

TABLE OF CONTENTS

SHIRE OF NORTHAM

Local Planning Scheme No. 6

Updated to include AMD 21 GG 14/11/2025



Department of Planning,
Lands and Heritage



Original Town Planning Scheme Gazettal
21 August 2013

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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 NORTHAM LPS 6 – TEXT AMENDMENTS

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
	21/08/13	21/08/13	NM	Text Gazetted.
1	31/07/15	04/08/15	NG	Amend the Scheme Map to apply a zoning of "Mixed Use" to No. 9 (Lot 11) John Street, Northam.
2	15/01/16	28/01/16	RO	Amending the Scheme Map to apply a zoning of "Residential R20" to Lot 402 Frankish Road, Northam.
4	20/05/16	23/05/16	RO	<p>Deleting the following Parts, Clauses and Schedules from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2:</p> <ul style="list-style-type: none"> • Part 2 in its entirety; • Part 5, Clause 5.31; • Part 7 in its entirety; • Part 8 in its entirety except those clauses to be inserted in Schedule A - Supplemental Provisions; • Part 9 in its entirety; • Part 10 in its entirety; • Part 11 in its entirety; and • Schedules 6, 7, 8 and 9 in their entirety. <p>Amending Clause 5.23</p> <p>Removing the following clauses from the Scheme Text and inserting them into Schedule A - Supplemental Provisions:</p> <ul style="list-style-type: none"> • Clause 8.2 b) (iv), (vi), (vii) and (viii); • Clause 8.2 c) (i), (ii), (iii) and (iv); • Clause 8.2 f); and • Clause 8.2 g) except the "Note", which is covered by a note under Clause 61 of the deemed provisions. <p>Inserting the following provisions into Schedule A - Supplemental Provisions:</p> <p>Clause 61(1): (k) (i) – (ix), (l) (1) – (iv) and (m).</p> <p>Clause 61 (2): (g) (i) – (ii)</p> <p>Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2:</p> <p>"advertisement", "amenity" "cultural heritage significance", "local government", "Local Planning Strategy", "owner", "premises", "substantially commenced", and "zone".</p> <p>Amend the following clauses and subclauses by removing the cross reference to the clause/subclause deleted by the amendment and replace them with cross reference to deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2:</p> <p>Clause 1.4 (b) and (c), 3.3.1, 3.3.2, 4.3 (note 3), 4.4.2 (b), 4.8 (c), 4.9.2, 5.3.2, 5.4.2, 5.6.2 (a), 5.6.3 (a), 5.30.2</p> <p>Delete reference to the term "<i>planning approval</i>" throughout the scheme and replace with the corresponding term "<i>development approval</i>" throughout the scheme.</p> <p>Update Clause 4.4 by adding new subclause 4.4.3 to ensure guidance is provided for when considering applications within the 'Development' zone:</p> <p>Amend the text under 'Development' zone in Table 1: Zoning Table.</p> <p>Modify the zoning table to make Ancillary Accommodation a 'P' use in the Residential zone;</p> <p>Re-number the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.</p>

3	05/07/16	11/07/16	MLD	<p>Rezone Lots 56, 57 and 58 Lunt St, Northam from 'Rural Residential' to 'Special Use - Airpark' and designated 'SU11' in Schedule 4.</p> <p>Add Airpark to definitions.</p> <p>Add the following to Schedule 4 – SU11 - Lots 56-58 Lunt Street, Northam.</p>
7	4/7/17	5/7/17	MLD	<p>Rezone Lot 250 Muluckine Road, Grass Valley from 'Rural' to 'Rural Residential'.</p> <p>Amend the scheme map(s) accordingly.</p>
5	05/09/17	18/10/17	GM	<p>Schedule 4 – Special Use Zones –</p> <ul style="list-style-type: none"> Amended SU9 – Lot 90 on DP 72807 Jocoso Rose, Wundowie (formerly Lot 81 and 89 Jocoso Rise, Wundowie); Inserted SU12 – Portion of Lot 90 (No. 51) Jocoso Rise, Wundowie. <p>Schedule 1 – Dictionary of Defined Words and Expressions – included new land use definition 'residential aged care facility'.</p> <p>Rezoned portion of Lot 90(No. 51) Jocoso Rise, Wundowie from 'Special Use Zone 9' (SU9) to 'Special Use Zone 12' (SU12) as depicted on the Scheme Amendment map.</p>
12	24/10/17	02/11/17	GM	<p>Schedule 2 – Additional Uses – inserted A11, Lots 201 and 202 Duke Street West, Northam.</p> <p>Scheme Map amended accordingly.</p>
6	29/12/17	10/01/18	GM	<p>Clause 3.3.2 – after the 'P' symbol, inserted 'I' and corresponding meaning.</p> <p>Inserted new Clause 3.2.12 – Environmental Conservation Zone.</p> <p>Table 1: Zoning table:</p> <ul style="list-style-type: none"> Inserted new Environmental Conservation zone and associated permissibility as follows: Art Gallery 'A' Caretaker's Dwelling 'A' Civic Use 'A' Community Purpose 'A' All other land uses designated as 'X' (prohibited). Deleted the uses class 'Park Home Park' and reclassify the permissibility of land. Updated Zoning Table for land uses and permissibility. <p>Table 2: Site and Development Requirements – modified the minimum boundary setback for front, rear and sides in the 'Mixed Use' zone to '*' (means to be determined by the local government in each particular case).</p> <p>Table 3: Car Parking Guidelines - deleted the land uses and corresponding requirements for 'Fish Shop' and 'Public Amusement'.</p> <p>Clause 4.20 – modified the title to 'Parking of Commercial Vehicles in Residential, Rural Residential and Rural Smallholding Zones'.</p> <p>Replaced clause 4.22.3.</p> <p>Clause 4.28 – inserted 4.28.4.</p> <p>Replaced clause 4.30.4.</p> <p>Replaced clause 4.30.5.</p> <p>Inserted new Clause 4.31 – Amenity of Non-Residential Development.</p> <p>Inserted new Clause 4.32 – Repurposed and Second-hand Buildings.</p> <p>Inserted new Clause 4.33 – Occupancy of Caravan Parks and Park Home Parks.</p> <p>Inserted new Clause 4.34 – Telecommunications Infrastructure.</p> <p>Inserted new Clause 4.35 – Home Office, Home Occupation and Home Business.</p> <p>Inserted new Clause 4.36 – Development in Environmental Conservation Zone.</p> <p>Inserted new Clause 4.37 – State Planning Policy 3.6 to be read as part of the Scheme.</p> <p>Deleted SCA 5 and supporting text and replace with text that reads: Special Control Areas for Development Contributions may be</p>

