

SHIRE OF NANNUP

LOCAL PLANNING SCHEME NO. 4

Updated to include AMD 2 GG 10/10/2025



Department of Planning,
Lands and Heritage



Original Town Planning Scheme Gazettal
24th November 2022

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 NANNUP LPS 4 - TEXT AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS						
		WHEN	BY							
New Scheme	24/11/2022	29/11/2022	MLD	New Scheme						
1	02/05/2025	29/05/2025	ME	<p>Amend the Scheme map to remove Lots 125, 301 and 566 Cundinup-Dudinyillup Road from Additional Site Requirements No. 4.</p> <p>Amend Table 5 Additional Site Requirement to include the localities of East Nannup and Nannup in the description of land for ASR 4 as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">No.</th> <th style="width: 55%;">Description of Land</th> <th style="width: 30%;">Requirement</th> </tr> </thead> <tbody> <tr> <td>ASR 4</td> <td>As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta, Cundinup, East Nannup and Nannup localities.</td> <td>Tree Farms will not be supported by the Local Government.</td> </tr> </tbody> </table>	No.	Description of Land	Requirement	ASR 4	As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta, Cundinup, East Nannup and Nannup localities.	Tree Farms will not be supported by the Local Government.
No.	Description of Land	Requirement								
ASR 4	As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta, Cundinup, East Nannup and Nannup localities.	Tree Farms will not be supported by the Local Government.								
2	10/10/2025	13/10/2025	HAB	<p>Amend the northern portion of Lot 73 Cundinup-Dudinyillup Road, Nannup from 'Priority Agriculture' to 'Rural'.</p> <p>Remove the northern portion of Lot 73 Cundinup-Dudinyillup Road, Nannup from 'Additional Site Requirements 4'.</p> <p>Amending the scheme map accordingly.</p>						

SHIRE OF NANNUP

LOCAL PLANNING SCHEME NO. 4

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

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Part 1 - Preliminary

1. Citation

This Local Planning Scheme is the Shire of Nannup Scheme No 4.

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*.

3. Scheme revoked

The following local planning scheme is revoked – Local Planning Scheme No. 3, gazetted on 14 December 2007.

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 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The Shire of Nannup 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.

6. Scheme area

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

7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the **Scheme text**), this Scheme includes the following -
 - (a) the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2)
 - (b) the Scheme Map (Sheets 1 - 7).
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to –

- (a) set out the local government's 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 referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are -

- (a) To implement the intentions and desired outcomes of the Local Planning Strategy.
- (b) To coordinate and integrate planning at the local level with planning at regional and state levels.
- (c) To facilitate the effective implementation of the State Planning Framework.
- (d) To ensure there is sufficient supply of serviced and suitable land for housing, commercial activities, community facilities, recreation and open space.
- (e) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourist development, as well as providing opportunities for home-based employment.
- (f) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- (g) To manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses.
- (h) To protect and enhance the environmental values and natural resources of the Shire and to promote ecologically sustainable land use and development.
- (i) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.
- (j) To ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities.
- (k) To recognise and protect places of natural beauty, historic interest and scientific interest that are considered to be important to the heritage of the Shire.
- (l) To make provision for other matters authorised by the Act.
- (m) To encourage the sustainable development and expansion of the Nannup townsite to improve service viability while conserving or enhancing a strong sense of community.
- (n) To ensure that future subdivision and development within and near the Nannup townsite provide a broad range of housing and lifestyle choices that enhance the environment and character of the townsite.

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.

11. Relationship with other local planning Schemes

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

12. Relationship with region planning Scheme

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

Part 2 - Reserves

13. Regional reserves

There are no regional reserves in the Scheme area.

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

14. 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 local reserve 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. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
State Forest	<ul style="list-style-type: none"> To identify areas of State Forest.
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
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.
Government Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services.
Recreational	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of public recreational facilities.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.

Drainage/Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
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 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.

15. Additional uses for local reserves

- (1) Table 2 sets out -
- classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
 - the conditions that apply to that additional use.

Table 2 - Specified additional uses for land in local reserves in Scheme area

No.	Description of land	Additional use	Conditions
AR1	Reserve 20333, Brockman Street, Nannup	Caravan Park Camping Ground Tourist Development Recreation - Private	As determined by the local government
AR2	Reserve 24762, Balingup-Nannup Road, Nannup	Caravan Park Camping Ground Tourist Development Recreation - Private	As determined by the local government

- (2) Despite anything contained in clause 14, land that is specified in Table 2 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

Part 3 - Zones and use of land

16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows -

Table 3 - Zone objectives

Zone name	Objectives
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. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Environmental Conservation	<ul style="list-style-type: none"> • To identify land set aside for environmental conservation purposes. • To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.
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.
Priority Agriculture	<ul style="list-style-type: none"> • To identify land of State, regional or local significance for food production purposes. • To retain priority agricultural land for agricultural purposes. • To limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.
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.
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.

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.
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 Council to impose specific conditions associated with the special use.
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.
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 planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.

17. Zoning table

The zoning table for this Scheme is as follows -

Table 4 - Zoning Table

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	Special Use	Tourism	Urban Development
Abattoir	X	X	X	A	X	A	X	X	REFER TO CLAUSE 21	X	REFER TO CLAUSES 18(6) AND 67
Agriculture – extensive	X	A	X	P	X	P	D	P		A	
Agriculture - intensive	X	A	X	P	X	P	D	D		A	
Airfield	X	X	X	A	X	A	X	X		A	
Amusement parlour	A	X	A	X	X	X	X	X		A	
Ancillary dwelling	D	D	X	D	P	D	D	D		X	
Animal establishment	X	X	X	D	X	D	A	A		X	
Animal husbandry - intensive	X	X	X	D	X	A	X	A		X	
Art gallery	D	A	D	A	X	D	A	A		A	
Bed and breakfast	D	D	X	D	D	D	D	D		D	
Betting agency	D	X	X	X	X	X	X	X		X	
Brewery	A	A	A	A	X	D	X	A		A	
Bulky goods showroom	D	X	D	X	X	X	X	X		X	
Camping ground	X	X	X	A	X	A	X	X		D	
Caravan park	A	X	X	A	X	A	X	X		A	
Caretaker's dwelling	D	D	A	D	X	D	X	D		D	
Car park	D	D	D	A	A	A	X	D		D	
Child care premises	D	X	X	X	A	X	A	A		A	
Cinema/Theatre	D	X	X	X	X	X	X	X		A	
Civic use	D	A	D	D	D	D	D	D		D	
Club premises	D	X	A	A	A	D	A	A		A	
Commercial vehicle parking	D	D	P	P	D	P	D	P		D	
Community purpose	D	A	D	A	A	D	D	D		A	
Consulting rooms	D	X	X	X	A	A	A	A		A	
Convenience store	D	X	A	X	X	X	X	X	A		
Corrective institution	X	X	X	X	X	A	X	X	X		
Educational establishment	A	A	X	X	A	A	X	A	A		

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	Special Use		
									Special Use	Tourism	Urban Development
Exhibition centre	D	A	A	A	A	A	A	A	REFER TO CLAUSE 21	A	REFER TO CLAUSES 18(6) AND 67
Family day care	D	X	X	A	A	D	A	A		X	
Fast food outlet	D	X	X	X	X	X	X	X		X	
Fuel depot	A	X	D	X	X	X	X	X		X	
Funeral parlour	D	X	D	X	X	X	X	X		X	
Garden centre	D	D	D	A	X	D	A	A		A	
Grouped dwelling	D	X	X	X	D	X	X	X		X	
Holiday accommodation	D	A	X	A	X	A	A	A		D	
Holiday house	D	A	X	A	A	A	A	A		D	
Home business	D	D	X	D	A	D	D	D		D	
Home occupation	D	D	X	D	D	D	D	D		D	
Home office	P	P	P	P	P	P	P	P		P	
Home store	D	A	D	A	A	A	A	A		A	
Hospital	D	X	X	X	X	A	X	X		X	
Hotel	D	X	X	X	X	X	X	X		A	
Independent living complex	P	X	X	X	P	X	X	X		X	
Industry	X	X	D	X	X	X	X	X		X	
Industry - cottage	D	D	D	D	A	D	D	D		A	
Industry - extractive	X	X	X	A	X	A	X	A		X	
Industry - light	A	X	D	X	X	X	X	X		X	
Industry - rural	X	A	X	D	X	D	X	A		X	
Liquor store - large	A	X	X	X	X	X	X	X		X	
Liquor store - small	D	X	X	X	X	X	X	X		X	
Lunch bar	D	X	A	X	X	X	X	X		X	
Marine filling station	A	X	A	X	X	X	X	X		X	
Market	D	X	X	A	X	D	X	X		X	
Medical centre	D	X	X	X	A	X	X	X		X	
Mining operations ¹	X	X	X	A	X	A	X	X		X	
Motel	D	X	X	X	X	X	X	X	D		
Motor vehicle, boat or caravan sales	A	X	D	X	X	X	X	X	X		

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	Special Use	Tourism	Urban Development
Motor vehicle repair	X	X	D	X	X	A	X	A	REFER TO CLAUSE 21	X	REFER TO CLAUSES 18(6) AND 67
Motor vehicle wash	A	X	D	X	X	X	X	X		X	
Multiple dwelling	D	X	X	X	D	X	X	X		X	
Nature based park	X	A	X	A	X	D	X	A		D	
Nightclub	A	X	X	X	X	X	X	X		X	
Office	D	X	X	X	X	X	X	X		X	
Park home park	A	X	X	X	A	X	X	X		A	
Place of worship	A	A	X	A	A	A	A	A		A	
Reception centre	D	X	X	X	X	A	X	A		D	
Recreation - private	D	X	X	A	X	A	X	A		A	
Renewable energy facility	X	X	A	A	X	A	X	A		X	
Repurposed dwelling	D	D	X	D	D	D	D	D		A	
Residential aged care facility	P	X	X	X	P	X	X	X		X	
Residential building	D	D	X	A	D	A	A	A		A	
Resource recovery centre	X	X	X	X	X	A	X	X		X	
Restaurant/Cafe	D	A	X	A	X	D	X	A		D	
Restricted premises	A	X	A	X	X	X	X	X		X	
Roadhouse	A	X	A	A	X	A	X	X		X	
Rural home business	X	A	X	D	X	D	A	A		X	
Rural produce store	X	A	X	D	X	D	A	A		A	
Rural pursuit/hobby farm	X	D	X	P	X	P	P	P		P	
Second-hand dwelling	D	D	X	D	D	D	D	D		A	
Serviced apartment	D	X	X	X	X	X	X	X		D	
Service station	A	X	A	X	X	A	X	X		A	
Shop	D	X	X	X	X	X	X	X		A	
Single bedroom dwelling	D	X	X	X	D	X	X	X		X	
Single house	D	D	X	P	P	P	P	P		D	
Small bar	A	X	X	X	X	X	X	X		A	
Tavern	A	X	X	X	X	X	X	X		A	
Telecommunication infrastructure	D	D	D	D	D	D	D	D		D	

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	Special Use		Urban Development
									Special Use	Tourism	
Tourist development	D	X	X	X	X	X	X	X	REFER TO CLAUSE 21	D	REFER TO CLAUSES 18(6) AND 67
Trade display	D	D	D	D	X	D	X	D		A	
Trade supplies	D	X	D	X	X	X	X	X		X	
Transport depot	A	X	D	A	X	A	X	A		X	
Tree farm ²	X	D	X	D	X	D	A	A		A	
Veterinary centre	D	X	D	D	X	D	X	A		A	
Warehouse/storage	D	X	D	X	X	X	X	X		X	
Waste disposal facility	X	X	A	X	X	A	X	X		X	
Waste storage facility	X	X	A	A	X	A	X	X		X	
Winery	X	D	X	D	X	D	A	D		D	
Workforce accommodation ³	X	X	X	D	A	D	X	A	X		

Note 1. Refer to Clause 57 - Mining operations.

