

SHIRE OF NARROGIN

LOCAL PLANNING SCHEME NO. 3

Updated to include AMD GG



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

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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 NARROGIN LOCAL PLANNING SCHEME NO.3

PREAMBLE

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

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

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SHIRE OF NARROGIN LOCAL PLANNING SCHEME NO. 3 – AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
Scheme 3	03/05/2023	01/06/2023	HB	

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PART 1 - PRELIMINARY

1.1 Citation

This local planning scheme is the Shire of Narrogin Scheme No. 3.

1.2 Commencement

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

The following Schemes are revoked –

Name:	Gazettal date:
Town of Narrogin Town Planning Scheme No.2.....	June 17, 1994
Shire of Narrogin Town Planning Scheme No.2.....	October 3, 1997

1.4 Notes do not form part of Scheme

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

Note: The Interpretation Act 1984 section 3.2 makes provision in relation to whether headings form part of the written law.

1.5 Responsibility for Scheme

The Shire of Narrogin 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

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

1.7 Contents of Scheme

1.7.1 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 supplemental provisions contained in Schedule A; and
- (c) the Scheme Map.

1.7.2 This Scheme is to be read in conjunction with any local planning strategy for the Scheme Area.

Note: The Scheme Map comprises six (6) separate map sheets. Maps 1 to 4 are at a scale of 1:50,000 and cover all of the local government district of the Shire of Narrogin. Maps 5 and 6 are at a scale of 1:7,500 and 1:5,000 respectively and cover the Narrogin and Highbury townships.

1.8 Purposes of Scheme

The purposes of this Scheme are to –

- (a) set out the local governments' 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 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 set out in Schedule 7 of the Act.

1.9 Aims of Scheme

The aims of the Scheme are -

- (a) to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;
- (b) to ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;
- (c) to provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;
- (d) to reinforce the Narrogin townsite's role as a sub-regional centre providing shopping, commercial, industrial, civic, educational, administrative and welfare services to the surrounding sub-region;
- (e) to provide opportunities for planned, contained and sustainable settlements outside the Narrogin townsite in accordance with the regional settlement hierarchy;
- (f) to provide opportunities to improve the economic base for the Scheme Area through the mixing of compatible uses as recognised in the zoning and development tables;
- (g) to encourage better utilisation of existing infrastructure including the increased usage of sustainable energy sources;
- (h) to preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist through the Scheme Area;
- (i) to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;

- (j) to protect, conserve and enhance the environmental values and natural resources of the Scheme area including the protection of remnant vegetation and the rehabilitation and revegetation of degraded land while providing appropriate development opportunities to promote the local economy;
- (k) to promote ecologically sustainable land use and development;
- (l) to assist the effective implementation of the State Planning Strategy, State Planning Framework (SPP No.1) and other adopted strategies and policies as these apply to the Wheatbelt Region; and
- (m) to make provision for other matters necessary or incidental to town planning and development generally.

1.10 Relationship with local laws

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

There are no other local planning schemes of the Shire of Narrogin which apply to the Scheme Area.

1.12 Relationship with region planning scheme

There are no region planning schemes which apply to the Scheme Area.

PART 2 – RESERVES

2.1 Regional Reserves

There are no regional reserves in the Scheme area.

2.2 Local Reserves

(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.

(3) The objectives of each zone are as follows –

Table 1 – Reserve Objectives

Reserve Name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental Conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.
State Forest	<ul style="list-style-type: none"> To identify areas of State Forest.
Cultural Facilities	<ul style="list-style-type: none"> Civic and Community which specifically provide for a range of essential cultural facilities.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure
Medical Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential medical services.
Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential emergency services.
Heritage	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of heritage purposes.
Government Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Car Park	<ul style="list-style-type: none"> To set aside land required for a car park.
Drainage/ Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.

Reserve Name	Objectives
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Recreational	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of public recreational facilities.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none"> To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

2.3 Additional uses for local reserves

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

PART 3 – ZONES AND THE USE OF LAND

3.1 Zones

3.1.1 Zones are shown on the Scheme Map according to the legend on the Scheme Map.

3.1.2 The objectives of each zone are as follows –

Table 2 – Zone Objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ul style="list-style-type: none"> • To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. • To provide for a range of residential densities to encourage a variety of residential accommodation. • To provide for the progressive and planning development of future areas for residential purposes and for commercial and other uses normally associated with residential development.
Rural	<ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific local rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

Zone name	Objectives
Rural Residential	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 1 ha to 4 ha. • To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Smallholdings	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 4 ha to 40 ha. • To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Townsite	<ul style="list-style-type: none"> • To provide for a range of land uses that would typically be found in a small country town.
Rural Enterprise	<ul style="list-style-type: none"> • To provide for light industrial and ancillary residential development on one lot. • To provide for lot sizes in the range of 1 ha to 4 ha. • To carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses. • To notify prospective purchasers of potential amenity impacts from light industrial land uses.
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.
Industrial Development	<ul style="list-style-type: none"> • To designate land for future industrial development. • To provide a basis for future detailed planning in accordance with the structure planning provisions in the Scheme.
Commercial	<ul style="list-style-type: none"> • To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or to improve the existing streetscape. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

Zone name	Objectives
Service Commercial	<ul style="list-style-type: none"> • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.
Tourism	<ul style="list-style-type: none"> • To promote and provide for tourism opportunities. • To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area. • To allow limited residential uses where appropriate. • To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.
Special Use	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the local government to impose specific conditions associated with the special use.

3.2 Zoning Table

TABLE 3: ZONING TABLE

LAND USE	Zones											
	Commercial	Rural Townsite	Service Commercial	Residential	Rural Residential	Rural Smallholding	Rural	Rural Enterprise	General Industry	Tourism	Urban Development	Industrial Development
abattoir	X	X	X	X	X	X	A	X	A	X	Refer to clause 18 of the deemed provisions Refer to clause 3.3.6	Refer to clause 18 of the deemed provisions Refer to clause 3.3.6
agriculture – extensive	X	X	X	X	X	X	P	X	X	X		
agriculture – intensive	X	X	X	X	A	A	D	X	X	X		
amusement parlour	P	A	D	X	X	X	X	X	X	A		
animal establishment	X	X	X	X	A	A	D	A	A	X		
animal husbandry – intensive	X	X	X	X	X	X	D	X	X	X		
bed and breakfast	X	D	X	A	D	D	D	X	X	D		
betting agency	D	A	D	X	X	X	X	X	X	X		
brewery	D	A	D	X	X	X	A	X	A	D		
bulky goods showroom	D	D	P	X	X	X	X	X	A	X		
caravan park	X	A	X	X	X	X	A	X	X	D		
caretaker's dwelling	D	D	D	X	X	X	X	P	D	D		
car park	D	D	D	X	X	X	X	D	X	A		
childcare premises	D	D	X	D	X	X	X	X	X	A		
cinema / theatre	D	A	A	X	X	X	X	X	X	D		
civic use	P	P	A	A	A	A	A	X	A	D		
club premises	P	D	A	X	X	X	D	D	X	D		
commercial vehicle parking	A	A	D	A	A	A	D	D	P	D		
community purpose	P	D	D	A	D	D	D	D	X	D		
consulting rooms	P	D	D	A	X	X	X	X	X	X		
convenience store	P	P	A	A	X	X	X	X	A	A		
corrective institution	X	X	X	X	X	X	A	X	X	X		
educational establishment	D	A	A	A	X	X	A	X	A	X		
exhibition centre	D	D	A	X	X	D	D	P	X	D		
family day care	D	D	A	A	D	D	X	X	X	X		
fast food outlet	A	A	A	X	X	X	X	X	X	X		
fuel depot	A	A	A	X	X	X	I	X	D	X		
funeral parlour	D	A	A	X	X	X	X	A	X	X		
garden centre	D	D	D	X	X	X	D	D	P	X		
holiday accommodation	X	D	X	A	A	D	D	X	X	D		
holiday house	X	D	X	D	D	D	D	X	X	X		
home business	P	D	X	P	P	P	P	P	X	X		
home occupation	P	P	X	P	P	P	P	P	X	X		
home office	P	P	X	P	P	P	P	P	X	X		
home store	X	D	X	A	X	X	X	X	X	X		
hospital	A	A	X	X	X	X	X	X	X	X		
hotel	A	A	A	X	X	X	X	X	X	A		
independent living complex	D	D	X	D	X	X	X	X	X	X		
industry	X	X	D	X	X	X	X	X	P	X		