				<p>introduced to the scheme pending preparation of Development Contribution Plans in accordance with clause 4.36 of the Scheme.</p> <p>Schedule 1 – Dictionary of Defined Words and Expressions – General definitions:</p> <ul style="list-style-type: none"> Inserted definition for “short-term accommodation”. <p>Delete SCA 5 and supporting text and replace with text that reads:</p> <p>Schedule 1 – Dictionary of Defined Words and Expressions – Land use definitions:</p> <ul style="list-style-type: none"> Replaced the term “ancillary accommodation” with “ancillary dwelling”. Modified the definition of “shop”. Added the following definitions in alphabetical order: “abattoir”, “art gallery”, “bulky goods showroom”, “commercial vehicle parking”, “garden centre”, “holiday accommodation”, “industry – primary production”, “liquor store - large”, “liquor store – small”, “small bar”, “trade supplies”, “tree farm”, “waste disposal facility” and “waste storage facility”. <p>Schedule 7 – Rural Residential Zones:</p> <ul style="list-style-type: none"> Modified the permissibility of uses (where currently not permitted – ‘X’) to permit ‘Ancillary Dwelling’ as ‘D’ (discretionary) and ‘Family Day Care’ as ‘A’ (discretionary subject to advertising) in RR2, RR3, RR4, RR6, RR8, RR11, RR12, RR13, RR15, RR24, R26 and RR27. Removed “RR28” and its associated conditions and insert under Schedule 8 - Rural Smallholding Zones as RSH 4. <p>Schedule 8 – Rural Smallholding Zones – modified the permissibility of uses (where currently not permitted – ‘X’) to permit ‘Ancillary Dwelling’ as a ‘D’ (discretionary) and ‘Family Day Care’ as ‘A’ (discretionary subject to advertising) in RSH1.</p> <p>Schedule A – Supplemental Provisions to the Deemed Provisions – inserted clause (n) under Clause 61(1).</p> <p>Amended the Scheme Map in respect of 309 Refractory Road, Bakers Hill (consisting of Lots 101, 103, 106, 204, 205, 206 and 207) to reflect the zoning of the land as ‘Rural Smallholding’.</p> <p>Amended the Scheme Map by rezoning portions of Lot 881 Yilgarn Avenue, Malabaine as ‘Environmental Conservation’ and the remaining portion as ‘Light and Service Industry’ as depicted in Figure 1 – Modification 30: Amendment Map.</p>
10	29/12/17	22/01/18	GM	<p>Rezoned Lot 860 Yilgarn Avenue, Malabaine from ‘Rural’ zone to ‘Special Use’ zone and denote it as SU13.</p> <p>Schedule 4 – Special Use Zones: included ‘SU13’ SU13’ and site specific conditions for Lot 860 Yilgarn Avenue.</p> <p>Schedule 1 – Dictionary of Defined Words and Expressions, subsection 2 Lands Use Definitions: replaced the definitions of “roadhouse”.</p> <p>Scheme Map amended accordingly.</p>
11	4/5/18	7/5/18	MLD	<p>Recode Lot 23(#9) Jessup Terrace, Northam to ‘Residential R15/30’.</p> <p>Modify the Scheme Map accordingly.</p>
13	14/06/19	18/06/19	GM	<p>Modify Schedule 2 Additional Uses by including Lots 3, 4, 5 and 340 Peel Terrace, Lot 385 Wellington Street and Part Reserve 32053 (Plan 1312 – Lot 367) Elizabeth Place, Northam into Additional Land Use A5.</p> <p>Amend Scheme Maps accordingly.</p>
8	09/07/19	15/07/19	MLD	<p>Insert the following land use definitions into Schedule 1. Clause 2: Repurposed dwelling & Second-hand dwelling.</p> <p>Insert the land uses ‘repurposed dwelling’ and ‘second-hand dwelling’ into Table 1.</p> <p>Insert new sub-clause at Clause 4.32.2.</p> <p>Amend the title of clause 4.32 to: Repurposed and second-hand dwelling and buildings.</p> <p>Delete the definition of transportable structure/dwelling from Schedule 1.</p>