Note 2. Refer to Clauses 46 - Tree farms and Clause 68 - Additional site and development requirements.

Note 3. Refer to Clause 44 - Workforce accommodation.

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings -
 - P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land;
 - 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 the Scheme as it relates to the use of the land;
 - 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 in accordance with clause 64 of the Deemed Provisions;
 - X means that the use is not permitted by this Scheme.

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.

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 non-conforming use.*
 4. *If a proposed development is identified as a 'P' use in the zoning table, but the proposed development does not comply with all of the development standards and requirements of the scheme as they relate to the use of land, then it is to be treated as a 'D' use.*
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
 - (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and 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.
 - (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
 - (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
 - (a) a structure plan;
 - (b) a local development plan.

19. Additional uses

- (1) Schedule 5 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.
- (2) Despite anything contained in the zoning table, land that is specified in Schedule 5 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

- (1) Schedule 6 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.

- (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.

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -
- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if -
- (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
- (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

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

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following –

- (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government -
- (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up to date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 - General development requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R Codes apply to an area if –
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R Codes apply to the area.

26. Modification of R-Codes

There are no modifications to the R-Codes.

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) State Planning Policy 3.6 - Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

There are no other State planning policies that are to be read as part of the Scheme.

30. Modification of State planning policies

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

31. Environmental conditions

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

General Development Standards

32. Car parking

- (1) Car parking is to be provided on-site in accordance with Schedule 2 and to Australian Standard A2890.1-2004 (as amended).
- (2) Car parking facilities shall generally be constructed to a sealed standard, unless the local government is satisfied that an alternative construction standard is appropriate having regard to the frequency of use, traffic volumes using the facility, proposed use and site context.
- (3) Car parking bays, vehicle manoeuvring areas, access ways and crossovers shall be maintained to the satisfaction of the local government.

- (4) Where a land use is not listed in Schedule 2, the number of car parking bays required is to be determined by the local government having due regard to the -
- (a) nature of the proposed development;
 - (b) number of employees or others likely to be employed or engaged in the use of the land;
 - (c) anticipated demand for visitor parking;
 - (d) availability of on-street parking; and
 - (e) method of transport that will be used to gain access to the development.
- (5) Where the proposed development is adjacent to on-street parking, the local government may approve a reduced number of bays to a maximum number of on-street bays directly adjacent to the subject land and having due regard to (a) to (e) above.
- (6) The local government may permit car parking bays to be accommodated within the road reserve adjacent to the proposed development. In considering a proposal, the local government shall take into account the width and function of the road; the ability of the road to accommodate the parking; and the ability of the development site to accommodate on-site parking.
- (7) In instances where car parking areas accommodate 20 vehicles or more are developed, provision shall be made, to the satisfaction of the local government, for pedestrian movement systems through the parking areas concerned to connect with other pedestrian movement routes in the locality.
- (8) The local government may allow a 20% reduction in the amount of car parking otherwise required by Schedule 2, up to a maximum of 3 bays, where a developer prepares and commits to implement an Active Transport Plan, to the satisfaction of the local government. The Active Transport Plan is to detail how and to what extent non-motorised forms of transport will be encouraged through the provision of 'end of trip facilities', such as bike parking, showers and lockers.

33. Reciprocal and shared car parking

- (1) For the purposes of this clause, reciprocal car parking is private parking which is shared between private land owners. Shared car parking is public parking (i.e. owned or vested in the local government) which is shared with, and forms part of a private development's parking provision.
- (2) The local government may exercise its discretion to permit a proportion of the total number of car parking bays required to be provided jointly with any one or more other premises within a location. In considering reciprocal and/or shared car parking, the local government will need to be satisfied that the car parking will be adequate to service the proposed development.
- (3) Reciprocal and/or shared car parking shall only be permitted where -
- (a) car parking in the locality accommodates the deficit in required car parking bays; and
 - (b) the peak hours of operation of land uses sharing the car parking are different and do not substantially overlap; and
 - (c) a legally binding agreement has been made to enable the reciprocal or shared car parking to be used for that purpose.

Note: Where a reciprocal or shared car parking arrangement is proposed, the written consent of the property owner of the reciprocal or shared car parking facility must be in the form of a legally binding agreement between both parties that is prepared to the satisfaction of the local government, and at the applicant's/proponents' own cost.

34. Cash-in-lieu of car parking

- (1) The local government may agree to a cash payment in lieu of all, or part, of the required car parking bays.
- (2) A cash payment in lieu of providing car parking bays shall only be considered in locations where the following has been demonstrated -
- (a) there is sufficient car parking in the locality; and

- (b) a public car park exists or is planned in the locality that adequately services the car parking requirements of both the general public and the proposed development; and
 - (c) that a legally binding agreement has been made to enable the public car park to be used for the purpose of providing car parking for the proposed development on a permanent basis in accordance with subclause (b).
- (3) The cash-in-lieu payment shall not be less than the estimated cost of the following -
- (a) constructing the car parking bays and associated manoeuvring areas (including sealing, kerbing and draining); and
 - (b) the value of the land on which the car parking bays and associated manoeuvring areas are to be located. The value of the land is to be determined by an appropriately qualified land valuer and to the satisfaction of the local government.
- (4) Cash-in-lieu payments shall be paid into a special purpose fund for the acquisition of land and construction of public car parking facilities within reasonable proximity to the subject land in respect of which a cash-in-lieu payment applied.

35. Parking of commercial vehicles in the Residential and Rural Residential Zones

- (1) No person shall park a commercial vehicle within the Residential and Rural Residential zones without the development approval of the local government. Where commercial vehicle parking is proposed it shall comply with the following -
- (a) only one commercial vehicle is to be parked on the lot;
 - (b) the commercial vehicle is required as an essential part of a resident's occupation;
 - (c) the commercial vehicle is to be parked behind the front building line of the dwelling and effectively screened from view from outside the lot;
 - (d) no part of the commercial vehicle is to be parked on any portion of a right-of-way or public road contiguous with the lot;
 - (e) servicing (major or minor) of the commercial vehicle shall not be undertaken on the lot; and
 - (f) the commercial vehicle shall not be brought to or taken from the lot between the hours of midnight and 6.00 am.

36. Service access

- (1) Where a land use or development involves the delivery or despatch of goods of any kind, a loading and unloading area will be required to be provided. The following requirements will apply to loading and unloading areas -
- (a) delivery vehicles using the area must, unless otherwise approved by the local government, be able to enter the street in a forward direction;
 - (b) loading and unloading areas to be located either inside of buildings or to the side and/or rear of the premises and separate from any public access areas;
 - (c) where a road, right of way or rear laneway is used to gain access to the loading and unloading area on the lot, delivery vehicles servicing this area shall not obstruct the road, right of way or rear laneway.

37. Service courts

- (1) One or more service courts, as determined by the local government, shall be provided in any commercial or industrial development for the storage and concealment of refuse disposal bins, crates and other materials of trade. A service court shall be -
- (a) accessible from any service access required by clause 36;
 - (b) of an area and dimension to the satisfaction of the local government but, in any case,

shall not be less than 10m² in area; and

- (c) screened to the satisfaction of the local government.

38. Landscaping

- (1) In considering the landscaping requirement of any application for development approval, the following shall apply -
- (a) a landscaping area is to be provided on-site in accordance with Schedule 1;
 - (b) landscaping should be designed and located to improve the visual amenity of the development and should be generally located to the front of the development site to enhance the streetscape;
 - (c) landscaping should generally consist of vegetation species endemic to the locality;
 - (d) landscaping is to be fully reticulated, with an identified secure water supply, and maintained to the satisfaction of the local government;
 - (e) a landscaping strip with a minimum width of 1.5 metres shall be provided between car parking areas and road frontages;
 - (f) except for a change of land use of an existing development, on-site car parking areas within new developments are to be landscaped with shade trees planted at a rate of no less than 1 tree per 10 car parking bays. Species and sizes of trees are to be to the specifications of the local government;
 - (g) access driveways between a street alignment and any buildings may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included;
 - (h) the local government may, in a landscaped area, restrict the use of hard materials (e.g. concrete, gravel etc.) and require instead, the planting of drought resistant trees and shrubs of a type the require little maintenance;
 - (i) landscaping required pursuant to this Scheme or to a conditional development approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government.

39. Building height

- (1) The maximum building height, to top of the roof, above natural ground level is to be in accordance with Schedule 1.
- (2) The local government may, after following the advertising procedures set out at clause 64 of the Deemed Provisions, permit development in excess of the height limits specified where -
- (a) site constraints are such as to prevent the construction of a reasonable building on the site without exceeding the relevant height limit; or
 - (b) the nature of the proposed development is such that, to be functional, it must be built to a higher level; or
 - (c) other extraordinary circumstances exist as reasonably determined by the local government; and
 - (d) the local government is satisfied that the building height variation:
 - (i) will be in harmony with the general character of buildings in the locality;
 - (ii) will not adversely affect the amenity of the locality, including character, landscape and environmental values;
 - (iii) will be compatible with its setting, including the relationship of the development to development on adjoining land, or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; and

- (iv) does not exceed 25% greater than the maximum building height specified in Schedule 1.
- (3) For the purpose of clause 39, the building height limit does not apply to a chimney, mast, telecommunications infrastructure, satellite dish (not exceeding a diameter of 4 metres), pole, wind turbine or signal receiving or transmitting tower. Notwithstanding, the proposed development is to be designed, sited and/or treated to ensure that it does not adversely impact the visual amenity of the locality, as determined by the local government.

40. Re-purposed and second-hand dwellings

- (1) The local government shall not grant development approval for a re-purposed dwelling or second-hand dwelling unless it is satisfied that the development will -
 - (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;
 - (c) comply with any development standards of this Scheme or any R-Code standards applicable to the development.
- (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.
- (3) The local government may, if it considers it appropriate to do so, advertise an application for development of re-purposed dwelling or second-hand dwelling pursuant to Clause 64 of the Deemed Provisions.