LAND USE	Zones											
	Commercial	Rural Townsite	Service Commercial	Residential	Rural Residential	Rural Smallholding	Rural	Rural Enterprise	General Industry	Tourism	Urban Development	Industrial Development
industry - cottage	X	D	X	D	D	D	D	P	X	X		
industry – extractive	X	X	X	X	X	X	A	X	A	X		
industry – light	X	A	D	X	X	X	X	P	D	X		
industry – rural	X	A	X	X	X	X	D	X	D	X		
liquor store - large	D	A	A	X	X	X	X	X	X	X		
liquor store - small	P	D	D	X	X	X	X	X	X	X		
lunch bar	P	D	P	X	X	X	X	X	D	X		
market	D	D	D	X	X	X	D	X	X	A		
medical centre	P	D	D	A	X	X	X	X	X	X		
mining operations	D	D	D	D	D	D	D	D	D	D		
motel	D	D	A	X	X	X	X	X	X	D		
motor vehicle, boat or caravan sales	D	D	D	X	X	X	X	X	D	X		
motor vehicle repair	X	D	D	X	X	X	X	D	P	X		
motor vehicle wash	X	D	D	X	X	X	X	X	P	X		
nightclub	D	A	X	X	X	X	X	X	X	X		
office	P	D	D	X	X	X	X	P	X	X		
park home park	X	A	X	A	X	X	A	X	X	A		
place of worship	P	D	A	A	A	A	X	X	X	X		
reception centre	A	A	A	X	X	X	X	X	X	D		
recreation – private	D	D	A	A	D	D	D	A	A	X		
renewable energy facility	X	X	X	X	X	X	A	X	A	X		
repurposed dwelling	X	D	X	D	D	D	D	D	D	X		
residential												
- aged and dependent persons dwelling	X	D	X	D	X	X	X	X	X	X		
- grouped dwelling	X	D	X	D	X	X	D	X	X	X		
- multiple dwelling	I	D	X	D	X	X	X	X	X	X		
- single house	X	P	X	P	P	P	P	P	P	X		
residential aged care facility	A	D	X	P	X	X	X	X	X	X		
residential building	X	D	X	D	X	X	X	X	X	D		
resource recovery centre	X	X	X	X	X	X	A	A	A	X		
restaurant / café	D	D	A	A	X	X	A	X	X	D		
restricted premises	D	A	A	X	X	X	X	X	X	X		
road house	A	A	A	X	X	X	A	X	X	X		
rural home business	X	A	X	X	D	D	P	P	X	X		
rural pursuit / hobby farm	X	X	X	X	D	D	P	X	X	X		
second-hand dwelling	X	D	X	D	D	D	D	D	X	X		
serviced apartment	D	D	X	A	X	X	X	X	X	X		
service station	A	A	A	X	X	X	X	X	A	X		
shop	P	P	D	X	X	X	X	X	X	X		
small bar	A	A	A	X	X	X	X	X	X	A		
tavern	A	A	A	X	X	X	X	X	X	A		
telecommunications infrastructure	D	D	D	A	D	D	D	A	D	D		
tourist development	D	D	X	X	A	A	D	X	X	D		
trade display	D	D	D	X	X	X	X	X	A	X		

LAND USE	Zones											
	Commercial	Rural Townsite	Service Commercial	Residential	Rural Residential	Rural Smallholding	Rural	Rural Enterprise	General Industry	Tourism	Urban Development	Industrial Development
trade supplies	D	D	P	X	X	X	X	X	P	X		
transport depot	X	A	A	X	X	X	D	A	P	X		
tree farm	X	X	X	X	D	D	P	X	X	X		
veterinary centre	X	D	D	X	A	A	A	A	A	X		
warehouse / storage	A	A	D	X	X	X	X	A	P	X		
waste disposal facility	X	X	X	X	X	X	A	X	A	X		
waste storage facility	X	X	A	X	X	X	A	X	A	X		
winery	X	D	X	X	A	A	A	X	A	A		
workforce accommodation	X	D	X	X	X	X	D	X	X	X		

3.3 Interpretation of the Zoning Table

3.3.1 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.

3.3.2 The symbols used in the zoning Table have the following meanings –

‘P’ means that the use is permitted if it complies with all 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 all 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 advertising the application in accordance with clause 64 of the deemed provisions;

‘X’ means a use that is not permitted by this Scheme.

Notes for this clause:

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.
2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a no-conforming use.

3.3.3 A specific use class referred to in the Zoning Table is excluded from any other use class described in more general terms.

- 3.3.4 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 advertise 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.
- 3.3.5 If the 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.
- 3.3.6 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; and
 - (b) a local development plan.

3.4 Additional uses

- 3.4.1 Schedule 1 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.
- 3.4.2 Despite anything contained in the Zoning Table, the land specified in Schedule 1 may be used for the additional class of use set out in Schedule 1 in respect of that land subjects to the conditions that apply to that use.

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.

3.5 Restricted uses

- 3.5.1 There are no restricted uses which apply to this Scheme.

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.

3.6 Special use zones

- 3.6.1 Schedule 2 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.

- 3.6.2 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.

3.7 Non-conforming uses

- 3.7.1 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 any 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.
- 3.7.2 Subclause (3.7.1) 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.
- 3.7.3 Subclause (3.7.1) 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.

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

3.8 Changes to a non-conforming use

- 3.8.1 A person must not –
- (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 non-conforming use that is not permitted by the Scheme.
- 3.8.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- 3.8.3 A local government may only grant development approval for a change of use of land referred to in subclause 3.8.1(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.

3.9 Register of non-conforming uses

- 3.9.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- 3.9.2 A register prepared by the local government must set out the following –
- (a) a description 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; and
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- 3.9.3 If the local government prepares a register under subclause 3.9.1 the local government
- (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- 3.9.4 Subclause 3.9.3(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- 3.9.5 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

4.1 Residential Design Codes (R-Codes)

- 4.1.1 The R-Codes, modified as set out in clause 4.2, are to be read as part of this Scheme.
- 4.1.2 The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- 4.1.3 Subclause 4.1.2 is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- 4.1.4 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.
- 4.1.5 The R-Codes apply to an area if –
- a. the area has a coding number superimposed on it in accordance with subclause 4.1.4; or
 - b. a provision of this Scheme provides that the R-Codes apply to the area.

4.2 Modification of Residential Design Codes

- 4.2.1 There are no modifications to the R-Codes.

4.3 State Planning Policy 3.6 to be read as part of Scheme

- 4.3.1 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.
- 4.3.2 The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- 4.3.3 Subclause 4.3.2 is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

4.4 Modifications of State Planning Policy 3.6

- 4.4.1 There are no modifications to State Planning Policy 3.6.

4.5 Other State planning policies to be read as part of Scheme

- 4.5.1 The State planning policies set out in the Table below, modified as set out in clause 4.6, are to be read as part of this Scheme.

Table 4 - State planning policies to be read as part of Scheme

State Planning Policy 2.5 - Rural Planning is to be read as part of this Scheme
State Planning Policy 3.7: Planning in Bushfire Prone Areas

4.5.2 The local government must ensure that each State Planning Policy referred to in subclause 4.5.1 is published in accordance with clause 87 of the deemed provisions.

4.5.3 Subclause 4.5.2 is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

4.6 Modification of State planning policies

4.6.1 There are no modifications to a State planning policy that, under clause 4.5 is to be read as part of the Scheme.

4.7 Environmental Conditions

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

4.8 General site and development requirements

4.8.1 Table 5 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

4.8.2 To the extent that a requirement referred to in clause 4.8.1 is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in clause 4.8.1 prevails.

4.8.3 To the extent that a requirement referred to in clause 4.8.1 is inconsistent with a requirement in clause 4.9, the requirement referred to in clause 4.9 prevails.