14	9/08/19	12/08/19	MLD	<p>Amend Schedule 4 – Special Use Zones No. 4 to exclude part Lot 50 from the description of land, and correct the address of the remaining lots to 'Lot 56 Katrine Road and Lot 8 on D 5700, Katrine'.</p> <p>Amend the Scheme Map for Part Lot 50 on Plan 016393 from 'Special Use Zone No. 4' to 'Rural' zoning.</p>								
15	24/01/2020	29/01/2020	MLD	<p>Delete the Special Control Area – Abattoir buffer (SCA) and the SU 11 annotation over Lot 1343 Northam-Pithara Road, Irishtown from the Scheme Maps.</p> <p>Rezone Lots 21 and 22 Chitty Road and Lot 23 on DP 400656, Bakers Hill from Rural to Rural Smallholdings (RSH5) and updating the Scheme Maps accordingly.</p> <p>Delete Rural Residential site No. 29 (RR29) (Lot 8071 Chitty Road, Bakers Hill) from Schedule 7.</p> <p>Inserting RSH5 into Schedule 8 - Lots 21 and 22 Chitty Road and Lot 23 on DP 400656, Bakers Hill.</p> <p>Replace the phrase 'The storm automation system' with 'stormwater management systems' at RR25 in schedule 7 and RSH4 in Schedule 8.</p>								
16	30/8/2022	15/9/2022	MLD	<p>Rezone a portion of land in the north-western corner of the Avon Industrial Park from Parks and Recreation Reserve to General Industry Zone, being a portion of Lot 9002 on Plan 68686 and the entirety of Lot 17 on Plan 25370, as shown above.</p> <p>Include a new Renewable Energy Facility land use definition in Schedule 1.</p> <p>Amend the Table 1: Zoning Table to include the new 'Renewable Energy Facility' land use.</p> <p>Delete the 'Storage' and 'Warehouse' land use definitons in Schedule 1. and replace with a new 'Warehouse/Storage' definition</p> <p>Amend the Table 1: Zoning Table to remove the existing 'Storage ' and 'Warehouse' land uses, and include a new 'Warehouse/Storage' land use.</p> <p>Insert a new land use exemption in Schedule A - Supplemental Provisions to the Deemed Provisions – warehouse/storage.</p> <p>Renumber existing Clause 61(2)(g) as 61(2)(i)</p> <p>Insert Clause 4.28.5</p> <p>Amend the scheme maps accordingly</p>								
18	16/06/2023	16/06/2023	HB	<p>Recode Lot 100 (#54) Byfield Street, Northam to 'Residential R20'.</p> <p>Amend the Scheme Map, accordingly.</p>								
19	12/04/2024	18/04/2024	GL	<p>Rezone portions of Lot 881 (No.238) Yilgarn Ave, Malabaine from “Environmental Conservation” to “Light and Service Industry”.</p> <p>Amending the Scheme Map, accordingly; and</p> <p>Insert new scheme provision clause 4.38 and Table 4.</p>								
20	14/11/2025	19/11/2025	HAB	<p>Reclassify Part Lot 600 on Deposited Plan 427356 from 'Public Purposes: Church' to 'Residential' R30.</p> <p>Inserting into Schedule 2 (Additional Uses) the following text:</p> <table><tr><td>No</td><td>Description of Land</td><td>Additional Use</td><td>Conditions</td></tr><tr><td>12</td><td>Lot 600 on Deposited Plan</td><td>Tourist Accommodation (A)</td><td>1. All development on the Land shall be subject to</td></tr></table>	No	Description of Land	Additional Use	Conditions	12	Lot 600 on Deposited Plan	Tourist Accommodation (A)	1. All development on the Land shall be subject to
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				<table><tr><td>427356</td><td></td><td>an application for development approval. 2. All development and use shall be in accordance with an plans, conditions and management requirements approved by the local government. 3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</td></tr></table> <p>Amend Schedule 1, clause 2 'Land use definitions' as follows:</p> <p>Amend the existing land use term for 'roadhouse' by deleting paragraph (d) and inserting:</p> <p>(d) accommodation for guests, on a commercial basis, with no individual guest accommodation for a period or periods exceeding a total of 3 months in any 12-month period.</p> <p>Amend the Scheme Map, accordingly.</p>	427356		an application for development approval. 2. All development and use shall be in accordance with an plans, conditions and management requirements approved by the local government. 3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.																																																																																																																																													
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21	14/11/2025	19/11/2025	HAB	<p>Insert new clause 3.2.13 – 'Rural Townsite Zone' to read as follows – Rural Townsite Zone.</p> <ul style="list-style-type: none">To provide for a range of land uses that would typically be found in a small country town. <p>Amend clause 3.3 – 'Table 1: Zoning Table' as follows-</p> <table><tr><th>Land Use</th><th>Rural Townsite</th><th>General Industry</th></tr><tr><td>Abattoir</td><td>X</td><td></td></tr><tr><td>Aged Persons Hotel</td><td>D</td><td></td></tr><tr><td>Agriculture - Extensive</td><td>X</td><td></td></tr><tr><td>Agriculture – Intensive</td><td>X</td><td></td></tr><tr><td>Agroforestry</td><td>X</td><td></td></tr><tr><td>Amusement Parlour</td><td>A</td><td></td></tr><tr><td>Animal Husbandry - Intensive</td><td>X</td><td></td></tr><tr><td>Art Gallery</td><td>P</td><td></td></tr><tr><td>Bed & Breakfast</td><td>P</td><td></td></tr><tr><td>Betting Agency</td><td>D</td><td></td></tr><tr><td>Boarding House</td><td>D</td><td></td></tr><tr><td>Brewery</td><td>A</td><td></td></tr><tr><td>Bulky Goods Showroom</td><td>A</td><td>A</td></tr><tr><td>Caravan Park</td><td>X</td><td></td></tr><tr><td>Caretaker's Dwelling</td><td>I</td><td></td></tr><tr><td>Carpark</td><td>X</td><td></td></tr><tr><td>Childcare Premises</td><td>A</td><td></td></tr><tr><td>Cinema/Theatre</td><td>A</td><td></td></tr><tr><td>Civic Use</td><td>D</td><td></td></tr><tr><td>Club Premises</td><td>A</td><td></td></tr><tr><td>Commercial Vehicle Parking</td><td>X</td><td></td></tr><tr><td>Community Purpose</td><td>D</td><td></td></tr><tr><td>Consulting Rooms</td><td>D</td><td></td></tr><tr><td>Convenience Store</td><td>D</td><td></td></tr><tr><td>Corrective Institution</td><td>X</td><td></td></tr><tr><td>Dry Cleaning Premises</td><td>D</td><td></td></tr><tr><td>Educational Establishment</td><td>D</td><td></td></tr><tr><td>Equestrian Activity</td><td>X</td><td></td></tr><tr><td>Exhibition Centre</td><td>A</td><td></td></tr><tr><td>Family Day Care</td><td>D</td><td></td></tr><tr><td>Fast Food Outlet</td><td>A</td><td></td></tr><tr><td>Fuel Depot</td><td>X</td><td></td></tr><tr><td>Funeral Parlour</td><td>A</td><td></td></tr><tr><td>Garden Centre</td><td>D</td><td></td></tr><tr><td>Health Studio</td><td>D</td><td></td></tr><tr><td>Holiday Accommodation</td><td>D</td><td></td></tr><tr><td>Home Business</td><td>P</td><td></td></tr><tr><td>Home Occupation</td><td>P</td><td></td></tr><tr><td>Home Office</td><td>P</td><td></td></tr><tr><td>Home Store</td><td>D</td><td></td></tr><tr><td>Hospital</td><td>A</td><td></td></tr><tr><td>Hotel</td><td>A</td><td></td></tr><tr><td>Industry - Cottage</td><td>D</td><td></td></tr><tr><td>Industry - Extractive</td><td>X</td><td></td></tr><tr><td>Industry - General</td><td>X</td><td></td></tr><tr><td>Industry - Light</td><td>A</td><td></td></tr><tr><td>Industrv - Mining</td><td>X</td><td></td></tr></table>	Land Use	Rural Townsite	General Industry	Abattoir	X		Aged Persons Hotel	D		Agriculture - Extensive	X		Agriculture – Intensive	X		Agroforestry	X		Amusement Parlour	A		Animal Husbandry - Intensive	X		Art Gallery	P		Bed & Breakfast	P		Betting Agency	D		Boarding House	D		Brewery	A		Bulky Goods Showroom	A	A	Caravan Park	X		Caretaker's Dwelling	I		Carpark	X		Childcare Premises	A		Cinema/Theatre	A		Civic Use	D		Club Premises	A		Commercial Vehicle Parking	X		Community Purpose	D		Consulting Rooms	D		Convenience Store	D		Corrective Institution	X		Dry Cleaning Premises	D		Educational Establishment	D		Equestrian Activity	X		Exhibition Centre	A		Family Day Care	D		Fast Food Outlet	A		Fuel Depot	X		Funeral Parlour	A		Garden Centre	D		Health Studio	D		Holiday Accommodation	D		Home Business	P		Home Occupation	P		Home Office	P		Home Store	D		Hospital	A		Hotel	A		Industry - Cottage	D		Industry - Extractive	X		Industry - General	X		Industry - Light	A		Industrv - Mining	X	
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				<p>Delete the land use and definition for 'Showroom' in Schedule 1, Table 1 (Zoning Table) and replace the land use 'Showroom' with 'Bulky goods showroom' where referenced elsewhere in the Scheme including in Table 3, Schedule 2 and Schedule 5.</p> <p>Amend clause 4.5 – 'Table 2: Site and Development Requirements' by adding an additional row for Rural Townsite as follows:</p> <table><tr><td>Rural Townsite</td><td>*</td><td>*</td><td>*</td><td>*</td><td>*</td><td>*</td></tr></table>	Rural Townsite	*	*	*	*	*	*
Rural Townsite	*	*	*	*	*	*					