41. Home based businesses

- (1) In determining a development application for a home business, including but not limited to a home occupation or rural home business, the local government may impose conditions relating to the following matters -
 - (a) the home business 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;
 - (b) the size and type of any vehicle used in connection with the home business and where such a vehicle may be parked;
 - (c) any activities incidental to the home business including the storage of goods and/or equipment on the subject land;
 - (d) for the purpose of monitoring the impact of a home business the development approval may be granted for a limited period of up to twelve months; and
 - (e) not have more than one advertising sign and the sign displayed does not exceed 0.2m² in area.

42. Development adjoining Primary Distributor Roads

- (1) In considering an application for development approval in respect of land adjoining Primary Distributor Roads, the local government may refer the application to Main Roads Western Australia for consideration and comment. The local government shall have due regard to any comments received from Main Roads Western Australia.

43. Development of lots abutting unconstructed roads or with no gazetted road access

- (1) Development approval is required for all development abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve, pursuant to Supplemental Provision 61(1)(22)(iv). In considering such a proposal, the local government may -
 - (a) refuse to grant development approval until the road has been constructed or direct access to a constructed road is provided; or
 - (b) grant development approval subject to a condition requiring the applicant to contribute to the full or partial cost of constructing the road as determined by the local government;

or

- (c) where dedicated road access is available, grant development approval subject to a condition requiring the applicant to pay a sum of money in whole or in part towards the cost of constructing the road or part thereof; or
- (d) where gazetted road access is not available, consider other legal arrangements to be made for permanent legal access to the satisfaction of the local government, addressing the following -
 - (i) permanent access being secured;
 - (ii) the location of the access;
 - (iii) access being constructed and maintained; and
 - (iv) a notification is to be placed on the certificate of title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

44. Workforce accommodation

- (1) Applications for development approval for workforce accommodation shall address the following, to the satisfaction of the local government -
 - (a) the demonstrated need for the proposed workforce accommodation;
 - (b) the suitability of the site to be developed for the proposed use;
 - (c) the suitable siting of the land use in the context of surrounding existing and proposed land uses to avoid landscape impacts and land use conflicts;
 - (d) appropriate access and egress to the site by vehicles and pedestrians, including providing shared access where applicable;
 - (e) appropriate facility design and use including provision and/or access to recreation, entertainment and community services;
 - (f) the preparation and implementation of a Workforce Management Plan outlining how the workforce will be managed on the site;
 - (g) being located on a lot greater than 10 hectares unless it is on land zoned Residential or Urban Development; and
 - (h) a suitable water supply and adequate wastewater disposal capability.
- (2) Workforce accommodation on mining tenements is exempt from the need for development approval under the *Mining Act 1978*. Notwithstanding, the local government may exercise its discretion to inform the Minister for Mines in writing that the granting of a mining lease or general purpose lease, and any associated workforce accommodation, is contrary to the provisions of the Scheme. In providing such advice to the Minister for Mines on the suitability of workforce accommodation, the local government will be guided by the permissibility of this use in the zoning table.

45. Caretaker's dwelling

- (1) A caretaker's dwelling shall -
 - (a) be limited to one caretaker's dwelling per lot, excluding lots within a strata scheme; and
 - (b) be located to minimise any amenity impacts from noise, dust, odour and light spill from the predominant land use.
- (2) The local government will not support the subdivision of land that will result in a caretaker's dwelling being located solely on its own lot, separate from the predominant land use.
- (3) The local government will refuse to grant development approval for a caretaker's dwelling prior to the predominant land use being either approved or constructed/operational.

46. Tree farms

- (1) Applications for development approval of tree farms are to include -
 - (a) submission of a plantation management plan in accordance with the protocol in the Code of Practice; and
 - (b) provision and implementation of an adequate bushfire management plan to the satisfaction of the local government.
- (2) The following matters are to be considered when determining applications for development approval of tree farms -
 - (a) the Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time ('Code of Practice');
 - (b) the Guidelines for Plantation Fire Protection or subsequent document, as amended from time to time;
 - (c) protection of existing water courses, impacts on stream flows and groundwater resources, vegetation corridors, agricultural production, and mitigation of wind erosion, waterlogging and salinity;
 - (d) land use compatibility and the location of the tree farm in relation to land zoned and/or planned for residential, industrial and commercial uses;
 - (e) the suitability of the current and future road network, particularly in regard to any future intended logging operations;
 - (f) the objectives of the zone;
 - (g) any resulting benefits in supplementing continued traditional agriculture on the land; and
 - (h) any relevant Local Planning Policy adopted by the local government.
- (3) Notwithstanding other provisions contained within the Scheme, tree farms are not a permitted use for areas shown in clause 68 Table 5. Tree farms will be considered on their merits on land zoned Priority Agriculture within the Scott Coastal Plain.

47. Significant Tree Register

- (1) The local government, having due regard to -
 - (a) the historical, cultural heritage or ecological significance of a tree;
 - (b) the amenity or aesthetic quality of a tree;
 - (c) the rarity of a tree;
 - (d) any other characteristic which in the opinion of the local government makes the tree worthy of preservation;
 - (e) the advice of any relevant statutory, public or planning authority; and
 - (f) any submissions received,

may establish and maintain a Significant Tree Register to identify trees within the scheme area that are worthy of preservation.
- (2) An entry into the Significant Tree Register may be made in respect of an individual tree, a group of trees, or an area which contains trees.
- (3) The Significant Tree Register must -
 - (a) set out a description of each tree, its location and the reason for its entry in the Significant Tree Register; and
 - (b) must be available for public inspection during business hours at the offices of the local

- government; and
- (c) may be published on the website of the local government.
- (4) The local government must not enter a tree(s) or area in; remove a tree(s) or area from; or modify an entry in the Significant Tree Register unless the local government:
- (a) notifies in writing each owner and occupier of the land which contains the tree(s) or area and provides each of them with a description of the tree(s) and the reason for its proposed entry; and
- (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and
- (c) carries out any other consultation the local government considers appropriate; and
- (d) following any consultation and consideration of the submissions made on the proposal, resolves that the tree(s) or area be entered into, removed from or entry modified in the Significant Tree Register.
- (5) If the local government enters an area or tree(s) in the Significant Tree Register or modifies an entry in the Significant Tree Register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the area or tree(s).
- (6) The local government's prior development approval is required to clear a tree(s) contained within the Significant Tree Register except where that tree(s) -
- (a) presents an immediate risk of personal injury or damage to property;
- (b) must be cleared where necessary and only to the extent necessary:
- (i) for the purposes of fire prevention or for access for public services or utilities; or
- (ii) for the commencement or carrying out of development in accordance with a development approval granted under Part 9 of the Deemed Provisions; or
- (iii) for the carrying out of any condition of subdivision approval for which approval is deemed to be given under Part 10 of the *Planning and Development Act 2005*; or
- (iv) where expressly required by the terms of a written law.
- (7) In considering an application for development approval to clear a tree(s) which is on the Significant Tree Register, the local government is to have due regard to -
- (a) the significance of the tree(s) taking into account the matters listed in clause (1)(a) – (e) and the information contained within the Significant Tree Register;
- (b) the effect of any revegetation programme or any imposed or proposed revegetation condition associated with the development application;
- (c) any advice received from a relevant statutory, public or planning authority; and
- (d) any advice or recommendations contained within an arborist report, which is to be prepared at the full cost of the applicant.
- (8) Any person who fells a tree that is within a Significant Tree Register without the prior approval of the local government, contravenes the provisions of the Scheme.

48. Vegetation protection

- (1) All vegetation clearing requires the prior development approval of the local government on land located within the Environmental Conservation, Rural Residential and Rural Smallholding zones and within Special Control Area 1 (SCA 1), unless -
- (a) it is within an approved building envelope;

- (b) it is associated with implementing approved development;
 - (c) it is necessary for an approved access way;
 - (d) it is the subject of an approved clearing permit;
 - (e) the vegetation is dead, diseased or dangerous;
 - (f) it is the removal of exotic species and/or declared weeds; or
 - (g) it is for general fire management or to comply with a requirement of an approved bushfire management plan.
- (2) The local government may liaise with the Department of Biodiversity, Conservation and Attractions to determine the significance of any vegetation proposed to be cleared.
 - (3) The provisions listed within subclause (1) (a) - (f) do not apply where vegetation is specifically protected by way of a landscape protection designation or similar by a Structure Plan, Local Development Plan, or Significant Tree Register.
 - (4) The local government will, when presented with an application to clear land, have regard to the extent of clearing to be undertaken, the quality and type of vegetation to be removed, the nature of the vegetation as an ecological linkage and any re-vegetation carried out on the same land. The local government may impose conditions or make arrangements to retain some of the vegetation on the land, or refuse the application if the removal of the vegetation, in the opinion of the local government, would result in a detrimental environmental, amenity or landscape impact.

49. Water resource management and protection

- (1) Development proposals that may have potential to impact on the State's water resources may be referred to the relevant agencies for comment. Where relevant, the local government may require the applicant/operator to undertake appropriate pre-development and post development monitoring and undertake measures deemed appropriate by the local government to address water source management and protection issues.
- (2) In considering any development application which may have an impact on any waterway including rivers, creeks, drainage lines, swamps and other wetlands, groundwater, or significant water-dependant ecosystems, the local government shall have regard to -
 - (a) managing water balance;
 - (b) maintaining and where possible enhancing water quality;
 - (c) encouraging water conservation and water sensitive design;
 - (d) maintaining and where possible enhancing water related environmental values, recreational and cultural values.
 - (e) the protection of vegetation corridors, agricultural production, and mitigation of erosion.
- (3) The local government may require proponents, or other agreed party to:
 - (a) prepare a foreshore management plan, drainage and nutrient management plans, strategy or other document to manage impacts of proposed development and subdivision, and will require the proponent, or other agreed party, to
 - (b) appropriately implement the plan or strategy to the satisfaction of the local government,
 - (c) in localities where a bushfire management plan is required, the development of the aforementioned plans must be in conjunction with such bushfire management plan.

50. Protection of coasts and shores

- (1) No person shall without the consent of the local government carry out any development within one hundred metres of the fore dune of the ocean coast.
- (2) Development to be accordance with clause 68, Table 5.

51. Building envelopes

- (1) All dwellings and incidental development in the Rural Residential, Rural Smallholding and Environmental Conservation zones must be located within an approved building envelope (as may be shown on an approved Structure Plan, Local Development Plan or approved building envelope plan). No development is permitted outside of the designated building envelope, except for -
- (a) provision of a suitable access way to the building envelope;
 - (b) rainwater tanks as approved by the local government;
 - (c) provision of suitable boundary fencing; and
 - (d) implementation of an approved bushfire management plan or any other general bushfire requirements.
- (2) Where a building envelope has not been designated, a plan shall be submitted identifying a building envelope, in a location to the satisfaction of the local government, on the plans submitted with any application for development approval that -
- (a) does not exceed 10% of the lot area, or 2,000m² whichever is the lesser in the Rural Residential and Environmental Conservation zones or does not exceed 10% of the lot area, or 1 hectare whichever is the lesser in the Rural Smallholding zone;
 - (b) complies with the minimum setback requirements of Schedule 1 of this Scheme and any setback requirements under an endorsed bushfire management plan; and
 - (c) minimises the removal of remnant vegetation, provides a suitable area for on-site effluent disposal (if applicable) to meet the requirements of the relevant Government Sewerage Policy, complies with any fire management requirement and minimises erosion and the visual prominence of future buildings.
- (3) The local government may approve a variation to, or relocation of the building envelope, subject to advertising in accordance with clause 64 of the Deemed Provisions, provided in each case it is satisfied that -
- (a) the objectives of the zone are not compromised;
 - (b) the visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope to that which might have occurred within the building envelope as originally proposed;
 - (c) development within the proposed new building envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope; and
 - (d) the proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and not have a detrimental effect on the environment.