TABLE 5: DEVELOPMENT TABLE - GENERAL⁽¹⁾

ZONE	Minimum Lot Area (m ² unless stated as hectares)	Min Effect Frontage (m)	Min Boundary Setbacks (m)				Maximum Plot Ratio	Minimum Car Parking Spaces
			Front	Rear	Side	Secondary Street (All Zones)		
Commercial	-	-	As determined by the local government.			May be reduced to minimum of 50% of primary/front street setback as determined by the local government.	1.0	1 per 15m ² of NLA for retail/commercial; 1/25m ² of NLA for office; 2/practitioner for consulting rooms; 1/ bedroom for accommodation; or combination of above as determined by the local government.
Rural Townsite	-	-	As determined by the local government.				0.5	
Service Commercial	1000	20	10	7.5	5		0.75	1 per 45m ² of NLA or display area or 1/100m ² where there is no retail activity.
General Industry	2000	30	15	7.5	5		0.60	1 per 100m ² of NLA or as determined by the local government.
Rural Enterprise	1 hectare	25	15	7.5	5		0.50	1 per 100m ² of NLA or as determined by the local government.
Residential	In accordance with the Residential Design Codes or as varied by the Scheme provisions.							
Rural Residential	1 hectare subject to the provision of a reticulated water supply to an appropriate standard as determined by the license holder unless otherwise approved by the Commission.	25	15	7.5	5	n/a	n/a	
Rural Smallholding	4 hectares	n/a	25	15	10			
Rural	n/a	n/a	20 (50 to Primary Distribut or Roads)	20	20			n/a
Tourism	-	-	As determined by the local government.			1.0	1/15m ² of NLA for retail/commercial; 1/ bedroom for accommodation; or a combination of these as determined by the local government.	

4.9 Site specific development requirements

4.9.1 There are no additional requirements that apply to this Scheme.

4.10 Variations to site and development requirements

4.10.1 In this clause -

additional site and development requirements means requirements set out in clauses 4.8 to 4.41.

4.10.2 The local government may approve an application for a development approval that does not comply with an additional site and development requirement.

4.10.3 An approval under clause 4.10.2 may be unconditional or subject to any conditions the local government considers appropriate.

4.10.4 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 is to –

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

4.10.5 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 set out in clause 67(2) of the deemed provisions; and
- (b) the non-compliance with additional site and development requirement will not have a significant adverse effect upon the occupiers or users of the development, the inhabitants of the locality, or the likely future development of the locality.

4.11 Restrictive covenants

4.11.1 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.

- 4.11.2 If clause 4.11.1 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 advertises the application for development approval in accordance with clause 64 of the deemed provisions.

4.12 Development in the Commercial Zone

- 4.12.1 Notwithstanding the development standards set out in Table 5: Development Table – General the local government may approve the following variations within the Commercial zone for non-residential development:
- (a) An increase in plot ratio of 20% may be granted where the 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; and
 - (b) A zero building setback from the front boundary where landscape and paved pedestrian areas are to be provided adjacent to the front boundary and the local government is satisfied that adequate arrangements have been made in regard to vehicle access, parking, circulation of traffic, safety, servicing and loading and unloading.
- 4.12.2 Residential development within the Commercial zone shall form part of a mixed use development comprising a combination of residential and non-residential uses provided that any part of the residential use is located vertically above the non-residential use.

4.13 Development in the Service Commercial Zone

- 4.13.1 Where a comprehensive reticulated sewerage system is not available to an existing or proposed use in the Service Commercial zone on-site effluent disposal shall meet the requirements of the Government Sewerage Policy.
- 4.13.2 Buildings occupied or intended to be occupied by more than one separate business establishment (i.e. tenement buildings) within the Service Commercial zone shall be constructed so that every occupancy:
- (a) has a floor area of at least 100 square metres and a minimum internal dimension of not less than eight metres; and
 - (b) has an open yard area with direct access to a service access road of not less than 6 metres in width.

4.13.3 The minimum standard fence for any lot classified Service Commercial zone shall be 1.8 metre high link mesh fence constructed in accordance with the local government's current local law pertaining to boundary fencing unless otherwise approved by the local government.

4.13.4 Notwithstanding the development standards set out in Table 5: Development Table – General the local government may approve a zero building setback from the side and rear boundaries subject to a boundary wall being constructed to the specification of the local government.

4.14 Development in the General Industry Zone

4.14.1 Where a comprehensive reticulated sewerage system is not available to a proposed development or use in the General Industry zone on-site effluent disposal shall meet the requirements of the Government Sewerage Policy.

4.14.2 Buildings occupied or intended to be occupied by more than one separate business establishment (i.e. tenement buildings) within the General Industry zone shall be constructed so that every occupancy:

- (a) has a floor area of at least 100 square metres and a minimum internal dimension of not less than eight metres;
- (b) has an open yard area with direct access to a service access road of not less than 6 metres in width.

4.14.3 The minimum standard fence for any lot classified General Industry zone shall be 1.8 metre high link mesh fence constructed in accordance with the local government's current local law pertaining to boundary fencing unless otherwise approved by the local government.

4.14.4 Notwithstanding the development standards set out in Table 5: Development Table – General the local government may approve a zero building setback from the side and rear boundaries subject to a boundary wall being constructed to the specification of the local government.

4.15 Development in the Rural Townsite Zone

4.15.1 Where a comprehensive reticulated sewerage system is not available to a proposed development or use in the Rural Townsite zone on-site effluent disposal shall meet the requirements of the Government Sewerage Policy.

4.16 Development in the Rural Residential and Rural Smallholdings Zone

4.16.1 Development in the Rural Residential and Rural Smallholdings zones shall comply with Schedule 3 as applicable. To the extent that a requirement referred to in Schedule 3 is inconsistent with another requirement in this Scheme the requirement referred to in Schedule 3 prevails.

- 4.16.2 The Schedule 3 provisions applicable to a specific area of Rural Residential zoned land shall specify:
- (a) proposals for the control of land uses and development which will ensure that the purpose and intent of the zone and the rural environment and amenities are not impaired; and
 - (b) any special provisions appropriate to secure the objectives of the zone.
- 4.16.3 Development on a Rural Residential or Rural Smallholding zoned lot shall be contained within any building envelope or building exclusion zone defined on an approved Structure Plan unless otherwise approved by the local government where it can be demonstrated it will not be detrimental to the landscape and/or environmental qualities of the land or the amenity of the locality.
- 4.16.4 No local native trees or shrubs shall be felled or removed from a Rural Residential or Rural Smallholding zoned lot other than within an agreed building envelope except where in the opinion of the local government:
- (a) such trees and shrubs are dead, diseased or dangerous;
 - (b) the establishment or maintenance of a firebreak is required under a regulation or local -law; or
 - (c) it is necessary to allow for the construction or maintenance of vehicle access, fences or essential services.

4.17 Development in the Rural Enterprise Zone

- 4.17.1 The local government may require the approval of a structure plan or local development plan prior to approval of development in the Rural Enterprise zone to ensure development can be appropriately sited and separation requirement achieved in the Rural Enterprise zone shall address separation requirements and impacts from non-residential uses to dwellings both on the same property and adjoining land.
- 4.17.2 The local government shall generally require notifications on title, advising of potential amenity impacts, when approving development of a dwelling in the Rural Enterprise zone.

4.18 Development in the Rural Zone

- 4.18.1 Grouped dwellings in the Rural zone shall comply with the following:
- (a) the land owner clearly demonstrates that the development is required for farm management or tourist activity purposes;
 - (b) the additional dwelling(s) will only accommodate a family member, workers employed for agricultural activities on that lot or tourists;
 - (c) the additional dwelling(s) are clustered in one location so as to avoid future subdivision pressure and minimise constraints on adjoining uses; and
 - (d) all essential services to the additional dwelling(s) from the lot boundary (including access roads) are to be shared with any existing dwelling(s) where practicable.

4.18.2 The existence of more than one dwelling house on a lot in the Rural zone shall not be construed as a basis for the local government's support to the subdivision of the lot.

4.19 Development in the Tourism Zone

4.19.1 The local government may require a local development plan prior to the approval of development of any land within the Tourism zone.