TABLE OF CONTENTS

Part 1 — Preliminary	3
1.1 Citation	3
1.2 Responsible Authority	3
1.3 Scheme Area.....	3
1.4 Contents of Scheme.....	3
1.5 Purposes of the Scheme	3
1.6 Aims of the Scheme	4
1.7 Definitions.....	4
1.8 Relationship with local laws.....	5
1.9 Relationship with other Schemes	5
Part 2 — Reserves	6
2.1 Reserves	6
2.2 Local Reserves.....	6
2.3 Use and Development of Local Reserves	6
Part 3 — Zones and the use of land	7
3.1 Zones.....	7
3.2 Objectives of the zones	7
3.3 Zoning Table.....	10
<i>Table 1: Zoning Table</i>	<i>12</i>
3.4 Interpretation of the Zoning Table	16
3.5 Additional Uses	16
3.6 Restricted Uses	16
3.7 Special Use zones.....	16
3.8 Non-Conforming Uses.....	17
3.9 Extensions and Changes to a Non-Conforming Use	17
3.10 Discontinuance of a Non-Conforming Use	17
3.11 Termination of a Non-Conforming Use	17
3.12 Destruction of Non-Conforming Use Buildings.....	18
Part 4 — General Development Requirements.....	19
4.1 Compliance with Development Standards and Requirements.....	19
4.2 Residential Design Codes	19
4.3 Special Application of Residential Design Codes	19
4.4 Restrictive covenants	20
4.5 Site and development standards and requirements	20
<i>Table 2: Site and Development Requirements Table</i>	<i>20</i>
4.6 Variations to Site and Development Standards and Requirements.....	21
4.7 Environmental Conditions	21
4.8 Outdoor Storage Areas	22
4.9 Building Facades	22
4.10 Maximum Building Height.....	22
4.11 Retaining Walls	22
4.12 Landscaping	23
4.13 Car Parking.....	23
<i>Table 3: Car parking Guidelines.....</i>	<i>26</i>
4.14 Traffic Entrances	27
4.15 Visual Truncations – Corner Lots and Vehicle Access Ways	27
4.16 Access for Loading & Unloading Vehicles	27
4.17 Development of Lots Abutting Undedicated and/or Unconstructed Roads...	27
4.18 Development of Lots with More than One Street Frontage.....	28
4.19 Use of Land between the Street Alignment and Front Building Setback	28
4.20 Parking of Commercial Vehicles in Residential, Rural Residential And Rural Smallholding Zones	28
4.21 Home Occupation, Home Business and Rural Home Business	29
4.22 Outbuildings.....	29
4.23 Sea Containers.....	30

4.24	Advertisements.....	30
4.25	Extractive and Mining Industries	30
4.26	Development in the Commercial Zone.....	31
4.27	Development in the Rural Townsite Zone	32
4.28	Development in the Mixed Use Zone	32
4.29	Development in the General Industry and Light & Service Industry Zones ..	32
4.30	Development in the Rural Zone.....	33
4.31	Development in the Rural Residential and Rural Smallholding Zones	33
4.32	Amenity Of Non-Residential Development.....	35
4.33	Repurposed And Second-Hand Dwelling And Buildings	36
4.34	Occupancy Of Caravan Parks And Park Home Parks.....	37
4.35	Telecommunications Infrastructure	37
4.36	Home Office, Home Occupation And Home Business.....	37
4.37	Development In Environmental Conservation Zone	38
4.38	State Planning Policy 3.6 To Be Read As Part Of Scheme	38
4.39	Additional Site and Development Requirements.....	38
Part 5— Special Control Areas		40
5.1	Operation of special control areas	40
5.2	SCA 1 - Avon & Mortlock Rivers Special Control Area	40
5.3	SCA 2 - Landscape Protection Special Control Area.....	42
5.4	SCA 3 - Spencers Brook Special Control Area	43
5.5	SCA 4 - Wastewater Treatment Plant Buffer Special Control Area	44
5.6	SCA 5 - Development Contribution Areas.....	45
5.7	SCA 6 - Mitchell on Avon Special Control Area	45
5.8	SCA 7 - Minson Avenue Design Guidelines Special Control Area	46
Schedule 1 — Dictionary of defined words and expressions		48
Schedule 2 — Additional uses.....		60
Schedule 3 — Restricted uses.....		64
Schedule 4 — Special use zones.....		66
Schedule 5 — Exempted advertisements		71
Schedule 6 — Environmental conditions		74
Schedule 7 — Rural Residential zones		75
Schedule 8 — Rural Smallholding zones.....		83
Schedule 9 — Community Infrastructure Development Contribution Plans for Development Contribution Areas		85
Schedule A - Supplemental Provisions to the Deemed Provisions.....		86
ADOPTION		88

PART 1 — PRELIMINARY

1.1 CITATION

- 1.1.1 The Shire of Northam Scheme No 6 (“the Scheme”) comes into operation on its Gazettal date.
- 1.1.2 The following Schemes are revoked –
- Shire of Northam Town Planning Scheme No 3 20th May 2005
 - Town of Northam Town Planning Scheme No 5 31st August 2004

1.2 RESPONSIBLE AUTHORITY

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

1.3 SCHEME AREA

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

1.4 CONTENTS OF SCHEME

AMD 4 GG 20/05/16

The Scheme comprises –

- (a) the Scheme Text;
- (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2.
- (c) the supplemental provisions contained within Schedule a; and
- (d) the Scheme Map (sheets 1 - 17).