52. Development of short-term accommodation

- (1) The following provisions apply to short-term accommodation on land zoned Priority Agriculture, Rural, Rural Residential, Rural Smallholdings and Environmental Conservation -
- (a) A maximum of 6 dwellings used to provide short-term accommodation, or a total occupancy of 24 people, whichever is the greater.
 - (b) Notwithstanding Clause 52 (1)(a), on land zoned Rural Residential, a maximum of 3 dwellings used to provide short-term accommodation, or a total occupancy of 12 people, whichever is the greater.
 - (c) The local government will not support any further dwelling entitlements used for short-term accommodation than specified in Clause 52 (1) (a) and (b), until such time as the land is rezoned to Tourism zone.
 - (d) Prior to any development approval being granted for the development referred to in sub

clause (1)(a) or (b), the applicant will be required to demonstrate that the proposed development:

- (i) will not have any adverse effect on rural production activities on the subject land or nearby land; and
 - (ii) will result in the retention and enhancement of existing vegetation on the land and that the visual and rural character of the property will not be adversely affected
- (2) An application for development approval for short-term accommodation in all zones, will be required to demonstrate via the submission of a management plan, to the satisfaction of the local government, that the short-term accommodation will be managed to ensure that -
- (a) it will not cause nuisance or annoyance to the owners and/or occupiers of adjoining or nearby properties; and
 - (b) adequate fire management will be demonstrated via the preparation of an emergency evacuation plan
- (3) In granting development approval for short-term accommodation, the local government may grant a limited approval period of one year, renewable by way of further application towards the expiration of that period. If the local government has received complaints regarding the holiday house activity, a further approval may not be granted.

53. Sewerage disposal

- (1) Sewage is to be disposed via a reticulated sewerage scheme, or where deemed appropriate by the relevant decision-maker, via an on-site sewage disposal system which meets the requirements of the relevant Government Sewerage Policy.

54. Potable water supply

- (1) Where a reticulated water supply network is available, all development requiring potable water is to connect to the supply.
- (2) Where a reticulated water supply network is not available or is not feasible to connect -
- (a) each dwelling shall be provided with a minimum 135,000 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.
- (3) All water storage tanks are to be fitted with couplings for the purposes of firefighting, to the specifications of the Department of Fire and Emergency Services.

55. Non-potable water supply

- (1) The local government may approve the use of fit-for-purpose (non-potable) water, wastewater recycling and reuse.
- (2) A 'Water Supply Plan' as required shall identify a secure fit-for-purpose water supply that conserves potable water, minimises wastewater and promotes re-use of all forms of water, including stormwater.

56. Telecommunications infrastructure

- (1) An application for development approval is required for the development of all Telecommunications Infrastructure excluding those listed under Schedule 3 of the *Telecommunications Act 1997* (Commonwealth) and the Telecommunications Low Impact Facilities Determination 1997.
- (2) Applications for the development of Telecommunications Infrastructure shall have regard to State Planning Policy 5.2 – Telecommunications Infrastructure.

57. Mining operations

- (1) Whilst Mining Operations are exempt from the need for development approval under the *Mining Act 1978*, the local government may exercise its discretion to inform the Minister for Mines and

the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy. In providing advice to the Minister for Mines on the suitability of Mining Operations, the local government will be guided by the permissibility of this use in the zoning table.

58. Signage and advertisements

- (1) All advertisements require an application for development approval, unless exempted by Supplemental Provision - Schedule A, Clause 61(1)(26) and Schedule 3 – Exempted Signage and Advertisements of this Scheme.
- (2) Advertisements that advertise goods or services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited.
- (3) Despite subclause 58 (1) and (2), the local government will consider applications for development approval for advertisements on 'third party land' for a temporary period. The local government will have regard to Local Planning Policy 18 Signs and Advertisements.

Zone Development Standards

59. General zone development requirements

- (1) Development and subdivision within all Zones shall comply with the requirements of Schedule 1 and 2, the zoning table (Table 4) and the objectives for the zone as outlined in this Scheme.

60. Commercial Zone requirements

- (1) Notwithstanding the provisions of Table 4 - Zoning Table, fast food outlets or other land uses that include a 'drive-through service' are not permitted on those lots having frontage to Warren Road within the Commercial zone.
- (2) Buildings within the Commercial zone shall be designed to address the following -
 - (a) building facades:
 - (i) provide articulated frontages;
 - (ii) use a variety of complementary colours, materials and design features;
 - (iii) maximise the use of glazing and minimise blank walls to ensure unobstructed views to the street and public realm;
 - (b) respect and complement the architectural character and style of the locality and streetscape and create a cohesive and consistency of design with adjacent development, where appropriate;
 - (c) be of a human scale and form where the building interfaces with the street or public open space;
 - (d) designed to provide for passive surveillance which minimises opportunities for concealment and entrapment and considers the design principles in the WAPC's Designing Out Crime Planning Guidelines (2006) or any updates;
 - (e) development located on corner sites should incorporate landmark design elements to ensure the building is visually prominent in the streetscape to provide a sense of place;
 - (f) incorporates solar passive design principles;
 - (g) incorporates appropriate and attractive design features, such as verandahs or awnings, that provides protection from the weather, and are integrated with the architectural style of the proposed building and adjacent development;
 - (h) plant and infrastructure located on rooftops are unobtrusive where viewed from the street or publicly accessible areas (e.g. public open space); and
 - (i) integrates signage at an appropriate scale and design, which complements and enhances the character and amenity of the streetscape.

- (3) For the purpose of maintaining the existing streetscape, character and heritage significance of the Commercial zone, the local government may -
 - (a) require that on-site car parking bays be located at the rear of the development;
 - (b) require that access to car parking areas be provided from a secondary or rear street or right of way, where available; and/or
 - (c) reduce the required number of on-site car parking bays.
- (4) The local government may consider residential development where it can be demonstrated that it will not prejudice the Warren Street frontage at ground level.

61. Environmental Conservation zone

- (1) No further subdivision of lots will be supported except in considering the subdivision incentives contained within the Augusta Walpole Coastal Strategy set out at clause 68 Table 5.
- (2) Where a development application proposes a new building within 50 metres of land reserved as 'Environmental Conservation' or 'State Forest', the local government shall refer an application to the relevant management/conservation authority for comment. The local government may refer any development application for comment to the management/conservation authority of adjoining land or to the covenant agency where the land is subject to a conservation covenant.
- (3) Development shall be located to ensure no adverse impacts outside the boundary of the subject lot.
- (4) Development shall be designed and located to be compatible with and complementary to the landscape character of the locality, in particular, development shall not be sited on exposed dunes or in visually conspicuous positions.
- (5) Development and associated effluent disposal systems that comply with the relevant Government Sewerage Policy shall be setback from watercourses, wetlands and environmental assets in order to protect the sensitive environment of the area.
- (6) Agriculture-Extensive and Agriculture-Intensive land uses will only be supported where it can be demonstrated to the satisfaction of the local government that the use will not adversely impact the environmental and landscape values of the subject land.
- (7) Site and development requirements for the rural conservation areas identified by the Augusta Walpole Coastal Strategy are to be in accordance with clause 68, Table 5.

62. General Industry Zone requirements

- (1) Primary and secondary street setback areas shall be used only for the following purposes -
 - (a) an access driveway;
 - (b) parking areas, including the daily parking of vehicles by employees and customers;
 - (c) loading and unloading of vehicles;
 - (d) trade display; and
 - (e) landscaping.
- (2) Setback areas shall not be used for the parking of vehicles which are being wrecked or repaired, the storage of materials, products, by-products or wastes or the storage of fuel, except in underground fuel tanks.
- (3) A trade display may be conducted within the primary and secondary street setback areas, where the trade display -
 - (a) does not occupy more than one-fifth of the area of the street setback within which it is proposed to be located;
 - (b) is not located closer than 1.5 metres to a road reserve; and
 - (c) in the opinion of the local government, the trade display will not adversely impact the

streetscape or the amenity of the locality.

63. Priority Agriculture and Rural Zone requirements

- (1) In considering any rezoning or subdivision within the Priority Agriculture and Rural zones, the local government will have due regard to State Planning Policy 2.5 – Rural Planning and whether the proposal will, adversely impact upon the land's agricultural potential or productivity, water resources, biodiversity values, natural resources or landscape values.
- (2) Subdivision will only be considered in accordance with the Western Australian Planning Commission's Development Control Policy 3.4: Subdivision of rural land and there is a general presumption against the further subdivision of land in the Rural and Priority Agriculture zones.
- (3) The existence of a second dwelling on a rural lot is not considered justification for subdivision.
- (4) The local government will not recognise the existing historic pattern of subdivision in a locality as justification to support further subdivision.

Additional dwellings

- (5) The local government will not support more than two dwellings on any lot regardless of the dwelling type (e.g. single house, ancillary dwelling, caretaker's dwelling, repurposed dwelling and second-hand dwelling). The only exemption is temporary approvals for workforce accommodation, outlined in clause 44, short-term accommodation outlined in clause 52, or addressing subclause 63(7).
- (6) The local government may grant more than one (1) additional dwelling on a lot provided that -
 - (a) other than for ancillary dwelling, there is a minimum lot size of 40 hectares; and
 - (b) the local government is satisfied there is sound land management, business operational or other suitable rationale for the additional dwelling; and
 - (c) the local government is satisfied that adequate provision can be made for the supply of potable and domestic water and for the disposal of sewage from the additional dwelling/s; and
 - (d) the additional dwelling/s will not adversely affect the rural landscape or conflict with agricultural production on the subject lot or on adjoining land; and
 - (e) the additional dwelling/s should generally be clustered in one location on the property with all relevant services shared.
- (7) The local government will consider, up to 3 dwellings on any lot where:
 - (a) a single house is included on the local government's adopted Heritage List and/or on the State Heritage Register; and
 - (b) where there is a suitable agreement, to the satisfaction of the local government (in consultation, if appropriate, with the Heritage Council), to conserve and appropriately maintain the heritage significance of the dwelling.

64. Residential Zone requirements

- (1) Where land in the Residential zone has an R-Coding and where the land is not subject to Special Control Area 3 (SCA3), a coding of R40 shall apply where development is for the purpose of a residential aged care facility or for aged and dependent persons' dwellings. This is subject to the development being provided with a reticulated sewerage connection.