4.20 Industrial Development Zone and Urban Development Zone Requirements

4.20.1 Subdivision and development in the Industrial Development zone and Urban Development zone shall be in accordance with a structure plan prepared and approved in accordance with Part 4 of the deemed provisions, unless the proposed subdivision and development is approved by the decision-maker in accordance with Part 4, clause 27(2) of the deemed provisions.

4.21 Extractive Industries

4.21.1 The development of Industry - Extractive uses in the Scheme area shall comply with the following:

- (a) the extraction of minerals or basic raw materials does not unreasonably affect the environment or amenity in the locality of the operation during or after excavation;
- (b) due consideration is given to the rehabilitation and sequential use of extraction areas and is documented in a suitable management plan approved by the local government prior to any development; and
- (c) proposals comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time including any operative local government local law.

4.22 Home businesses, Home Occupation and Rural Home Business

4.22.1 Home business home occupation and rural home business uses, shall comply with the following unless otherwise approved by the local government:

- (a) to be conducted only between the hours of 8.00am and 6.00pm on weekdays, 9.00am and 5.00pm on Saturdays and is not conducted on Sundays and public holidays; and
- (b) any activities incidental to the home business including the storage of goods and/or equipment on the subject land.

4.23 Caretakers Dwellings

4.23.1 Only one (1) caretakers dwelling is permitted on any lot.

4.23.2 A caretakers dwelling is required to be located so that has minimal spatial impacts on the predominant use of that land and is screened from the road frontage to the satisfaction of the local government unless otherwise approved.

4.23.3 The total floor area measurement of a caretakers dwelling from the external face of walls (excluding verandahs, garage, carport or the like) shall not be greater than 100m².

4.24 Parking of Commercial Vehicles in Residential Areas

4.24.1 The parking of a commercial vehicle on any Residential zoned lot shall require the development approval of the local government.

4.24.2 Only one commercial vehicle may be parked per lot in the Residential zone.

4.24.3 The parking and repair of commercial vehicles in residential areas shall be in accordance with the following provisions:

- (a) It will not adversely affect the amenity of the surrounding area;
- (b) the vehicle is used by an occupant that is lawfully occupying the dwelling on the lot;
- (c) the vehicle is parked entirely on the subject lot and is located on a hard stand area not readily visible from beyond the property boundaries with adequate screening provided to the satisfaction of the local government or parked within a garage;
- (d) the vehicle does not exceed 3 metres in height (including any load), 2.5 metres in width and 16 metres in length;
- (e) the vehicle is not started or maneuvered on site between the hours of 10.00pm and 6.00 am the following day;
- (f) while on the lot, the vehicle's motor is not left running while the vehicle is unattended or in any event for any period in excess of five (5) minutes;
- (g) the vehicle, while on the lot is not loaded with goods or materials that may cause nuisance, risk or pollution to the detriment of the amenity of the area or nearby residents;
- (h) the vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis;
- (i) while on the lot, there is no transfer of goods or passengers from one vehicle to another vehicle, loading and unloading of the vehicle, or storage of goods associated with the use of the vehicle;
- (j) the vehicle is not used or operated as a tow truck or other emergency vehicle, between the hours of 10.00pm to 6.00am in a manner that adversely affects the residential amenity of the area; and
- (k) only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generates easily contained liquid waste is carried out on the lot. All cleaning and servicing shall be conducted at the rear of the dwelling.

4.25 Outdoor Storage Areas

- 4.25.1 Open air displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed, paved and/or landscaped to the satisfaction of the local government and maintained in good condition.
- 4.25.2 Any open storage area, utilitarian area or any other space used in connection with a commercial or industrial use which, by virtue of its location and use is likely to detract from the visual amenity of the surrounding area, shall be screened from public view by a closed wall or fence no less than 1.8 metres in height, or screen landscaping approved by the local government.

4.26 Derelict Vehicles, Machinery and Objects

- 4.26.1 The storage and/or wrecking of derelict vehicles, sea containers or machinery or the storage of any materials (including fuel, raw materials, products or by-products, or waste of manufacture) within any zone shall not detract from the amenity and safety of the locality.

4.27 Second-Hand and Re-purposed Dwellings

- 4.27.1 Re-purposed dwelling and/or second-hand dwellings shall comply with the following:
- (a) be consistent with the character of the locality in which the development is proposed;
 - (b) maintain the amenity of the locality in which the development is proposed; and
 - (c) comply with any development standards of this Scheme or any R-Code standards applicable to the development as determined by the local government.
- 4.27.2 In considering the above, the local government will give particular consideration to the external appearance and materials used in the construction of the re-purposed dwelling or second-hand dwelling.

4.28 Maximum Building Height

- 4.28.1 Unless provided for elsewhere in the Scheme or the Residential Design Codes, no site shall be developed or building constructed to contain more than two storeys or exceed 10 metres in height measured to the highest proportion of the building from mean natural ground level, or such other ground level, as may reasonably be determined by the local government.
- 4.28.2 The local government may vary the requirement in subclause 4.28.1 if it is satisfied that the development can comply with the development standards and:
- (a) will not restrict light, sunshine and natural ventilation enjoyed by surrounding properties;
 - (b) will not intrude upon the privacy enjoyed by surrounding properties by virtue of overview;
 - (c) will not diminish views or outlook available from surrounding properties; and
 - (d) is sympathetic with the scale, townscape and character of the surrounding built environment.

4.29 Retaining Walls and Fencing

- 4.29.1 No retaining wall shall be constructed which alters the contours of the natural surface by more than 0.5 metres, or no more than 1.2 metres in the Rural Residential, Rural Smallholdings and Rural Zones, unless the local government is satisfied that the proposal will not adversely impact on the amenity of surrounding land and developments, occupants or the streetscape.
- 4.29.2 The erection of any screen wall and/or fencing shall be of a uniform design, colour, material and height to the satisfaction of the local government and the local government may refuse to grant development approval for any screen wall or fence that would likely adversely affect the amenity of the occupants of the adjoining land, the immediate locality or the streetscape.
- 4.29.3 Fencing shall be provided to all boundaries abutting land reserved under this Scheme, except road reserves, to prevent vehicular ingress or egress unless otherwise approved by the local government.
- 4.29.4 Where the R-Codes do not apply, fencing shall meet the following:
- (a) if located within 4.5 metres of a street boundary, shall be visually permeable 1.2 metres above natural ground level to a maximum height of 1.8 metres above natural ground level; or
 - (b) if located greater than 4.5 metres from a street boundary, shall be no greater than 1.8 metres above natural ground level.
 - (c) if located in the Rural Residential, Rural Smallholdings, Rural Enterprise or Rural zones, shall be no greater than 1.5 metres in height and constructed from post and wire or post and rail.

4.30 Car Parking Requirements

- 4.30.1 A person shall not develop or use any land or erect, use or adapt any building unless a suitable number of car parking spaces are provided on site and in accordance with the car parking requirements for particular developments and land uses as listed in Table 5: Development Table – General or as varied by the provisions of this Scheme.
- 4.30.2 Except for car parking spaces required for residential purposes, car parking is to be provided on-site in accordance with *Australian Standard AS2890.1-2004* (as amended).
- 4.30.3 For open car parking facilities with 20 or more parking spaces a minimum area equivalent to one parking space shall be provided in suitable locations for every 20 parking spaces for garden and planting of native plants and trees to provide visual relief and so long as these garden and planting areas are maintained in good order, those areas provided for this purpose shall be included in calculations as landscaping and not as car parking.

- 4.30.4 Where it can be demonstrated that other off-street parking facilities are available to be shared with other land uses operating at different times, the 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 the local government's satisfaction for reciprocal access to parking facilities.
- 4.30.5 The local government may at its discretion accept the payment of cash-in-lieu of car parking spaces where it can be demonstrated that appropriate and adequate car parking is available in the locality.

4.31 Traffic Entrances

- 4.31.1 The consolidation of vehicle entrances or exits to or from any lot, separate entrances and exits, and/or entrances and exits being placed in positions nominated by the local government may be required if necessary to avoid or to reduce traffic hazards.
- 4.31.2 Access to a lot for vehicles may not be permitted directly to or from major roads where access is available from side or rear streets.
- 4.31.3 Where access to a lot abutting a major road 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, unless the applicant can provide sufficient information to demonstrate other suitable and safe arrangements to the satisfaction of the local government.
- 4.31.4 The local government shall refer an application for development for vehicular access on land under the care, control and management of Main Roads WA to the Main Roads WA for comment and shall have regard to that Department's comments in considering the application.