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

Note: The Scheme Map comprises seventeen (17) separate map sheets. Maps 1 and 2 are at a scale of 1:75,000 and cover all of the local government district of the Shire. Maps 3 to 17 are at a scale of 1:5,000 and cover the Northam, Wundowie, Bakers Hill, Clackline and Grass Valley townsites and surrounds as well as the Spencers Brook and Seabrook localities.

1.5 PURPOSES OF THE SCHEME

The purposes of the Scheme are to –

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and

- (g) address other matters set out in Schedule 7 to the Planning Act.

1.6 AIMS OF THE SCHEME

The aims of the Scheme are to –

- (a) secure the amenity, health and convenience of the Scheme area and the inhabitants thereof;
- (b) ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;
- (c) provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;
- (d) encourage residential development as a component of a mixed use development where appropriate in other zones, in particular the Commercial and Mixed Use zones;
- (e) reinforce the Northam townsite's role as a regional centre providing shopping, commercial, industrial, civic, educational, administrative and welfare services to the surrounding region;
- (f) encourage infill development within existing serviced urban areas and discourage ad hoc urban sprawl;
- (g) preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Scheme area;
- (h) promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- (i) protect, conserve and enhance the environmental values and natural resources of the Scheme area including the protection of remnant vegetation and the rehabilitation and revegetation of degraded land;
- (j) promote ecologically sustainable land use and development;
- (k) assist the effective implementation of the State Planning Strategy, State Planning Framework (SPP No.1) and other adopted strategies and policies as these apply to the Wheatbelt Region; and
- (l) make provision for other matters necessary or incidental to town planning and development generally.

1.7 DEFINITIONS

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

- a) in the *Planning and Development Act 2005*; or
- b) if they are not defined in that Act –
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.

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

- a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- b) in any other case the definition in the Dictionary prevails.

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

1.8 RELATIONSHIP WITH LOCAL LAWS

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

1.9 RELATIONSHIP WITH OTHER SCHEMES

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

PART 2 — RESERVES

AMD 4 GG 20/05/16

2.1 RESERVES

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

2.2 LOCAL RESERVES

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map, the categories of which are listed hereunder:

- Conservation of Flora and Fauna;
- Major Road;
- Regional Road;
- Parks and Recreation;
- Public Purposes;
- Railway;
- State Forest.

2.3 USE AND DEVELOPMENT OF LOCAL RESERVES

2.3.1 A person must not -

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

without first having obtained development approval under Part 7 of the deemed provisions. *AMD 4 GG 20/05/16*

2.3.2 In determining an application for development approval the local government is to have due regard to - *AMD 4 GG 20/05/16*

- a) the matters set out in clause 67 of the deemed provisions. *AMD 4 GG 20/05/16*
- b) the ultimate purpose intended for the Reserve.

2.3.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval. *AMD 4 GG 20/05/16*

PART 3 — ZONES AND THE USE OF LAND

AMD 4 GG 20/05/16

3.1 ZONES

- 3.1.1 The Scheme Area is classified into the zones shown on the Scheme Map.
- 3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are to –

3.2.1 Residential Zone

- Provide for residential development at a range of densities with a variety of housing types to meet the needs of all sectors of the community through application of the Residential Design Codes.
- Maintain and enhance the residential character and amenity of the zone.

3.2.2 Commercial Zone

- Provide for retail shopping, office and commercial development and social, recreational and community activities servicing the community as a whole.
- Provide for consolidation and revitalisation of commercial areas whilst reflecting the historic character and identity of the town.
- Encourage a high standard of development which serves to enhance the character of the zone.
- Maintain compatibility with the general streetscape for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- Provide for multiple dwellings only where such uses are combined with a commercial use.

3.2.3 Mixed Use Zone

- Provide for the development of a range of residential, office, commercial and other compatible uses that enhance the local amenity to a high standard and provide for the safe and efficient movement of pedestrians and vehicles.
- Provide a compatible interface and transition between commercial, light industrial and residential areas.
- Provide for grouped and multiple dwellings only where such uses are combined with a non-residential use.

3.2.4 Tourist Zone

The objectives of the Tourist zone are to –

- Promote and provide for tourism opportunities on strategically located tourism sites in and around the Northam, Wundowie, Bakers Hill and Clackline townsites that will complement the existing natural and man-made features of the Shire.
- Encourage the location of tourist activities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.
- Provide for tourism development and uses associated with tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.
- Ensure that short stay tourist and holiday accommodation are the predominant uses in this zone.

3.2.5 Special Use Zone

- Provide for special categories of land use which are not fully compatible with other zones in the Scheme.

Note: Special Use zones are not shown in the Zoning Table. Provisions, including uses permitted and development standards are set out in Schedule 4 of the Scheme.

3.2.6 General Industry Zone

- Provide land for industrial, manufacturing, freight-related and storage activities which by reason of its emissions and bulk require adequate separation from residential and other sensitive land uses.
- Encourage and facilitate employment-generating development which will contribute to the economic and social well-being of the Shire.
- Discourage non-industry related uses within industrial areas that may constrain industrial activities.
- Encourage new industry to contain its emissions on-site and, if that is not possible, within the zone having due regard to nearby established premises.

3.2.7 Light & Service Industry Zone

- Provide for a range of light and service industries, wholesale sales, warehouses, showrooms, trade and services which, by reason of their scale, character and operational or land requirements, are not generally appropriate in or cannot conveniently or economically be accommodated in the commercial or mixed use zones.
- Provide for light and service industrial activities and associated uses that are compatible and acceptable in close proximity to rivers and residential areas.

- Encourage and facilitate employment-generating development which will contribute to the economic and social well-being of the Shire.