65. Rural Residential and Rural Smallholding Zone requirements

- (1) The local government will give due regard to the local planning strategy including the aims, strategies and the precinct plan.
- (2) Land uses and development within these zones shall comply with the following general provisions and where appropriate with the site specific conditions relevant to particular land areas nominated in Schedule 4. In the event of any conflict between the provisions of clause 65 and the site-specific provisions of Schedule 4, the provisions of Schedule 4 shall prevail.

Subdivision

- (3) The minimum lot size is 1 hectare in the Rural Residential zone unless specified in Schedule 4 and/or shown on an applicable and approved Structure Plan.
- (4) Infill subdivision of Rural Residential zoned lots of special provision areas RR1 and RR2 will be considered in accordance with the requirements contained in Schedule 4 of this Scheme.
- (5) The local government will recommend to the WA Planning Commission to not support the re-subdivision of Rural Residential zoned lots at Jalbarragup, Darradup and Carlotta.
- (6) No further subdivision will be considered in the Rural Smallholding zone.

Building design, materials and colours

- (7) A person shall not construct a dwelling or other building in a manner or of materials that would in the opinion of the local government adversely impact the amenity of the area or not blend with the landscape.
- (8) The materials and colours used on the exterior surfaces of all buildings shall be designed to blend in with the landscape to the satisfaction of the local government. The local government may refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours. The local government will be supportive of walls and roofs with low reflectivity such as green, brown, red or natural earth tones in keeping with the amenity of the area.

66. Tourism Zone requirements

- (1) Development of a site shall be generally in accordance with an approved Structure Plan and/or an approved Local Development Plan.
- (2) The use and development of land shall not detract from the rural and natural amenity of the locality. In considering an application for development approval, the local government shall have regard to the following criteria -
 - (a) the development being located to avoid ridge lines, escarpments or visually exposed sites and situated where screening vegetation or land form can be utilised;
 - (b) the development being of a scale and nature to be self-sustaining on the lot, or demonstrating the ability to provide servicing without significant modifications to existing infrastructure; and
 - (c) the development, by the nature of its scale, design, colours, materials, landscaping and use, have minimal impact on its site and surrounding areas.

67. Urban Development Zone requirements

- (1) Subdivision and development in the 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.

68. General development standards and requirements

- (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, State or local planning policies.

Table 5 Additional requirements that apply to land in the Scheme area

No.	Description of land	Requirement
ASR1	As shown on the Scheme maps (Rural Conservation Area A in the Augusta Walpole Coastal Strategy (AWCS))	Subdivision and development shall be considered in accordance with the subdivision and development requirements of the AWCS, including but not limited to the following - <ul style="list-style-type: none"> a) subdivision of lots equal to or greater than 160ha, consideration of a minimum lot size of 40ha with an average of 80ha; b) for lots abutting the coast that are 160ha and below, consideration

		<p>of subdivision into 2 lots of approximately equal size where adequate foreshore reserve is ceded free of cost;</p> <p>c) prior to consideration of any subdivision of the subject land, a structure plan is to be prepared and approved which addresses the matters set out at section 6.6 of the AWCS to the satisfaction of the local government and the WAPC;</p> <p>d) any proposed development is to be informed by an approved local development plan which addresses the matters set out at section 6.6 of the AWCS to the satisfaction of the local government.</p>
ASR2	As shown on the Scheme maps (Rural Conservation Area B in the Augusta Walpole Coastal Strategy (AWCS))	<p>Subdivision and development shall be considered in accordance with the subdivision and development requirements of the AWCS, including but not limited to the following –</p> <p>a) subdivision of lots creating a minimum lot size of 40ha;</p> <p>b) prior to consideration of any subdivision of the subject land, a structure plan is to be prepared and approved which addresses the matters set out at section 6.6 of the AWCS to the satisfaction of the local government and the WAPC;</p> <p>c) any proposed development is to be informed by an approved local development plan which addresses the matters set out at section 6.6 of the AWCS to the satisfaction of the local government.</p>
ASR3	As shown on the Scheme maps (Rural Conservation Area C in the Augusta Walpole Coastal Strategy (AWCS))	<p>Subdivision and development shall be considered in accordance with the subdivision and development requirements of the AWCS, including but not limited to the following –</p> <p>a) no subdivision will be supported.</p>
ASR4	As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta, Cundinup, East Nannup and Nannup localities. <i>AMD 1 GG 02/05/2025</i>	Tree Farms will not be supported by the Local Government.
ASR5	Lot 11864 Poison Swamp Road, Darradup	<p>In considering any applications for subdivision of the land, the local government's recommendation to the Commission will be to only support applications proposing a maximum of four lots with a minimum lot size of five hectares.</p> <p>The landowner/proponent is to address the following matters:</p> <p>a) legal vehicular access via a gazetted public road between the land and Brockman Highway;</p> <p>b) bushfire related criteria in State Planning Policy 3.7 and the associated Guidelines;</p> <p>c) legal vehicular access to adjoining freehold lots.</p>
ASR6	Lot 3558 Buckley Road, Carlotta	<p>In considering any applications for subdivision of the land, the local government's recommendation to the Commission will be to only support applications proposing a maximum of three lots with a minimum lot size of ten hectares.</p> <p>The landowner/proponent is to address the following matters:</p> <p>a) bushfire related criteria in State Planning Policy 3.7 and the associated Guidelines.</p>

- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan, State or local planning policies the requirement referred to in subclause (1) prevails.

69. Site specific development standards and requirements for areas covered by structure plan or local development plan

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

70. Variations to site and development requirements

- (1) In this clause —
- additional site and development requirements*** means requirements set out in Schedule 1 and clauses 32 - 68.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirement.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -
- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(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.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the Deemed Provisions; and
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

71. Restrictive covenants

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

Part 5 - Special control areas

72. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 11.

Table 11
Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
SCA1 – Development Control Area - Monaghan Street	To require further planning and the resolution of site specific planning issues prior to subdivision and/or development of the land.	<ol style="list-style-type: none"> (a) To conserve key environmental assets. (b) To assist in the protection of life and property from bushfire risks. (c) To provide a high level of amenity that is sympathetic to the context and topography. 	<p>Prior to development, subdivision, and/or construction of roads, the following planning matters are to be comprehensively addressed to the satisfaction of the local government –</p> <ol style="list-style-type: none"> (a) road design and construction; (b) bushfire management; (c) servicing; (d) environmental management/protection; and (e) any other planning consideration determined by the local government.
SCA2 – Development Control Area - Nannup Townsite Character	To regulate residential design to protect and enhance Nannup's historic built character.	<ol style="list-style-type: none"> (a) To retain Nannup's unique character and sense of place. (b) To provide a high level of amenity. (c) To create an attractive, desirable and responsive environment. (d) To require development to address the garden village and non-metropolitan context, topography, landscape values and the area's character and heritage. 	<ol style="list-style-type: none"> 1. The local government will have due regard to the local planning policy relating to the Nannup Townsite Character Area in determining development applications. This includes - <ol style="list-style-type: none"> (a) building form; (b) roof form; (c) standard of construction; (d) materials and details; (e) alterations and additions; (f) retaining walls, excavation and fill; (g) fencing; (h) open space, landscaping and tree retention; (i) bushfire risk; and (j) incidental structures. 2. Development approval within the SCA is only required in accordance with Schedule A - Supplemental provision 61(1)(25) of this Scheme. 3. Where an application for development approval is inconsistent with the local planning policy relating to the Nannup Townsite Character Area, the application is to justify how it addresses the objectives of SCA2.
SCA3 - Flood Prone Land	To minimise the risk to health and safety of people and potential for flood damage resulting from decisions relating to land use and development on defined river and watercourse floodplains in and near the Nannup townsite.	<ol style="list-style-type: none"> (a) To assist in the protection of life, property and community infrastructure from flood hazard (b) To assist the natural flood carrying capacity of floodplains by ensuring any use or development maintains the free passage and temporary storage of flood waters. (c) To protect water quality and waterways as natural 	<ol style="list-style-type: none"> 1. <u>Referral of Applications</u> The local government will consult with the Department of Water and Environmental Regulation (DWER) as required and have due regard to the advice and recommendations on any application for development approval in flood prone land. 2. <u>Development</u> <ol style="list-style-type: none"> (a) The local government shall not grant development approval to any development on land, or portion(s) thereof, which is shown on the Scheme Map as being flood prone land, unless it has made an assessment of –

		<p>resources in accordance with State Planning Policy No. 2 - Environment and Natural Resources Policy.</p>	<ul style="list-style-type: none"> i. the effect on the natural flood carrying capacity of floodplains (including the cumulative effect of individual developments) and ensuring the proposal maintains the free passage and temporary storage of floodwaters so as not to impact surrounding development; ii. how flood risk will be managed to ensure risk to health and safety of people and future development provides an acceptable level of flood protection that meets the objectives of the SCA; iii. the potential impact on water quality and outline any measures required to maintain and protect water quality and waterways as natural resources. <p>The local government may require supporting evidence to be undertaken at the proponent's cost.</p> <p>(b) A person shall not carry out any development on land, or portion(s) thereof, identified as flood prone land on the Scheme Map, unless -</p> <ul style="list-style-type: none"> i. the floor of any dwelling or other habitable building is, or will be, raised a minimum of 500 millimetres above the 1% Annual Exceedance Probability (AEP) flood level. Some critical infrastructure, such as schools or hospitals, may require a higher level of flood protection or be deemed inappropriate to be located in the floodplain; or ii. the base of the septic tank/leach drain system is to be a minimum 300mm above the 1% AEP flood level identified for the land and fitted with appropriate devices to prevent back flow of sewerage or ground water. This requirement may be removed if an approved alternative treatment unit is installed instead of a conventional septic tank/leach drain on-site sewerage disposal system; iii. where the proposed development is for residential purposes an engineering certification is to be submitted. This certification is to ensure that the dwelling has been designed taking into account the potential forces of flood waters; iv. where the proposed development is for residential purposes a licensed survey shall be submitted confirming the floor level height of the building compared to the identified flood level for the portion of the subject land. This survey is to be carried out and submitted for local government endorsement upon completion of the sand pad or stumping network of the proposed building. No further works on the proposed building are to be commenced until local government endorsement of the survey information has been given. <p>For the purposes of this clause, 'habitable building' means a building designed primarily for housing and/or overnight accommodation for persons.</p>
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			<p>(c) For land identified by the latest floodplain mapping available as being within the 5% AEP flood level, residential development (new dwellings and extension to existing dwellings) should be connected to the reticulated sewerage network unless the applicant suitably demonstrates to the satisfaction of the local government that-</p> <ul style="list-style-type: none"> i. On-site sewerage disposal can be accommodated to address human health and environmental risk; and ii. it is not feasible to connect to the reticulated sewerage network. <p>(d) Where proposals are received for the development of extensions or additions to existing residential development sited within a flood prone area, the requirements of subclause 2(b)(i) will be waived where such extensions/additions do not exceed 25 per cent of the floor area of the existing building.</p> <p>(e) Proposals for the development of tourist or commercial uses within flood prone land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the DWER which are to be sought and obtained prior to any decision being made.</p> <p>3. <u>Subdivision</u></p> <p>(a) Where land identified as being flood prone land is proposed to be subdivided, the local government shall recommend to the Western Australian Planning Commission that memorials be placed on newly created titles to ensure prospective purchasers are aware that the land may be prone to flooding.</p> <p>(b) The local government will only recommend to the Western Australian Planning Commission that it approve the creation of additional lots where:</p> <ul style="list-style-type: none"> i. lots are both suitable and capable for the intended purpose; ii. there is a suitable sized building envelope/building area located on each lot with manageable flood risk appropriate for development; iii. subdivision won't impact the flooding regime of the surrounding area; iv. safe evacuation in a flood emergency is possible; and <p>(f) lots will be appropriately serviced.</p>
<p>SCA4 – Public Drinking Water Source Area</p>	<p>To identify and protect public drinking water source areas.</p>	<p>(a) Provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use.</p>	<p>1. All development in the special control area requiring planning approval shall be subject to the local government's discretion, notwithstanding that the use may be permitted elsewhere in the Scheme.</p> <p>2. The local government shall refer all applications for planning approval to the Department of Water and Environmental Regulation for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification in the Department of</p>