4.32 Visual Truncations – Corner Lots & Vehicle Access Ways

- 4.32.1 Except with the approval of the local government, no building, wall, fence or other form of visual obstruction greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within a 6 metre by 6 metre truncation of a street corner or within a 2 metre by 2 metre truncation of a vehicular access way.

4.33 Access for Loading & Unloading Vehicles

4.33.1 For all non-residential proposals:

- (a) where a land use or development requires the loading or unloading goods or materials, provision is made for that purpose to the satisfaction of the local government; and
- (b) the local government will generally require that servicing vehicles will be able to leave and enter the street in a forward direction.

4.34 Development of Land without Constructed / Dedicated Road Frontage or Access

4.34.1 Development on land abutting an unconstructed road or a lot or location which does not have frontage to a dedicated road may be required to meet the following requirements if considered necessary by the local government:

- (a) provide a constructed road and/or access by means of a dedicated road; or
- (b) 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, the applicant to pay a sum of money towards the cost of constructing the road or part thereof.

4.35 Development adjoining Primary Distributor Roads

4.35.1 The minimum setback for noise-sensitive land uses from any Primary Distributor Road shall be 100 metres. The local government may consider a reduced setback where:

- (a) the development will not adversely affect the amenity of the locality, including character, landscape and environmental values;
- (b) the development will be compatible with its setting, including the relationship of the development to development on adjoining land, or on other land in the locality;
- (c) the development does not adversely impact the functioning of the main road, and is not subject to unreasonable levels of transport noise; and
- (d) the development is advertised in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4.35.2 In considering an application for development approval for noise-sensitive land uses that is setback less than 100 metres from a road under the care, control and management of Main Roads WA, the local government shall refer the application to Main Roads WA for consideration and comment. The local government shall have due regard to any comments received from Main Roads WA.

- 4.35.3 Development of noise-sensitive land uses adjoining a Primary Distributor Road may require assessment against State Planning Policy 5.4 – Road and Rail Noise to determine the likely impact of transport noise, and any noise mitigation measures required. Where required by State Planning Policy 5.4 – Road and Rail Noise, noise-sensitive development shall implement quiet house design principles.

4.36 Water Supply

- 4.36.1 In areas where a reticulated potable water supply is readily available, all development requiring a potable water is required to be connected to that supply.
- 4.36.2 Where a reticulated potable water supply network is not available, an alternative water supply may be considered subject to the following:
- (a) dwellings shall be provided with a minimum 120,000 litre water storage tank in addition to any requirements of an approved bushfire management plan; and
 - (b) for all other uses, where applicable, potable water shall be provided to the satisfaction of the local government.
- 4.36.3 The local government may approve the use of fit-for purpose water, wastewater recycling and reuse, including for public open space management.
- 4.36.4 Where scheme water is not available the provision of a drinking water supply is to meet the standards specified in the Australian Drinking Water Guidelines 1996 published by the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand.

4.37 Effluent Disposal

- 4.37.1 Development shall provide for effluent disposal in accordance with the requirements of the Government Sewerage Policy.

4.38 Vegetation Protection

- 4.38.1 The local government may require the rehabilitation of degraded land, the fencing of remnant vegetation and the revegetation of areas considered to be deficient in tree cover.

4.39 Flooding

- 4.39.1 Development that is related to flood prone land shall be supported by an assessment that demonstrates the proposed development:
- (a) has adequate flood protection;
 - (b) maintains the free passage and/or temporary storage of flood waters; and
 - (c) does not result in an unacceptable increase in flood risk for other land or infrastructure in the general area.

- 4.39.2 Development of buildings on flood prone land must ensure the minimum floor level is at least 0.5 metres above the adjacent 1 in 100 flood (1% Annual Exceedance Probability) levels.

4.40 Drainage and Water Resource Protection

- 4.40.1 Where development approval is required, development applications shall include the identification, protection and management of significant water-dependent ecosystems, including wetlands and waterways where they may be impacted by development and address the following as determined by the local government:

- (a) protection of existing water courses, buffer areas, vegetation corridors, agricultural production, and mitigation of wind erosion, waterlogging and salinity;
- (b) include drainage management plans to ensure that the rate, quantity and quality of water leaving the subject land will not cause adverse impacts; and
- (c) identify control mechanisms required to regulate and manage land uses to minimise the risk of pollution to water resources.

- 4.40.2 A local water management plan shall be prepared and approved prior to the endorsement of a structure plan. A local water management plan should ensure drainage design manages stormwater in an efficient manner and addresses volume, timing and the quality of any surface water or groundwater.

- 4.40.3 Where development approval is required and development abuts a waterway or wetland, the local government may require a Foreshore Management Plan or Wetland Management Plan.

- 4.40.4 The aforementioned plans are to be developed concurrently and in conjunction with a Bushfire Management Plan.

4.41 Rural Pursuits

- 4.41.1 Rural pursuit/hobby farm development shall comply with the following:

- (a) The keeping or stabling of horses, or animal of similar DSE, will generally be limited to 1 animal per hectare of paddock area unless otherwise approved by the local government;
- (b) The keeping or agistment of livestock shall be limited to a dry sheep equivalent (DSE) per lot in accordance with the Department of Primary Industry and Regional Development Stocking Rate Guidelines for Rural Small Holdings. The type and number of any livestock shall comply with the recommendation of DPIRD depending on soil type and landform gradient; and
- (c) The local government may require measures to be undertaken to avoid erosion, including the maintenance of ground cover.

PART 5 – SPECIAL CONTROL AREAS

5.1 Operation of special control areas

- 5.1.1 Special control areas are marked on the Scheme Map according to the legend on the Scheme Maps.
- 5.1.2 The purpose, objectives and additional provisions that apply to each special control area is set out in Schedule 4 and apply in addition to the provisions that apply to the underlying zone.

PART 6 - TERMS REFERRED TO IN SCHEME

Division 1 - General Definitions used in Scheme

6.1 Terms used

6.1.1 If a word or expression used in this Scheme is listed in this clause, its meaning is as follows -

"building envelope" means an area of land within which all buildings and effluent disposal facilities on a lot must be contained.

"building exclusion area" means the area of land within which buildings, effluent disposal facilities and any other works on a lot must not be located or carried out.

"cabin" means a dwelling forming part of a tourist development or caravan park that is -

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests.

"chalet" means a dwelling forming part of a tourist development or caravan park that is -

- (a) self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests.

"commercial vehicle" means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including -

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).

"floor area" has the same meaning as in the *Building Code*.

"minerals" has the same meaning as in the *Mining Act 1978* section 8(1).

"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.

"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 incidental.

"retail" means the sale or hire of goods or services to the public.

"Scheme commencement day" means the day on which this Scheme comes into effect under section 87(4) of the Act.

"short-term accommodation" means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.

"wholesale" means the sale of good or materials to be sold by others.

6.1.2 A word or expression that is not defined in this Scheme –

- (a) has the meaning it has in the Planning and Development Act 2005; or
- (b) if it is not defined in that Act – has the same meaning as it has in the R-Codes.

Division 2 - Land use terms used in Scheme

6.2 Land use terms used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land is as follows -

“abattoir” means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.

“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.

“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); or
- (d) aquaculture.

“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.

“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 alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens, but does not include agriculture - extensive;

“art gallery” means premises –

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale.

“bed and breakfast” means a dwelling –

- (a) used by a resident of the dwelling to provide for short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms.

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

“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.

“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;
 - (iii) 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 children's 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 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.

“caravan park” means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1).

“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.

“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.

“childcare premises” means premises where –

- (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.

“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 State, or the local government, for administrative, recreational or other purposes.

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

“commercial vehicle parking” means premises used for parking of one or 2 commercial vehicles but does not include –

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land.

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

“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.

“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 300m² 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 providing education including premises used for a school, higher education institution, business college, academy or other educational institution.

“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.

“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.

“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 of the premises.

