of the proposal with existing residential development;
- the protection of heritage sites;
- the protection of environmental features/values;
- the compatibility of the proposal with Reserve purposes.

5.1.8 An application for development approval will, where appropriate, be referred to the servicing agencies to establish the need for, or adequacy of infrastructure to satisfactorily service the development.

SCHEDULES

Schedule 1	Dictionary of defined word and expressions
	1. General definitions
	2. Land use definitions
Schedule 2	Additional Uses
Schedule 3	Restricted Uses
Schedule 4	Special Use Zones
Schedule 5	Exempted Advertisements
Schedule 6	Environmental Conditions
Schedule 7	Rural Residential Zones and Provisions
SCHEDULE A -	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> deemed provisions for local planning schemes

SCHEDULE ONE - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

1. General definitions

In the Scheme –

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

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

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

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

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

“**Gazettal date**” in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87 of the Planning and Development Act;

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

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

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

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

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

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

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

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

“**place**” in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

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

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

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

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

“**Residential Design Codes**” means the Western Australian Planning Commission Statement of Planning Policy No. 3.1 – Residential Design Codes, as amended from time to time;

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

“**transportable structure/dwellings**” means a structure for ease of transporting from one location to another, and includes structures such as “Donga” units with skid mountings, metal sandwich panel and flat roof design, and other proprietary names like “Durabuilt”, “Atco” and the like;

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

2. Land use definitions

In the Scheme –

“**abattoir**” means land and buildings for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products;

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

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

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

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

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

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

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

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

“betting agency” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

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

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

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

“child care premises” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;

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

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

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

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

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

“convenience store” means premises –

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

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

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

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

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

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

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

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

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

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

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

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

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

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

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

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

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

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

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

incidental to any of those industrial operations;

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

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

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

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

“industry – light” means an industry –

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

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

“industry – rural” means –

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

“industry – service” means –

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

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

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

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

“**motel**” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

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

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

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

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

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

“**night club**” means premises –

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

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

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

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

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

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

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

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

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

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

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

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

- a) does not employ more than 5 people not members of the occupier's household;
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) does not occupy an area greater than 200 square metres;
- d) in relation to vehicles and parking does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of more than 3 vehicles of more than 3.5 tonnes tare weight; and
- e) does not involve the use of an essential service of greater capacity than normally required in the zone.

“rural pursuit” means any premises used for –

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

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

“service station” means premises used for –

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE TWO - ADDITIONAL USES

No.	Description of land	Additional use	Conditions

SCHEDULE THREE - RESTRICTED USES

No.	Description of land	Restricted use	Conditions

SCHEDULE FOUR - PECIAL USE ZONES

No.	Description of land	Special use	Conditions

SCHEDULE FIVE - EXEMPTED ADVERTISEMENTS

Land use and/or development	Exempted sign	Maximum size
Dwellings	One professional name plate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worships, meeting halls and places of public assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Shops, showrooms and other uses appropriate to the town site 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.	N/A
Industrial	A maximum of 4 advertisements applied to or affixed to the wall of the building.	

SCHEDULE SIX - ENVIRONMENTAL CONDITIONS

(Does not apply to this Scheme)

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE SEVEN - RURAL RESIDENTIAL ZONES AND PROVISIONS

Description of Location	Provisions
<p>Lots 1 & 2 of Williams Location 1626, Wogolin Road, Wickepin</p>	<ol style="list-style-type: none"> 1. Subdivision to accord generally with the layout contained in an approved Structure Plan. 2. Development and land management to accord with local government's Local Planning Policy - Rural Residential Development.
<p>Lot 2 & 110 White Road and Wickepin - Harrismith Road</p>	<ol style="list-style-type: none"> 1. Subdivision to accord generally with the layout contained in an approved Structure Plan 2. Development and land management to accord with local government's Local Planning Policy - Rural Residential Development.

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

Supplemental provisions to the deemed provisions

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

Clause 61(1)

- (k) the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990 Part 6*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
 - (vi) on land which is zoned Rural Residential and a building envelope has not been formally identified for the lot;
 - (vii) abutting a major road reserved in the Scheme;
 - (viii) on a lot or location which does not have access to a dedicated and constructed road;
- (l) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990 Part 6*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;

- (vi) on a lot of 2 hectares or less and are outside a defined building envelope accepted by local government;
- (vii) on land which is zoned Rural Residential and a building envelope has not been formally identified for the lot;
- (m) the demolition of any building or structure except where the building or structure is –
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme
- (n) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area;
- (o) the erection of a boundary fence or screen wall except where within 0.9 m of a dividing boundary and/or to a height of greater than 1.8 m above natural ground level;
- (p) the carrying out of any works on, in, over or under a street or road by a public authority acting in pursuant of its statutory obligations;
- (q) the carrying out of works urgently required for public safety or for the safety or security of plant or equipment or for the maintenance of essential services

Clause 61(2)

- (g) the use of land in a reserve, where such land is vested in Council or vested in a Public Authority:
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;

provided the development complies with the provisions of the Development Table - General for the surrounding or relevant land use zone as determined by Council.

ADOPTION

Adopted by resolution of the Council of the SHIRE OF WICKEPIN at the meeting of the Council held on the _____ day of _____ 20____ and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT _____

CHIEF EXECUTIVE OFFICER _____

FINAL APPROVAL

Adopted by resolution of the Council of the SHIRE OF WICKEPIN at the meeting of the Council held on the _____ day of _____ 20____ and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT _____

DATE:_____

CHIEF EXECUTIVE OFFICER _____

DATE:_____

Recommended for Final Approval

For Chairman of the Western Australian Planning Commission
Delegated under S16 of PD Act 2005

SIGNED:_____

DATE:_____

Final Approval Granted

_____ A MACTIERNAN, Minister for Planning and Infrastructure

DATE:_____