		<p>(b) Identify land that has been designated as a public drinking water source area.</p> <p>(c) Implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area.</p>	<p>Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas.</p> <p>3. Notwithstanding the land use permissibility set out in Table 4 – Zoning Table, a use which is identified as incompatible within the relevant priority area on the Land Use Compatibility Table in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas shall only be supported in exceptional circumstances.</p> <p>4. In determining or making recommendation on an application for planning approval or making recommendation on an application for subdivision in the special control area, the local government shall have due regard to:</p> <p>(a) State Planning Policy 2.9 Planning for Water and associated guidelines.</p> <p>(b) Advice received from the Department of Water and Environmental Regulation.</p> <p>(c) Compliance with the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas.</p> <p>(d) Recommendations of the relevant drinking water source protection report or land use and water management strategy.</p> <p>(e) The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development.</p> <p>(f) The retention of native vegetation and protection of wetlands and waterways.</p> <p>(g) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.</p> <p>5. Development must be connected to reticulated sewerage, where required in accordance with Water Quality Protection Note No.25: Land use compatibility tables for Public Drinking Water Source Areas.</p>
<p>SCA5 – Infrastructure Area - Waste Water Treatment Plant Buffer</p>	<p>To identify land impacted by odour from the waste water treatment plant in accordance with the Environmental Protection Authority Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Land Uses (June 2005).</p>	<p>(a) To ensure that adequate separation distances are maintained between the waste water treatment plant and residential or other sensitive land uses in order to manage any risks to public health or the environment.</p> <p>(b) To ensure that public health and environmental impacts from waste water</p>	<p>1. Development and/or use of premises for the purposes of residential or other sensitive land use is not permitted within the waste water treatment plant buffer area, unless the local government has exercised its discretion by granting development approval after advertising in accordance with clause 64 of the deemed provisions.</p> <p>2. Applications for development approval to permit a residential or other sensitive land use within the water treatment buffer area must be accompanied by a risk management assessment, which is to be prepared by a suitably qualified person to the specifications and satisfaction of the local government in consultation with the relevant public authority.</p>

		<p>treatment plant emissions are acceptable and meet the relevant regulations and standards beyond the boundary of the Waste Water Treatment Plant Buffer.</p> <p>(c) To provide for compatible land uses within the buffer.</p>	<p>3. In considering any development application, the local government shall have regard to -</p> <p>(a) the Water Corporation's advice in relation to compatible land uses within the SCA5; and</p> <p>(b) the potential odour impact of the wastewater treatment plant and whether the proposal is compatible with the existing and proposed future use of the plant, and</p> <p>(c) the requirements of the <i>Environmental Protection Act 1986</i> and Schedule 1 of the <i>Environmental Protection Regulations 1987</i>.</p>
SCA6 – Heritage Area	To conserve and protect the cultural heritage significance of the Nannup town centre.	To ensure that new buildings, alterations and additions to existing buildings and associated development can be accommodated within the Nannup town centre without adversely affecting the area's historic heritage significance and amenity.	<p>1. Notwithstanding clause 58(1), development approval is required for signs which are inconsistent with Local Planning Policy <i>LPP18 Signs and Advertisements</i> and inconsistent with Local Planning Policy <i>LPP19 Heritage Conservation</i>.</p> <p>2. The local government will have regard to relevant Local Planning Policies including <i>LPP8 Nannup Main Street Heritage Precinct</i>, <i>LPP13 Car Parking and Vehicular Access</i>, <i>LPP18 Signs and Advertisements</i> and <i>LPP19 Heritage Conservation</i>.</p>
SCA7 – General Landscape Values Area	To promote the conservation and enhancement of significant natural and man-made landscapes including the preservation of significant vegetation, prominent landforms and view corridors.	<p>(a) To identify areas of significant landscape value and adopt provisions to protect these values from visually obtrusive development.'</p> <p>(b) To encourage development to fit into the natural, visual and physical characteristics of the land, particularly topography.</p> <p>(c) To encourage the retention of vegetation and preservation of the natural topography of the land.</p> <p>(d) To support small scale, low key development where the site layout, location of buildings and provision of services is appropriate to the site's natural, visual and physical features.</p> <p>(e) To discourage development considered likely to intrude upon, or not be compatible with, the landscape character and landscape qualities of the area.</p> <p>(f) To encourage rural landscape improvements including rehabilitation or revegetation.</p>	<p>1. A person shall not, without the approval of the local government, carry out any development, including -</p> <p>a) the erection, demolition or alteration of any building or structure (not including farm fencing, wells, bores or troughs and minor drainage works ancillary to rural pursuits;</p> <p>b) clearing of land or removal of trees; and</p> <p>c) the erection of advertising signs.</p> <p>2. The clearing of remnant vegetation to accommodate the establishment of a tree farm will not be permitted.</p> <p>3. Any proposed development may be required to be located within a building envelope to the satisfaction of the local government.</p>

Part 6 - Terms referred to in Scheme

Division 1 - General definitions used in Scheme

73. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows -
- aged or dependent person** has the same meaning given in the R-Codes;
- building envelope** means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;
- 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) 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);
- dam** has the meaning given in the *Rights in Water and Irrigation Act 1914* section 17(8);
- drive-through** means premises designed, constructed and/or operated so that food, goods or services may be purchased, provided or exchanged with customers while remaining in their vehicle;
- floor area** has the meaning given in the Building Code;
- minerals** has the meaning given 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 goods or materials to be sold by others.
- (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

74. 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 use 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);
- (d) aquaculture;

airfield means any premises used for purposes relating to aircraft landing, take-off and maintenance and does not include a private airstrip incidental to farming operations;

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 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 for the production of beer, cider or spirits;

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 goods and accessories by retail if -
- (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

camping ground means premises that are a camping ground as defined in the *Caravan Parks and Camping Grounds Act 1995*;

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;

child care 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 a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;

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

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 300 m² 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 including 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 off 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 of fuel 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 used 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; and
 (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 (c) does not occupy an area greater than 50 m²; and
 (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 (f) does not involve the presence, use or calling of a vehicle of 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 20 m²; and
 (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
 (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 (f) does not -
 (i) require a greater number of parking spaces than normally required for a single dwelling; or
 (ii) result in an increase in traffic volume in the neighbourhood; and
 (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home office means a dwelling used by an 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 100 m²; and
 (b) is operated by a person residing in the dwelling;

hospital means premises used as a hospital as defined in the *Health Services Act 2016* section 8(4);

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

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 crafts goods which does not fall within the definition of a home occupation and which:

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 m²; and
- (e) does not display a sign exceeding 0.2 m² 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 for an industry that -

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

industry - service means:

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

liquor store - large means premises used for the sale of liquor with a net lettable area of more than 300m²;

liquor store - small means premises used for the sale of liquor with a net lettable area of not more than 300m²;

lunch bar means premises within an industrial or commercial area used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation with a net lettable area of not more than 100m², but does not include a fast food outlet or restaurant/café;

marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

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 -

- (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;

nature based park means premises used for a nature based park as defined in the *Caravan Parks and Camping Grounds Regulations 1997*;

nightclub means premises the subject of a nightclub licence 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*;

place of worship means premises used for religious activities such as a chapel, church, 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 person 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 land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;;

residential building has the meaning given in the R-Codes;

resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste;

restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided;

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

- (a) publications that are classified as restricted under the *Classification (Publications, Films*

- and Computer Games) Act 1995 (Commonwealth); or*
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
 - (c) smoking-related implements;

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;
- (f) dump points for the disposal of black and/or grey water from recreational vehicles;

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

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

rural produce store means a premise used by the occupier of the premise for carrying out a business where:

- (a) it does not occupy an area greater than 25m²;
- (b) it is used for sale of produce associated with farming operations, but may include local souvenir products; and
- (c) will not adversely affect the amenity of the neighbourhood;

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 or convenience 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 licence 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, used -

- (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 and recreation facilities for the occupants and authorised visitors.

Schedule A - Supplemental provisions to the deemed 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.

Clause 61. Development for which Development Approval Not Required

Clause 61(1) - Table

	Column 1 Works	Column 2 Conditions
22.	The erection or extension of a single house on a lot.	(i) The single house is a permitted ("P") use in the zone where the R-Codes do not apply. (ii) The works satisfy the development standards set out in the scheme for that particular zone (including boundary setbacks). (iii) The works are not located in a heritage-protected place; or (iv) The works are on a lot with direct access to a constructed road reserve or on a lot with direct frontage to a gazetted road reserve; or (v) The works are not within a Special Control Area.
23.	The erection or extension of an external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport, water tank, or swimming pool on the same lot as a single house.	(i) The single house is a permitted ("P") use in the zone where the R-Codes do not apply. (ii) The works satisfy the development standards set out in the scheme for that particular zone (including boundary setbacks). (iii) The works are not located in a heritage-protected place; or (iv) The works are not located within Special Control Areas 3, 4, 5 or 7; or (v) The works comply with an adopted Local Planning Policy.
24.	The erection or extension of an outbuilding on the same lot as a single house.	(i) The single house is a permitted ("P") use in the zone where the R-Codes do not apply. (ii) The works satisfy the development standards set out in the scheme for that particular zone (including boundary setbacks). (iii) The works are not located in a heritage-protected place; or (iv) The works are not located within Special Control Areas 3, 4 5 or 7; or (v) The works comply with an adopted Local Planning Policy.
25.	The erection or extension of a single house on a lot.	(i) The works are within 'SCA2 – Development Control Area - Nannup Townsite Character'. (ii) The R-Codes apply to the works. (iii) The works comply with the deemed-to-comply provisions of the R-Codes. (iv) The works comply with the local planning policy relating to the Nannup Townsite Character Area.
26.	The erection or installation of signage and advertisements contained in Schedule 3 of this Scheme.	(i) The works are not located within a heritage-protected place and the works are consistent with Local Planning Policy <i>LPP18 Signs and Advertisements</i> and Local Planning Policy <i>LPP19 Heritage Conservation</i> ; or (ii) The works are not located within Special Control Area 7 and the works are consistent with Local Planning Policy <i>LPP18 Signs and Advertisements</i> .
27.	The carrying out of works by the local government.	(i) The works are wholly located on a reserve managed by the local government.