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used –

- (a) as a service station; or
- (b) for the sale by retail into a vehicle for use by the vehicle.

“funeral parlour” means premises used –

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services.

“garden centre” means premises for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.

“holiday accommodation” means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.

“holiday house” means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.

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

- (a) does not involve employing more than 2 people who are 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 50m²;
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet;
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;

- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) 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.

“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 20m²; and
- (d) does not display on the premises of a sign with an area exceeding 0.2m²; 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;
- (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.

“home office” means dwelling used by the occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling.

“home store” means a shop attached to a dwelling that –

- (a) has a net lettable area not exceeding 100m²; and
- (b) is operated by a person residing in the dwelling.

“hospital” means premises that are a hospital within the meaning given in the Health Services Act 2016 section 8(4).

“hotel” means premises the subject of a hotel license other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises.

“independent living complex” means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.

“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.

“industry - cottage” means a trade or light industry producing arts and craft 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 principle 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 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.

“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.

“industry – rural” means premises used –

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production.

“liquor store - large” – means premises the subject of a liquor store license granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m².

“liquor store - small” – means premises the subject of a liquor store license granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m².

“lunch bar” – means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas, but does not include a fast food outlet.

“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 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

“mining operations” - means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out.

“motel” – means premises, which may be licensed under the *Liquor Control Act 1988* –

- (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 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 other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or re-treading of tyres.

“motor vehicle wash” – means premises primarily used to wash motor vehicles.

“nightclub” – means premises the subject of a night club license granted under the *Liquor Control Act 1988*.

“office” – means premises used for administration, clerical, technical, professional or similar business activities.

“park home park” means premises used as a park home park as defined in the Caravan Parks and Camping Grounds Regulations 1997 Schedule 8.

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

“reception centre” – means premises used for hosted functions on formal or ceremonial occasions.

“recreation – private” – means premises that are –

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

“renewable energy facility” means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

“repurposed dwelling” means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

“residential aged care facility” means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- (a) appropriate staffing to meet the nursing and personal care needs of residents;
- (b) meals and cleaning services;
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

“resource recovery centre” means premises other than a waste disposal facility used for the recovery of resource from waste.

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

“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 *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.

“roadhouse” means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies.

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

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

“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.

“second-hand dwelling” means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

“serviced apartment” means a group of units or apartments providing –

- (a) self-contained short-stay accommodation for guests; and
- (b) any associated reception or recreational facilities.

“service station” means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and/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.

“small bar” means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*.

“tavern” – means premises the subject of a tavern license granted under the *Liquor Control Act 1988*.

“telecommunications 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.

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

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development.

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

“trade supplies” means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government.

“transport depot” means premises used primarily for the parking or garaging of 3 or more commercial vehicles including –

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another.

“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.

“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 / 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.

“waste disposal facility” means premises used —

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste.

“waste storage facility” means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

“winery” – means premises used for the production of viticultural produce and associated sale of the produce.

“workforce accommodation” – means premises, which may include modular or relocatable buildings, use –

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting or recreation facilities for the occupants and authorised visitors.

SCHEDULES

Schedule 1	Additional Uses
Schedule 2	Special Use Zones
Schedule 3	Rural Residential zones and provisions
Schedule 4	Special Control Areas
Schedule 5	Exempted Advertisement
Schedule A	Supplemental Provisions

SCHEDULE 1 – ADDITIONAL USES

[cl. 3.4]

No.	Description of Land	Additional Use	Conditions
A1	Lots 174 & 268 corner Doney & Heath Streets, Narrogin	Hotel & Carpark	No extension or change of use without the prior development approval of the local government.
A2	Reserve 25301 (Lot 1548) Great Southern Highway, Narrogin	Community Purpose	No extension or change of use without the prior development approval of the local government.
A3	Lots 13 & 14 Lefroy Street, Narrogin	Transport Depot & Caretaker's Dwelling	No extension or change of use without the prior development approval of the local government.
A4	Lot 723 Graham Road, Narrogin	Educational Establishment	No extension or change of use without the prior development approval of the local government.
A5	Lot 1239 Herald Street, Narrogin	Veterinary Centre	<ol style="list-style-type: none"> 1. No extension or change of use without the prior development approval of the local government. 2. No large animals such as horses, cattle and/or pigs are to be stabled on the land. 3. A maximum of two (2) veterinarians are permitted to operate on the land at any one time.
A6	Lot 178 Hansard Street, Narrogin	Warehouse / Storage	Storage of vehicles and building materials to be confined to the shed. No extension or change of land use without the special approval of the local government .
A7	Lots 178-179 Hansard Street, Narrogin	Industry - Light Trade Display	Compliance with the Development Standards of the Service Commercial Zone.
A8	Lot 11 Harbour Street, Narrogin	Transport Depot & Caretaker's Dwelling	None
A9	Lot South Part 234 Havelock Street, Narrogin	Recreation - Private	None
A10	Lots 401 and 402 Hansard Street, Narrogin	Community Purpose Childcare Premises	None

No.	Description of Land	Additional Use	Conditions
A11	Lot 50 Earl Street and Lots 4, 6 and portion of Lot 3 Hillside Road, Hillside	Industry - Rural	None
A12	Lot 13 Earl Street, Hillside	Animal Establishment	None

SCHEDULE 2 – SPECIAL USE ZONES

[cl. 3.6]

No.	Description of Land	Special Use	Conditions
SU1	Lots 1663, 389 & 1 Felspar Street, Lots 638 & 5 Forrest Street and portion of the Glyde Street road reserve between Felspar & Forrest Streets, Narrogin.	Residential aged care facility	<ol style="list-style-type: none"> 1. All development on the land shall be in accordance with an approved Structure Plan or Local Development Plan. 2. Development approval is required for all development.
SU2	Lot 501 Williams Road, Narrogin	Residential aged care facility	<ol style="list-style-type: none"> 1. Development approval is required for all development.
SU3	Lot 15 Clayton Road, Narrogin	Grouped Dwellings Multiple Dwellings Other uses ancillary to the primary use of the land for residential purposes where such uses are for the exclusive use of residents or management of the land, as determined by the local government.	<ol style="list-style-type: none"> 1. Development approval is required for all development. 2. A Structure Plan or Local Development Plan may be required to address the following matters to the satisfaction of the local government: <ol style="list-style-type: none"> (a) Site layout and description of proposed land uses; (b) development orientation; (c) Building materials and theme; (d) Traffic management including vehicle access and circulation; (e) On-site and street car parking arrangements; (f) Pedestrian access both internally and externally; (g) Public open space and communal facilities; (h) Landscaping treatments including retention of significant on-site vegetation; (i) Lighting and security; (j) Buffering to adequately protect existing uses on neighbouring properties; (k) Method of integration with future proposed residential development on adjoining land; and/or (l) Provision of relevant Public Utility Services. 3. All residential development on the land shall accord with, and reflect a maximum density coding of R40.

No.	Description of Land	Special Use	Conditions
SU4	Lots 706, 707, 708, 711 & 712 corner Marsh & O'Connor Streets, Narrogin	Industry	<ol style="list-style-type: none"> 1. All development on the land shall be in accordance with an approved Structure Plan or Local Development Plan. 2. Development approval is required for all development.
SU5	Lot 31 Great Southern Highway, Dumberning.	Composite uses comprising uses permissible in the 'Rural Residential', 'Rural Enterprise' and 'General Industry' zones as set out in the Zoning Table.	<ol style="list-style-type: none"> 1. Notwithstanding any other provisions in this scheme, Development approval shall be required for all development including signage. 2. 'General Industry', 'Rural Enterprise' and 'Rural Residential' uses are to be sited in precincts which achieve separation distances for sensitive land uses in accordance with EPA Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses. 3. A Local Development Plan (LDP) shall be required to address the following: <ol style="list-style-type: none"> (a) The provision of potable reticulated water and onsite wastewater disposal; (b) Revegetation and the introduction of separation distances and buffers from sensitive land uses; (c) Bushfire Risk; (d) The spatial extent and location of residential building envelopes; (e) The staging of infrastructure; (f) The transition between industrial uses and residential uses, including bulk and scale and separation distances; (g) Areas of low capability for on-site effluent disposal; (h) Access and traffic management; and (i) Waste management including bin disposal areas where non-residential development is proposed.