3.2.8 Rural Zone

- To provide for horticulture, extensive and intensive agriculture, agroforestry, local services and industries, extractive industries and tourist uses which ensure conservation of landscape qualities in accordance with the capability of the land.
- To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural area.
- To control the fragmentation of broad-acre farming properties through the process of subdivision.
- To protect land from land degradation and further loss of biodiversity by:
 - (i) Minimising the clearing of remnant vegetation and encouraging the protection of existing remnant vegetation;
 - (ii) Encouraging the development of and the protection of corridors of native vegetation;
 - (iii) Encouraging the development of environmentally acceptable surface and sub-surface drainage works; and
 - (iv) Encouraging rehabilitation of salt affected land.

3.2.9 Rural Residential Zone

- To provide for the use of land for rural living purposes in a rural setting on lots generally ranging in size from 1 to 4 hectares whilst preserving the amenity of such areas, ensuring landscape protection and conservation and controlling land use impacts.
- To reduce or eliminate the detrimental effect of keeping livestock in the zone by limiting stock numbers to those kept for hobby purposes and not for commercial gain.

3.2.10 Rural Smallholding Zone

- To provide for the use of land for rural living purposes in a rural setting on lots generally ranging in size from 4 to 40 hectares while preserving the amenity of such areas, ensuring landscape protection and conservation and controlling land use impacts.
- Support a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.
- Support a range of low impact commercial and tourist uses that are compatible with and retain the rural character and amenity of the locality.

3.2.11 Development Zone

- To designate land considered to be generally suitable for future development and to prevent such land being used or developed in a manner which could prejudice its possible future use for planned development;

- To provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services; and
- To ensure the orderly development of the land, through a requirement for the preparation and endorsement of a Structure Plan in accordance with the provisions of Part 4 of the deemed provisions of the Scheme, as a pre-requisite to subdivision or development of the land.
AMD 4 GG 20/05/16

3.2.12 Environmental Conservation Zone *AMD 6 GG 29/12/17*

- To identify land set aside for environmental conservation purposes.
- To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.

3.2.13 Rural Townsite Zone *AMD 21 GG 14/11/25*

- To provide for a range of land uses that would typically be found in a small country town.

3.3 ZONING TABLE

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

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

- ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- ‘I’ means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
AMD 6 GG 29/12/17
- ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
AMD 4 GG 20/05/16
- ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions;
AMD 4 GG 20/05/16
- ‘X’ means a use that is not permitted by the Scheme.

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

- a) the local government has exercised its discretion by granting development approval;
AMD 4 GG 20/05/16
- b) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the

proposed use complies with all the relevant development standards and any requirements of the Scheme;

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

- Notes:
- 1. *The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances, one application is made for both the use and development of land.* AMD 4 GG 20/05/16
 - 2. *The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.*
 - 3. *In considering a 'D' or 'A' use the local government will have regard to the matters set out in clause 67 of the deemed provisions.* AMD 4 GG 20/05/16
 - 4. *The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.*

TABLE 1: ZONING TABLE

AMD 4 GG 20/05/16; AMD 6 GG 29/12/17; AMD 16 GG 30/8/22

P - Permitted		D - Discretion	A - Advertising				X - Not Permitted					
LANDUSE	RESIDENTIAL	DEVELOPMENT	COMMERCIAL	MIXED USE	TOURIST	GENERAL INDUSTRY	LIGHT & SERVICE INDUSTRY	RURAL	RURAL RESIDENTIAL	RURAL TOWNSITE <small>AMD 21 14/11/25</small>	RURAL SMALLHOLDING	ENVIRONMENTAL CONSERVATION
Abattoir <small>AMD 6 GG 29/12/17; AMD 21 14/11/25</small>	X	THE LAND MAY ONLY BE USED FOR THE PURPOSES ASSOCIATED WITH THE ZONES DELINEATED IN THE STRUCTURE PLAN ADOPTED IN ACCORDANCE WITH CLAUSE 22 OF THE DEEMED PROVISIONS	X	X	X	A	X	A	X	X	X	X
Aged Persons Hostel <small>AMD 21 14/11/25</small>	D		D	D	X	X	X	X	X	D	X	X
Agriculture – Extensive <small>AMD 21 14/11/25</small>	X		X	X	X	X	X	P	X	X	P	X
Agriculture – Intensive <small>AMD 21 14/11/25</small>	X		X	X	X	X	X	D	X	X	A	X
Agroforestry <small>AMD 21 14/11/25</small>	X		X	X	X	X	X	D	X	X	A	X
Amusement Parlour <small>AMD 21 14/11/25</small>	X		D	A	D	X	X	X	X	A	X	X
Animal Establishment <small>AMD 21 14/11/25</small>	X		X	X	X	A	X	D	X	X	A	X
Animal Husbandry – Intensive <small>AMD 21 14/11/25</small>	X		X	X	X	X	X	D	X	X	X	X
Art Gallery <small>AMD 6 GG 29/12/17; AMD 21 14/11/25</small>	X		P	P	P	X	X	A	X	P	A	A
Bed & Breakfast <small>AMD 21 14/11/25</small>	A		X	D	X	X	X	D	D	P	D	X
Betting Agency <small>AMD 21 14/11/25</small>	X		P	D	D	X	X	X	X	D	X	X
Boarding House <small>AMD 21 14/11/25</small>	D		A	D	D	X	X	X	X	D	X	X
Brewery <small>AMD 21 14/11/25</small>	X		X	X	A	X	X	D	X	A	X	X
Bulky Goods Showroom <small>AMD 6 GG 29/12/17; AMD 21 14/11/25</small>	X		P	P	X	A	D	X	X	A	X	X
Caravan Park <small>AMD 21 14/11/25</small>	X		X	X	D	X	X	X	X	X	X	X
Caretaker's Dwelling <small>AMD 6 GG 29/12/17; AMD 21 14/11/25</small>	X		I	I	D	X	D	D	X	I	D	A
Carpark <small>AMD 21 14/11/25</small>	X		D	D	A	X	D	X	X	X	X	X
Childcare Premises <small>AMD 21 14/11/25</small>	A		P	P	A	X	X	X	X	A	X	X
Cinema/Theatre <small>AMD 21 14/11/25</small>	X		D	A	A	X	X	X	X	A	X	X
Civic Use <small>AMD 6 GG 29/12/17; AMD 21 14/11/25</small>	A		D	D	X	A	D	X	X	D	X	A
Club Premises <small>AMD 21 14/11/25</small>	X		P	D	D	X	X	A	X	A	X	X
Commercial Vehicle Parking <small>AMD 6 GG 29/12/17</small>	A		X	X	X	P	P	D	A	X	A	X
Community Purpose <small>AMD 6 GG 29/12/17</small>	A		D	D	D	X	A	A	A	D	A	A