28.	The erection or installation of a tree house.	(i) The work does not exceed 3.0 metres in height above natural ground level; and (ii) The work does not have a floor area greater than 4.0m ² ; and (iii) The work is constructed in a tree on a lot used for residential purposes; and (iv) The works comply with the deemed-to-comply provisions of the R-Codes; (v) The work is not located in a place that is heritage-protected.
29.	The erection of a boundary fence.	(i) The works do not specifically require development approval under the Scheme; and (ii) The work is consistent with Local Planning Policies.
30.	The minor filling, excavation or re-contouring of land.	(i) The R-Codes do not apply to the work; and (ii) The work does not involve more than 0.9 metres change to the natural ground level; and (iii) The work is not within flood risk land; and (iv) The work does not specifically require development approval under the Scheme.
31.	The erection of retaining walls.	(i) Applies to land subject to the R-Codes and where the R-Codes do not apply to the work; and (ii) The work is less than 0.9 metres in height; and (iii) The work is not specifically required in a Local Planning Policy. (iv) The works are not within Special Control Area 3.
32.	Aquaculture proposals.	(i) The work involve the use of existing dams and no structural works are proposed.
33.	The construction of dams.	(i) The external foot of the dam wall, and any other part of the dam including the stored water is further than 20 metres from boundaries of the subject lot.
34.	The erection or placement of a temporary sea container and/or donga.	(i) The works are associated with building works; and (ii) The works would be consistent with the provisions of a Local Planning Policy.
35.	The planting of trees and shrubs.	(i) The works are intended for land rehabilitation, shelter belts or other land management/environmental purposes; and (ii) The total area of the works are less than 4 hectares on the lot.
36.	The establishment or extension of a tree farm.	(i) The works are located in the Rural or Priority Agriculture zones; and (ii) The existing and proposed total planted area is below 10 hectares on the lot.

Clause 61(2)(i) The use of land in a reserve, where such land is vested in the local government or vested in a Public Authority -

- (i) for the purpose for which the land is reserved under the Scheme; or
- (ii) in the case of land vested in a public authority, for any purpose for which land may be lawfully used by that authority.

Schedule 1 - Zone Development Requirements

Clause 59

Zones and Land Use	Minimum Lot Area	Minimum Effective Frontage (m)	Max Plot Ratio	Minimum Setbacks (m)			Minimum Landscaping (m ² /%) <i>Refer to Clause 38</i>	Building Height (m) <i>Refer to Clause 39</i>	Other Requirements
				Front	Rear	Side			
Commercial	N/A	N/A	2.0	Nil	Nil	Nil	5%	12m	Where an R40 coding applies, residential development is to be connected to a reticulated sewerage network.
		(i) <i>Development may be provided with a nil setback to the side and rear boundaries of the subject land provided that the site does not adjoin any land used or zoned for residential purposes, in which case the development shall be setback in accordance with the Residential Design Codes.</i>							
Environmental Conservation	N/A	N/A	N/A	20	20	20	N/A	9m	
		(i) <i>In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i>							
General Industry	N/A	N/A	N/A	6	Nil	Nil	5%	12m	
		(i) <i>Development shall be setback 3 metres from any secondary street frontage.</i> (ii) <i>Development may be provided with a nil setback to the side and rear boundaries of the subject land, subject to the Building Code of Australia.</i>							
Priority Agriculture	N/A	N/A	N/A	20	20	20	N/A	N/A	
		(i) <i>In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i>							
Residential	In accordance with the Residential Design Codes								
	Where no R-Code is stipulated			6	5	3	In accordance with the Residential Design Codes for Category B.		
Rural	N/A	N/A	N/A	20	20	20	N/A	N/A	
		(i) <i>In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i>							
Rural Residential	1ha	N/A	N/A	20	10	10	N/A	9m	These setbacks are where a lot does not have a designated building envelope. Where a building envelope exists development is required to be within that envelope.
		(i) <i>In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest,</i>							

		<i>Nature Reserve or Reserve for Conservation.</i>							
		<i>(ii) Unless varied by Schedule 4 - Special Provisions - Rural Residential Areas.</i>							
Rural Smallholdings	N/A	N/A	N/A	20	15	15	N/A	12m	These setbacks are where a lot does not have a designated building envelope. Where a building envelope exists, development is required to be within that envelope.
		<i>(i) In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i>							
Special Use	Development of a site shall generally be in accordance with the Conditions/Special Provisions as set out in Schedule 6.								
Tourism	Development of a site shall be generally in accordance with an approved Structure Plan and/or an approved Local Development Plan.								
Urban Development	N/A	<i>(i) In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i>					N/A	9m	All subdivision and development in the Urban Development zone shall be in accordance with: <ul style="list-style-type: none"> • a Structure Plan; and • the additional site and development requirements if applicable; and/or • the General and Zone Development Standards of the Scheme.

Schedule 2 - Car Parking Table

Clauses 32 & 59

Land Use	Minimum Car Parking Requirements
Abattoir	As determined by the local government.
Agriculture - extensive	As determined by the local government.
Agriculture - intensive	As determined by the local government.
Airfield	As determined by the local government.
Amusement parlour	1 bay per 40m ² nla.
Ancillary dwelling	In accordance with the Residential Design Codes.
Animal establishment	1 bay per employee plus 1 visitor bay.
Animal husbandry - intensive	1 bay per employee plus 1 visitor bay.
Art gallery	As determined by the local government.
Bed and breakfast	1 bay for guest bedroom or accommodation unit in addition to the residential requirement in accordance with the Residential Design Codes.
Betting agency	1 bay per 40m ² nla.
Brewery	1 bay per employee plus 1 bay per 4 seats used for drinking and/or dining areas.
Bulky goods showroom	1 bay per 100m ² of nla.
Camping ground	1 bay per site plus 1 additional bay for every 4 sites for visitor parking.
Caravan Park	1 bay per site plus 1 additional bay for every 4 sites for visitor parking.
Caretaker's dwelling	As determined by the local government.
Child care premises	1 bay per employee plus 1 bay per 10 children the premises is designed and approved to accommodate.
Cinema/theatre	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Civic use	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Club premises	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Commercial vehicle parking	1 bay per commercial vehicle that the premises is designed and approved to accommodate.
Community purpose	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Consulting rooms	3 bays per health practitioner.
Convenience store	1 bay per 40m ² nla.
Corrective institution	As determined by the local government.
Educational establishment	As determined by the local government.
Exhibition centre	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Family day care	2 bays in addition to the residential requirement in accordance with the Residential Design Codes.

Fast food outlet	1 bay per 4 seats or 1 bay per 40m ² nla, whichever is the greater plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Fuel depot	1 bay per employee plus 1 visitor bay.
Funeral parlour	1 bay per employee. Where a chapel or assembly area is included, 1 bay per 4 seats, or 1 bay for every 4 persons the building is designed and approved to accommodate, whichever is the greater.
Garden centre	1 bay per 100m ² of sales or display area.
Grouped dwelling	In accordance with the Residential Design Codes.
Holiday accommodation	In accordance with the Residential Design Codes for grouped dwellings for areas subject to the Residential Design Codes or 1 bay per accommodation unit, chalet/cabin plus 1 visitor bay for every 4 accommodation units or chalets/cabins for areas not subject to the Residential Design Codes.
Holiday house	In accordance with the Residential Design Codes for single house.
Home business	1 bay per employee in addition to the residential requirement in accordance with the Residential Design Codes.
Home occupation	1 bay in addition to the residential requirement in accordance with the Residential Design Codes.
Home office	No additional requirement over and above the residential requirement in accordance with the Residential Design Codes.
Home store	1 bay per 40m ² nla in addition to the residential requirement in accordance with the Residential Design Codes.
Hospital	1 bay per 4 beds plus 1 bay per employee.
Hotel	1 bay per 40m ² nla, plus 1 bay per accommodation unit plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Independent living complex	1 bay per dwelling plus 1 bay per 4 dwellings for visitor parking
Industry - cottage	1 bay per 50m ² nla, or 1 bay per employee, whichever is the greater.
Industry - extractive	As determined by the local government.
Industry - light	1 bay per 100m ² nla or 1 bay per employee whichever is greater.
Industry - rural	1 bay per employee plus 1 visitor bay.
Liquor store - large	1 bay per 40m ² nla plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Liquor store - small	1 bay per 40m ² nla plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Lunch bar	1 bay per 40m ² nla.
Marine filling station	1 bay per 100m ² nla or 1 bay per employee whichever is greater.
Market	As determined by the local government.
Medical centre	3 bays per health practitioner.
Mining operations	As determined by the local government.
Motel	1 bay per bedroom or accommodation unit plus 1 bay for 40m ² nla for floor space other than used for accommodation purposes.
Motor vehicle, boat and caravan sales	1 bay per 100m ² of nla plus 1 bay per vehicle service/work bay.
Motor vehicle repair	1 bay per 100m ² of nla plus 1 bay per vehicle service/work bay.

Motor vehicle wash	1 bay per employee, plus 1 bay per wash bay, plus queuing area sufficient to accommodate 1 car per wash bay.
Multiple dwelling	In accordance with the Residential Design Codes.
Nature based camp	1 bay per site plus 1 additional bay for every 4 sites for visitor parking.
Nightclub	1 bay for every 4 persons the premises is designed and approved to accommodate.
Office	1 bay per 40m ² of nla.
Park home park	1 bay per park home site, plus 1 bay per 10 park home sites for visitor parking, plus 1 bay per employee.
Place of worship	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Reception centre	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Recreation - private	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Renewable energy facility	As determined by the local government.
Repurposed dwelling	In accordance with the 'Single House' requirements of the Residential Design Codes.
Residential aged care facility	In accordance with the relevant dwelling type under the Residential Design Codes.
Residential building	1 bay per bedroom plus 1 bay per 4 bedrooms for visitor parking.
Resource recovery centre	1 bay per employee plus 1 visitor bay.
Restaurant/cafe	1 bay per 40m ² of nla.
Restricted premises	1 bay per 25m ² nla.
Roadhouse	1 bay per employee, plus 1 bay per vehicle service/work bay plus bays for additional uses including convenience store.
Rural home business	1 bay per employee in addition to the residential requirement in accordance with the relevant dwelling type in the Residential Design Codes.
Rural produce store	1 bay per 40m ² nla in addition to the residential component.
Rural pursuit/hobby farm	As determined by the local government.
Second-hand dwelling	In accordance with the Residential Design Codes for a single house.
Serviced apartment	In accordance with the Residential Design Codes for grouped and/or multiple dwelling.
Service station	2 bays per service bay plus 1 bay per 40m ² of nla.
Shop	1 bay per 40m ² of nla. Minimum 3 bays per tenancy.
Single house	In accordance with the Residential Design Codes.
Small bar	1 bay per 40m ² nla.
Tavern	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater plus 1 bay per accommodation unit plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Telecommunications infrastructure	As determined by the local government.
Tourist development	1 bay per accommodation unit, plus 1 visitor bay for every 4 accommodation units plus 1 bay per employee.