No.	Description of Land	Special Use	Conditions
			<ol style="list-style-type: none"> 4. Prior to subdivision or development, a Local Water Management Strategy (LWMS) shall be prepared and approved by the local government on the advice of the Department of Water and Environmental Regulation. Stormwater drainage shall be contained on -site to the satisfaction of the local government. 5. Prior to subdivision or development, a revegetation plan shall be prepared. The revegetation plan should include native species to the specification of the local government. 6. Prior to subdivision or development, a bushfire management plan is to be prepared and approved concurrently with any revegetation plan. 7. Residential building envelopes/exclusion zones on land where no non-residential development is proposed shall be limited to a maximum size of 1200m² and setback 10 metres from the primary street and side/rear boundaries. 8. Notwithstanding anything elsewhere appearing in the Scheme, the minimum building setback to Great Southern Highway in the residential precinct shall be 30 metres. 9. Enterprise envelopes within the 'Rural Enterprise' precinct shall be located behind the main residential building line, setback 10 metres from side boundaries and screened accordingly. 10. Development shall be confined to either a residential building envelope or enterprise envelope in the 'Rural Enterprise' precinct, as depicted on an approved LDP. 11. Buildings within a nominated enterprise envelope in the 'Rural Enterprise' precinct shall be limited to a maximum total floor space of 900m², unless otherwise approved by the local government.

No.	Description of Land	Special Use	Conditions
			<p>12. At subdivision or development stage residential lots shall be subject to a notification on title to advise landowners of the potential impact from nearby agricultural and industrial land uses.</p> <p>13. Lot sizes in the 'industrial' precinct should average 4 hectares and consider on-site separation distances.</p> <p>14. All other lots shall be a minimum of 1 hectare.</p> <p>15. No lot shall have direct access onto Great Southern Highway or Wanerie Road. Access shall be restricted to local access roads.</p> <p>16. Access points shall be designed, approved and constructed to Main Roads Western Australia specifications.</p> <p>17. Built form is to be consistent with a predominant theme for the site, in terms of scale, colour and use of materials.</p> <p>18. Use of land or buildings for any form of human habitation is prohibited within nominated enterprise envelopes in the 'Rural Enterprise' precinct.</p> <p>19. Stockings rates for rural pursuit/hobby farm apply to 'Rural Residential' uses, as guided by the local government.</p>

SCHEDULE 3 – RURAL RESIDENTIAL ZONES & PROVISIONS

No.	Description of Location	Provisions
RR1	Portion of Williams Locations 153 & 1437 Narrogin (north) and Lot 4 of Williams Location 153 Great Southern Highway, Hillside.	<ol style="list-style-type: none"> 1. Notwithstanding anything elsewhere appearing in the Scheme the minimum building setback to the Great Southern Highway deviation shown on the Structure Plan shall be 30 metres. 2. All lots shall be connected to a reticulated water supply. 3. Subdivision and development shall be supported by a Bushfire Management Plan.
RR2	Williams Locations 3743, 5476, 3481, 1688 and 3947 Narrogin Valley Road, Narrogin Valley.	<ol style="list-style-type: none"> 1. Notwithstanding anything elsewhere appearing in the Scheme the minimum boundary setback on any lot shall be 30 metres. 2. All dwellings are to be provided with a minimum of 120,000 litres domestic water storage tank or other approved potable water supply and storage facility. 3. Subdivision and development shall be supported by a Bushfire Management Plan.
RR3	Lot 3 portion Dumberning Agricultural Area Lots 151 and 152, Katta Road, Dumberning.	<ol style="list-style-type: none"> 1. All dwellings are to be provided with a minimum of 120,000 litres domestic water storage tank or other approved potable water supply and storage facility 2. Subdivision and development shall be supported by a Bushfire Management Plan.
RR4	Lot 81 Mokine Road, Dumberning.	<ol style="list-style-type: none"> 1. All lots shall be connected to a reticulated water supply. 2. The minimum building setback from Mokine Road is to be 100 metres and 10 metres from any other boundary, unless otherwise approved by the local government. 3. Unless otherwise approved by the Shire of Narrogin all development and effluent disposal shall be confined to building envelopes/building exclusion areas indicated on an approved Structure Plan. 4. Fences shall be erected to protect trees from grazing livestock where required by the local government. 5. Subdivision and development shall be supported by a Bushfire Management Plan .

No.	Description of Location	Provisions
RR5	Lot 2 Katta Road, Dumberning.	<ol style="list-style-type: none"> 1. No dwelling shall be constructed or approved for construction unless a potable water supply (either from a reticulated water supply or a water storage tank comprising a minimum capacity of 120,000 litres) and an approved method of effluent disposal have been incorporated into the approved plans. 2. Unless otherwise approved by the Shire of Narrogin all building development and effluent disposal shall be confined to building envelopes indicated on an approved Structure Plan. 3. Fences shall be erected to protect trees from grazing livestock where required by the local government. 4. Subdivision and development shall be supported by a Bushfire Management Plan approved by the local government.
RR6	Lot 155 Narrakine Road, Dumberning.	<ol style="list-style-type: none"> 1. Unless otherwise approved by the Shire of Narrogin all building development and effluent disposal shall be confined to building envelopes indicated on an approved Structure Plan. 2. Dwellings and outbuildings shall be constructed of materials which blend into the rural landscape. No reflective or second-hand materials will be permitted for use as external cladding visible from outside the proposed lot boundaries. 3. Fences shall be erected to protect trees from grazing livestock where required by the local government. 4. Building envelopes are to be no more than 2000 square metres or 10% of the lot area (whichever is the lesser) in total area and are to be sited at least 500 metres from the boundaries of any existing piggeries. 5. A building may not be occupied as a residence until the lot on which the building is constructed is connected to an adequate reticulated water supply, or the building is provided with facilities for the catchment and storage of 120,000 litres of potable water. 6. Subdivision and development shall be supported by a Bushfire Management Plan approved by the local government. 7. At subdivision the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to make arrangements with the Commission for the registration on title of a notification pursuant to Section 165 of the <i>Planning and Development Act 2005</i> informing all prospective purchasers of any lot located within 500 metres of the lot boundary of a piggery that the use and enjoyment of the land may be affected by the piggery.

SCHEDULE 4 – SPECIAL CONTROL AREAS

[cl. 5.1]

Special Control Area (SCA) No.	Description of Land	Purpose	Additional Provisions
SCA1	Various land holdings located within 500m of Reserve 8410 White Road, Narrogin	<ul style="list-style-type: none"> • Recognise Land Use Buffer associated with the Narrogin Refuse/Landfill Site. • To ensure compatibility of land use and development within proximity of the landfill site. 	<ol style="list-style-type: none"> 1. Further subdivision will generally not be supported by the local government. 2. Development approval will be required for a dwelling or other habitable structure within the Special Control Area.
SCA2	Various landholdings located with 500m of Lots 2, 4, 6 & 50 Earl Street, Hillside	<ul style="list-style-type: none"> • Recognise the Land Use Buffer Zone associated with the Narrogin Sale Yards • To ensure compatibility of land use and development within proximity of Narrogin Sale Yards. • To ensure the Narrogin Sale Yards can continue to operate by minimising encroachment of incompatible uses. 	<ol style="list-style-type: none"> 1. The local government shall recommend that any approval to subdivide land within the identified 500m buffer be subject to a condition requiring each resultant lot to contain a notification under Section 70A of the Land Transfer Act advising of the existence of the Sales Yards and the potential impacts of the operation during its use. 2. Development approval will be required for a dwelling or other habitable structure within the Special Control Area.
SCA3	Various Landholdings within 1000m of Lot 13 Earl Street, Hillside.	<ul style="list-style-type: none"> • Recognise the Land Use Buffer Zone associated with the Dog Kennels associated with Narrogin Veterinary Hospital. • To ensure compatibility of land use and development within proximity of the Veterinary Hospital Kennels. 	<ol style="list-style-type: none"> 1. The local government shall recommend that any approval to subdivide land within the identified 1000m buffer be subject to a condition requiring each resultant lot to contain a notification under Section 70A of the Land Transfer Act advising of the existence of the Veterinary Hospital Kennels and the potential impacts of the operation during its use. 2. Development approval will be required for a dwelling or other habitable structure within the Special Control Area.