LANDUSE	RESIDENTIAL	DEVELOPMENT	COMMERCIAL	MIXED USE	TOURIST	GENERAL INDUSTRY	LIGHT & SERVICE INDUSTRY	RURAL	RURAL RESIDENTIAL	RURAL TOWNSITE AMD 21 14/11/25	RURAL SMALLHOLDING	ENVIRONMENTAL CONSERVATION
Consulting Rooms AMD 21 14/11/25	A		P	P	X	X	A	X	X	D	X	X
Convenience Store AMD 21 14/11/25	A		D	D	A	X	X	X	X	D	X	X
Corrective Institution AMD 21 14/11/25	X		X	X	X	X	X	A	X	X	X	X
Dry Cleaning Premises AMD 21 14/11/25	X		D	D	X	X	D	X	X	D	X	X
Educational Establishment AMD 21 14/11/25	A		D	D	X	A	A	A	X	D	X	X
Equestrian Activity AMD 21 14/11/25	X		X	X	A	A	X	D	X	X	A	X
Exhibition Centre AMD 21 14/11/25	X		P	A	X	X	X	X	X	A	X	X
Family Day Care AMD 21 14/11/25	A		X	D	X	X	X	A	A	D	A	X
Fast Food Outlet AMD 21 14/11/25	X		P	D	X	X	X	X	X	A	X	X
Fuel Depot AMD 21 14/11/25	X		X	X	X	D	A	X	X	X	X	X
Funeral Parlour AMD 21 14/11/25	X		A	A	X	X	X	X	X	A	X	X
Garden Centre AMD 6 GG 29/12/17	X		X	D	X	D	D	D	A	D	A	X
Health Studio AMD 21 14/11/25	X		P	D	X	X	A	X	X	D	X	X
Holiday Accommodation AMD 6 GG 29/12/17	X		D	D	P	X	X	A	A	D	A	X
Home Business AMD 21 14/11/25	P		D	D	X	X	X	D	D	P	D	X
Home Occupation AMD 21 14/11/25	P		D	D	X	X	X	P	P	P	P	X
Home Office AMD 21 14/11/25	P		P	D	X	X	X	P	P	P	P	X
Home Store AMD 21 14/11/25	A		X	D	X	X	X	X	X	D	X	X
Hospital AMD 21 14/11/25	X		A	A	X	X	X	X	X	A	X	X
Hotel AMD 21 14/11/25	X		D	A	A	X	X	X	X	A	X	X
Industry – Cottage AMD 21 14/11/25	A		D	D	D	P	P	D	D	D	D	X
Industry – Extractive AMD 21 14/11/25	X		X	X	X	A	X	A	X	X	A	X
Industry – General AMD 21 14/11/25	X		X	X	X	P	X	X	X	X	X	X
Industry – Light AMD 21 14/11/25	X		X	X	X	D	P	X	X	A	X	X
Industry – Mining AMD 21 14/11/25	X		X	X	X	X	X	D	D	X	D	X
Industry – Primary Production AMD 6 GG 29/12/17; AMD 21 14/11/25	X		X	X	X	A	X	A	X	X	X	X
Industry – Rural AMD 21 14/11/25	X		X	X	X	D	A	D	X	X	X	X
Industry – Service AMD 21 14/11/25	X		A	A	X	D	P	X	X	A	X	X
Landscape Supplies AMD 21 14/11/25	X		X	X	X	P	D	A	X	X	X	X

LANDUSE	RESIDENTIAL	DEVELOPMENT	COMMERCIAL	MIXED USE	TOURIST	GENERAL INDUSTRY	LIGHT & SERVICE INDUSTRY	RURAL	RURAL RESIDENTIAL	RURAL TOWNSITE AMD 21 14/11/25	RURAL SMALLHOLDING	ENVIRONMENTAL CONSERVATION
Laundromat AMD 21 14/11/25	X		P	P	X	X	X	X	X	D	X	X
Liquor Store – Large AMD 6 GG 29/12/17	X		X	A	X	X	X	X	X	X	X	X
Liquor Store – Small AMD 6 GG 29/12/17	X		A	A	X	X	X	X	X	D	X	X
Lunch Bar AMD 21 14/11/25	X		P	P	X	P	P	X	X	D	X	X
Market AMD 21 14/11/25	X		D	A	A	X	X	X	X	X	X	X
Medical Centre AMD 21 14/11/25	A		D	A	X	X	X	X	X	A	X	X
Motel AMD 21 14/11/25	X		X	A	D	X	X	X	X	A	X	X
Motor Vehicle, Boat or Caravan Sales AMD 21 14/11/25	X		X	D	X	D	D	X	X	D	X	X
Motor Vehicle Repair AMD 21 14/11/25	X		X	A	X	P	P	X	X	A	X	X
Motor Vehicle Wash AMD 21 14/11/25	X		X	D	X	P	P	X	X	D	X	X
Motor Vehicle Wrecking AMD 21 14/11/25	X		X	X	X	D	D	X	X	X	X	X
Museum AMD 21 14/11/25	X		D	D	A	X	X	A	X	D	X	X
Nightclub AMD 21 14/11/25	X		A	A	A	X	X	X	X	X	X	X
Nursing Home AMD 21 14/11/25	A		X	A	X	X	X	X	X	A	X	X
Office AMD 21 14/11/25	X		P	P	X	X	X	X	X	P	X	X
Park Home Park			DELETED BY AMD 6 GG 29/12/17									
Place of Worship AMD 21 14/11/25	A		D	D	X	X	X	X	X	D	X	X
Power Generation AMD 21 14/11/25	X		X	X	X	A	X	A	X	X	X	X
Produce Stall AMD 21 14/11/25	X		P	A	A	X	X	D	A	X	D	X
Public Utility AMD 21 14/11/25	D		P	P	P	P	P	P	P	P	P	X
Reception Centre AMD 21 14/11/25	X		P	D	D	X	X	A	X	D	A	X
Recreation – Private AMD 21 14/11/25	A		D	D	A	X	A	A	X	D	X	X
Renewable Energy Facility Amd 16 GG 30/8/2022; AMD 21 14/11/25	X		X	X	X	A	X	A	X	X	X	X
Residential AMD 21 14/11/25	D		X	D	X	X	X	X	X	D	X	X
- Aged & Dependent Persons Dwelling	P		X	X	X	X	X	D	D	I	D	X
- Ancillary Dwelling AMD 6 GG 29/12/17	D		X	D	X	X	X	X	X	D	X	X
- Grouped Dwelling	A		X	X	D	X	X	A	A	D	A	X
- Holiday Home	A		D	D	X	X	X	X	X	D	X	X
- Multiple Dwelling	P		X	X	X	X	X	P	P	D	P	X
- Single House												
Repurposed Dwelling AMD 8 GG 9/7/19; AMD 21 14/11/25	A		X	X	X	X	X	D	A	D	A	X
Residential Building AMD 21 14/11/25	A		D	D	X	X	X	X	X	D	X	X
Restaurant AMD 21 14/11/25	A		P	P	D	X	X	A	X	D	A	X