Trade display	1 bay per 100m ² nla.
Trade supplies	1 bay per 100m ² nla.
Transport depot	1 bay per employee in addition to any commercial vehicle parking bays that the premises is designed and approved to accommodate.
Tree farm	As determined by the local government.
Veterinary centre	3 bays per consulting room and/or veterinary health practitioner, or 1 bay per 40m ² nla, whichever is the greater.
Warehouse/storage	1 bay per 100m ² nla.
Waste disposal facility	As determined by the local government.
Waste storage facility	As determined by the local government.
Winery	1 bay per employee, plus 1 bay per 4 seats or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Workforce accommodation	In accordance with the relevant dwelling type under the Residential Design Codes.

Note: 1. 'nla' means 'net lettable area' as defined in Schedule 2 of the Deemed Provisions.

2. Floorspace areas 'open to the public' include, but are not limited to, reception areas and staff areas having a customer service function (e.g. public counter).

Schedule 3 - Exempted Signage and Advertisements

Clause 58

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	One professional name-plate as appropriate.	0.2m ²
Bed and Breakfast, Home Occupation, Holiday House, Family Day Care, Industry-Cottage, and other business operating from a dwelling	One advertisement describing the nature of the business operating from a dwelling.	0.2m ²
Community Purpose, Place of Worship and community related use	One advertisement detailing the function and/or the activities of the use/institution concerned.	0.2m ²
Cinema/Theatre, Exhibition Centre	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Bulky Goods Showroom, Shop, Convenience Store and other commercial uses	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 2.5 metres from the ground level of the building subject to a compliance with Local Planning Policy 18 Signs and Advertisements.	N/A
Industrial and Warehouse/Storage premises	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.	Total area of any such advertisements shall not exceed 15m ² .
	b) A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or the local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body;	N/A
	b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the local government of a municipality; and	N/A
	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single house	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

Temporary Signs	a) Advertising signs associated with traffic management for events provided signs are – (i) not placed on the road reserve (with the exception of directional signs); (ii) displayed for a period not exceeding 8 weeks; (iii) located to promote the safety of motorists, pedestrians and cyclists.	N/A
	b) Advertising signs associated with traffic management for works on roads.	N/A
Building Construction Sites (advertisement signs displayed only for the duration of the construction)	a) One advertisement per street frontage containing details of the project and the contractors undertaking the construction work (i) Dwellings.	2m ²
	b) One advertisement per street frontage containing details of the project and the contractors undertaking the construction work. (i) Grouped Dwellings, Multiple Dwellings, Shops, Commercial and Industrial projects.	5m ²
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or Livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions (advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated)	a) One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. (i) Dwellings	Each sign shall not exceed an area of 2m ² .
	b) One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. (i) Multiple dwellings, shops, Commercial & Industrial Properties	Each sign shall not exceed an area of 5m ² .
Display Homes (advertisement signs displayed for the period over which homes are on display for public inspection)	a) One sign for each dwelling on display.	2m ²
	b) In addition to a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m ²
Political Advertising	Advertising on freehold land during an election campaign.	2m ²

Schedule 4 - Special Provisions - Rural Residential Zone

Clause 65

Scheme Map Ref No.	Area Description	Specific Conditions and Requirements.
RR1	Rural Residential area to the south of the Nannup townsite (Precinct F in Local Planning Strategy)	<p>1. The local government, in responding to subdivision applications, will advise the WA Planning Commission that it does not support the creation of additional lots. The exception is that the local government may recommend that the WA Planning Commission conditionally approve further rural residential lots to be created on the northern side of Brockman Highway –</p> <ul style="list-style-type: none"> a) where the existing lots have a direct road frontage to Brockman Highway; b) subject to demonstrated compliance with State Planning Policy 3.7 and associated Guidelines; and c) where no additional crossover, other than suitably located shared crossovers, is proposed to Brockman Highway or where the crossover is to Thomas Road.
RR2	Rural Residential area west of the Nannup townsite (Precinct G in Local Planning Strategy)	<p>1. The local government, in responding to subdivision applications, will advise the WA Planning Commission that it does not support rural residential infill in the RR2 area due to bushfire risk and limited road access.</p> <p>2. Rural residential infill subdivision in the RR2 area may be considered –</p> <ul style="list-style-type: none"> a) upon provision of secondary road access into the RR2 area; b) where the proposed secondary road access and bushfire management arrangements comply with State Planning Policy 3.7 and associated Guidelines to the satisfaction of the local government and Department of Fire and Emergency Services; and c) resolution of any other planning and environmental matters. <p>3. The above mentioned secondary road access is envisaged to be provided by connecting Barrabup Road to Mowen Road, via –</p> <ul style="list-style-type: none"> a) the subdivision of Lot 4027 and/or Lot 6790; or b) via the provision of a road connecting the existing sealed portion of Barrabup Road (adjacent to Lot 4027) to Mowen Road. <p>4. Notwithstanding the above, Lot 6130 and the land at the southern end of Dean Road (Lots 8277, 8278, 8279 and 8280) will not be supported for additional infill subdivision given its lack of secondary road access at the southern end of this road in accordance with the access requirements of State Planning Policy 3.7 and associated Guidelines.</p>

Schedule 5 – Additional Uses in Scheme Area

Clause 19

No.	Description of land	Additional Use	Requirement
A1	Lot 20 Brockman Street, Nannup	The following land uses are discretionary 'D' uses - <ul style="list-style-type: none"> • Camping ground • Office 	<ol style="list-style-type: none"> 1. New development is to take account and mitigate against flood risks as identified by the latest floodplain mapping available. 2. The local government may impose development conditions to address matters including hours or operations and managing noise for events and other activities.

Schedule 6 – Special Use Zones in Scheme Area

Clause 21

No.	Description of land	Special Use	Special Provisions
SU1	Lot 556 and portion Lot 18 Vasse Highway, Nannup	<p>The following land uses are discretionary 'D' uses -</p> <ul style="list-style-type: none"> • Bed and breakfast • Caretaker's dwelling • Car park • Child care premises • Civic use • Community purpose • Home business • Home occupation • Home office • Industry • Industry - cottage • Industry – light • Industry - service • Motor vehicle repair • Office • Single house • Telecommunication infrastructure • Trade display • Transport depot • Warehouse/Storage • Other uses that are 'D' uses in the General Industry zone. 	<ol style="list-style-type: none"> 1. While noting the special uses, prior to any subdivision creating additional lots or major development of the land, in the opinion of the local government, a Structure Plan is to be prepared. The Structure Plan is to address, but not be limited to, the following– <ol style="list-style-type: none"> a) identification of land required to accommodate the established timber mill within the site; b) identification of land suitable for light or service industrial subdivision and development; c) suitable separation or buffering of residential enclave (former mill housing) and other nearby residential areas from industrial uses; d) road access; e) service infrastructure; and f) public open space for the residential enclave. 2. Upon approval of the Structure Plan, development and/or subdivision of the site is to be generally in accordance with the plan.
SU2	Portion of Lot 67 Warren Road, Portion of Lot 9000 and Lot 700 Higgins Street and Lot 701 Kearney Street Nannup	<p>The uses shown on the approved structure plan relate to permissibility in the following zones and the permissibility set out in the zoning table:</p> <ul style="list-style-type: none"> • Mixed use development – Commercial zone; • Residential development – Residential zone; and • Tourist development – Tourism zone. 	<ol style="list-style-type: none"> 1. All development requires approval of the local government. The exceptions are where the development is consistent with the Nannup Townsite Character Area Local Planning Policy, associated with Special Control Area 2, and also consistent with the deemed-to-comply requirements of the Residential Design Codes. 2. The local government will have due regard to the approved structure plan. 3. The local government will not support filling and development within inundated portions of Higgins Swamp.

No.	Description of land	Special Use	Special Provisions
SU3	Lot 3 on Plan 12565 Balingup-Nannup Road, Nannup	<p>The following land uses are discretionary 'D' uses -</p> <ul style="list-style-type: none"> • Agriculture –extensive • Caretaker's dwelling • Consulting rooms • Home occupation • Home office • Hospital • Medical centre • Recreation – private • Residential building • Rural pursuit/hobby farm • Single house 	<ol style="list-style-type: none"> 1. More than one Residential Building is permitted, in different parts of the site, subject to gaining Development Approval from the local government. 2. Subject to the nature of the proposed development or use and its associated risk, the local government may require the submission of an updated bushfire management plan and/or a Bushfire Emergency Evacuation Plan to support a Development Application. 3. Where a bushfire management plan and/or Bushfire Emergency Evacuation Plan are required to be updated, implementation of the plan/s will be included as a condition of development approval. 4. In order to conserve the natural beauty of the locality all trees shall be retained unless their removal is authorised by the local government. 5. The local government shall not permit the construction of any building in a manner or of materials that would in the opinion of the local government destroy the amenity of the area or not blend in with the landscape. 6. The local government will require as a condition of development approval that all habitable buildings shall be connected to a wastewater treatment system that complies with the relevant Government Sewerage Policy. 7. Stormwater drainage shall be designed to the satisfaction of the local government.
SU4	Lots 50, 51 and 125 Warren Road and Reserve 18083 Kearney Street, Nannup	<p>The following land uses are discretionary 'D' uses-</p> <ul style="list-style-type: none"> • Caretaker's dwelling • Civic use • Club premises • Community purpose • Consulting rooms • Educational establishment • Industry - cottage • Industry – light • Industry – service • Medical centre • Office • Recreation - private • Telecommunication infrastructure • Trade display • Warehouse/storage • Veterinary centre 	<ol style="list-style-type: none"> 1. All development requires approval of the local government.

Adoption

Council Resolution to Advertise Local Planning Scheme

Adopted by resolution of the Council of the Shire of Nannup at the Ordinary Meeting of Council held on the 17th September 2020.

President/Mayor

Cr Anthony Dean

Signed:-

Chief Executive Officer

David Taylor

Signed:-

Council Resolution to Support Scheme for Approval

Council resolved to support approval of the draft Scheme of the Shire of Nannup at the Ordinary Meeting of Council held on the 17th December 2021.

The Common Seal of the Shire of Nannup was hereunto affixed by authority of resolution of the Council in the presence of:

President/Mayor

Cr Anthony Dean

Signed:-.....

Chief Executive Officer

David Taylor

Signed:-

WAPC Recommended for Approval

Delegated under section 16 of the *Planning and Development Act 2005*.

Signed:- Mark Johnston

Date:- 7 / 9 / 2022

Approval Granted

Minister for Planning

Signed:- R Saffioti

Date:- _14 / 11 /2022_____