Special Control Area (SCA) No.	Description of Land	Purpose	Additional Provisions
		<ul style="list-style-type: none"> To maintain the integrity of the facilities ability to function by minimising land use conflict. 	
SCA4	Various Landholdings within the identified Land Use Buffer Zone for the Narrogin Wastewater Treatment Plant	<ul style="list-style-type: none"> Recognise the Land Use Buffer Zone associated with the Narrogin Waste Water Treatment Plant. To ensure compatibility of land use and development with wastewater Infrastructure. To avoid incompatible or odour sensitive land use or development being established within the odour buffer. To protect the long-term operation of the treatment plant which provides an essential service to the community through the treatment, reuse and safe disposal of the town's treated waste water. 	<ol style="list-style-type: none"> Further subdivision will generally not be supported by the local government. Development approval will be required for any proposed use or development within the Special Control Area as shown on the Scheme Map. Any approval to develop a dwelling shall be subject to a condition requiring the placement of a notification under Section 70A of the Land Transfer Act advising of the existence of the Wastewater Treatment Plant and the potential impacts of the operation during its use.
SCA5	Various landholdings contained within 500m of the Narrogin Speedway, Vintage Motorcycle Track and Narrogin Clay Target Club.	<ul style="list-style-type: none"> Recognise the Land use buffer zone associated with the Narrogin Speedway and Narrogin Clay Target Club. To prevent encroachment of incompatible land uses. 	<ol style="list-style-type: none"> Development approval will be required for a dwelling or other habitable structure within the Special Control Area. Any approval to develop a dwelling shall be subject to a condition requiring the placement of a notification under Section 70A of the Land Transfer Act advising of the existence of the Narrogin Speedway or Narrogin Clay Target Club and the potential impacts of the operation during its use. Further subdivision will generally not be supported by the local government.

Special Control Area (SCA) No.	Description of Land	Purpose	Additional Provisions
SCA6	Various landholdings within 2km of Lots 4984, 4985 and 563 corner of Wanerie and Corraminning Roads, Dumberning.	<ul style="list-style-type: none"> •Recognise the Land Use Buffer Zone associated with the Narrogin Feedlot. •To ensure the feedlot can continue to operate with minimal land use conflict with sensitive land uses. 	<ol style="list-style-type: none"> 1. Development approval will be required for a dwelling or other habitable structure within the Special Control Area.
SCA7	Various landholdings within 500m of Hillside Abattoir on Boxsell Road, Hillside	<ul style="list-style-type: none"> •Recognise the Land Use Buffer zone associated with the Abattoir. •To minimise land use conflict with the abattoir by preventing the encroachment of sensitive land uses. 	<ol style="list-style-type: none"> 1. No habitable building shall be located within the Special Control Area. 2. Further subdivision will generally not be supported by the local government.
SCA8	Various Landholdings within 500m of the Narrogin Airfield on Clayton Road, Narrogin	<ul style="list-style-type: none"> •Recognise the Land Use Buffer Zone associated with the operation of the Narrogin Airfield. •The minimise land use conflict in proximity of the airfield. 	<ol style="list-style-type: none"> 1. No habitable building shall be located within the Special Control Area unless it is an incidental use to the Airfield.
SCA9	Various Landholdings within 1000m of Lot 202 and lot 171 (Reserve 7529) Quarry Road, Minigin.	<ul style="list-style-type: none"> •Recognise the Land Use Buffer Zone associated with the Significant Geological Supply (Rock Aggregate /Gravel). •To protect the ongoing operation of the quarry by preventing the encroachment of incompatible land uses. 	<ol style="list-style-type: none"> 1. No habitable building shall be located within the Special Control Area.

Special Control Area (SCA) No.	Description of Land	Purpose	Additional Provisions
SCA10	Various Landholdings within 200m of the Narrogin Water Treatment Plant at Lot 19 Bottlecreek Place, Dumberning.	<ul style="list-style-type: none"> • Recognise the Land Use Buffer Zone associated with the Narrogin Water Treatment Plant. • To ensure the treatment plant can continue to operate by preventing land use conflict with land in the vicinity. 	<ol style="list-style-type: none"> 1. Further subdivision will generally not be supported by the local government. 2. Development approval will be required for a dwelling or other habitable structure within the Special Control Area. 3. Any approval to develop a dwelling or habitable building shall be subject to a condition requiring the placement of a notification under section 70A of the Land Transfer Act advising of the existence of the water treatment plant and the potential impacts of the operation during its use.

SCHEDULE 5 - EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	1 professional name plate as appropriate	0.2sqm
Home Occupation	1 advertisement describing the nature of the home occupation	0.2sqm
Places of Worship, Meeting Halls and Places of Public Assembly	1 advertisement detailing the function and/or the activities of the institution concerned.	0.2sqm
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.	N/A
Industrial and Warehouse Premises	<p>a) 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.</p> <p>b) A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15sqm</p> <p>Maximum permissible total area shall not exceed 10sqm & individual advertisement signs shall not exceed 6sqm.</p>
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

SCHEDULE A – SUPPLEMENTAL PROVISIONS

- Notes: 1. *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.*
2. *Development approval of the local government is not required for the following works and/or uses.*

Development for which development approval is not required

- (1) Development approval is not required for works if -
- (a) the works are of a class specified in Column 1 of an item in the Table; and
- (b) if the conditions are set out in Column 2 of the Table opposite of that item - all of those conditions are satisfied in relation to the works.

Table

	Column 1 Works	Column 2 Conditions
22.	The erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign.	The works are not located in a heritage-protected place or where adjoining a road designated as a Primary Distributor Road.
23.	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 and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied.	The works are not located: <ul style="list-style-type: none"> (a) on a lot which does not have access to a dedicated and/or constructed road; or (b) in a heritage-protected place.
24.	The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage or carport 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 and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied.	The works are not located: <ul style="list-style-type: none"> (a) on a lot which does not have access to a dedicated and/or constructed road; or (b) in a heritage-protected place.

	Column 1 Works	Column 2 Conditions
25.	The erection of any farm sheds or outbuildings on any lot in the Rural Residential, Rural Smallholdings and Rural zones where the development standards set out in the Scheme for that particular zone are satisfied.	<p>(a) The works are not located in a heritage-protected place; and</p> <p>(b) the height does not exceed 5 metres; and</p> <p>(c) the external cladding of the building is non-reflective; and</p> <p>(d) In the Rural Residential zone the combined area of all buildings (dwelling, other outbuildings, stables, etc) on the land would not exceed 350m²; and</p> <p>(e) In the Rural Smallholdings and Rural zones the combined area of all buildings (dwelling, other outbuildings, stables, etc) on the land would not exceed 500m², whichever is the lesser.</p>
26.	The demolition of any building or structure.	The works are not located in a heritage-protected place.
27.	The erection of a boundary fence in a zone where the R- Codes do not apply and the development standards set out in the Scheme for that particular zone are satisfied.	The works are not located in a heritage protected place.
28.	The construction of a retaining wall where the development standards set out in the Scheme for that particular zone are satisfied.	The works are not located within a floodplain area.
29.	The erection of a shade structure in the Service Commercial or General Industry zone where the development standards set out in the Scheme for that particular zone are satisfied.	The works are incidental to an existing building on the site and no greater than 5 metres in height.

ADOPTION

Adopted by resolution of the Council of the **SHIRE OF NARROGIN** at the meeting of the Council held on the 18 day of December 2008.

L BALLARD

President

D STEWART

Chief Executive Officer

FINAL APPROVAL

Adopted by resolution of the Council of the **SHIRE OF NARROGIN** at the meeting of the Council held on the 23 day of February 2022 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

L BALLARD

President

D STEWART

Chief Executive Officer

Submitted and recommended for final approval by the Western Australian Planning Commission.

C MEAGHAN

Delegated under S.16 of PD Act 2005

Date: 17 February 2023

Final approval granted.

R SAFFIOTI

Minister for Planning

Date: 26 April 2023