LANDUSE	RESIDENTIAL	DEVELOPMENT	COMMERCIAL	MIXED USE	TOURIST	GENERAL INDUSTRY	LIGHT & SERVICE INDUSTRY	RURAL	RURAL RESIDENTIAL	RURAL TOWNSITE AMD 21 14/11/25	RURAL SMALLHOLDING	ENVIRONMENTAL CONSERVATION
Restricted Premises AMD 21 14/11/25	X		A	X	X	X	X	X	X	X	X	X
Roadhouse AMD 21 14/11/25	X		X	X	X	X	D	X	X	X	X	X
Rural Home Business AMD 21 14/11/25	X		X	X	X	X	X	D	A	X	A	X
Rural Pursuit AMD 21 14/11/25	X		X	X	X	X	X	P	D	X	D	X
Salvage Yard AMD 21 14/11/25	X		X	X	X	D	A	X	X	X	X	X
Second-hand Dwelling AMD 8 GG 9/7/19; AMD 21 14/11/25	A		X	X	X	X	X	D	A	D	A	X
Service Station AMD 21 14/11/25	X		X	D	X	A	P	X	X	A	X	X
Shop AMD 6 GG 29/12/17; AMD 21 14/11/25	X		D	D	X	X	X	X	X	P	X	X
Showroom	X		D	A	X	A	D	X	X		X	X
Small Bar AMD 6 GG 29/12/17; AMD 21 14/11/25	X		A	X	A	X	X	X	X	A	X	X
Stockyards AMD 21 14/11/25	X		X	X	X	X	X	D	X	X	X	X
Tavern AMD 21 14/11/25	X		D	A	A	X	X	X	X	A	X	X
Telecommunications Infrastructure AMD 21 14/11/25	A		D	D	D	D	D	D	D	D	D	X
Tourist Accommodation AMD 21 14/11/25	X		D	D	P	X	X	A	X	D	A	X
Tourist Development AMD 21 14/11/25	X		D	D	P	X	X	A	X	D	A	X
Trade Display AMD 21 14/11/25	X		D	D	X	D	D	X	X	D	X	X
Trade Supplies AMD 6 GG 29/12/17; AMD 21 14/11/25	X		D	D	X	P	P	X	X	D	X	X
Transport Depot AMD 21 14/11/25	X		X	X	X	P	D	D	X	X	X	X
Tree Farm AMD 6 GG 29/12/17; AMD 21 14/11/25	X		X	X	X	X	X	D	X	X	X	X
Vehicle Recovery & Towing AMD 21 14/11/25	X		X	X	X	P	P	A	X	A	X	X
Veterinary centre AMD 21 14/11/25	X		A	A	X	X	D	D	X	A	D	X
Warehouse/Storage Amd 16 GG 30/8/22 AMD 21 14/11/25	X		X	D	X	D	P	A	X	X	X	X
Waste Disposal Facility AMD 6 GG 29/12/17	X		X	X	X	X	X	X	X	X	X	X
Waste Storage Facility AMD 6 GG 29/12/17; AMD 21 14/11/25	X		X	X	X	A	X	X	X	X	X	X
Winery AMD 21 14/11/25	X		X	X	A	X	X	D	X	X	A	X
Workers Accommodation AMD 21 14/11/25	X		D	D	A	X	X	D	X	X	X	X

3.4 INTERPRETATION OF THE ZONING TABLE

- 3.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -
- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or *AMD 4 GG 20/05/16*
 - c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
- 3.4.3 If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land – *AMD 4 GG 20/05/16*
- a) a structure plan;
 - b) an activity centre plan;
 - c) a local development plan.

3.5 ADDITIONAL USES

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

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

3.6 RESTRICTED USES

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

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

3.7 SPECIAL USE ZONES

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

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

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

3.8 NON-CONFORMING USES

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

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

AMD 4 GG 20/05/16

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

3.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

- 3.9.1 A person must not –

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

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

AMD 4 GG 20/05/16

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

AMD 4 GG 20/05/16

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

AMD 4 GG 20/05/16

3.10 DISCONTINUANCE OF A NON-CONFORMING USE

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

3.11 TERMINATION OF A NON-CONFORMING USE

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

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

3.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

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

AMD 4 GG 20/05/16

PART 4 — GENERAL DEVELOPMENT REQUIREMENTS

AMD 4 GG 20/05/16

Note: This part sets out the general requirements which apply to land use and development within the Scheme Area and the specific requirements which apply to particular uses and forms of development, such as site requirements, access, parking, building design, setbacks and landscaping, for residential, commercial, industrial, rural and other uses. See Part 3 for the zoning table and objectives of the zones, this Part 4 and Part 5 Special Control Areas and the Schedules for other development requirements.

AMD 4 GG 20/05/16

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.2 RESIDENTIAL DESIGN CODES

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

4.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

- 4.3.1 Where a lot has dual Residential Design Codes density coding, the local government may approve residential development at the higher coding if it is connected to reticulated sewerage and is generally consistent with the design criteria contained in any Local Planning Policy relating to the design of higher density residential uses in established residential areas.
- 4.3.2 The local government may, at its discretion, approve residential development to a maximum density of R30 on all lots with frontage to two constructed roads with a density coding of R15 or greater provided it is able to be connected to a reticulated sewerage system and after complying with the requirements of clause 64 of the deemed provisions inclusive.

AMD 4 GG 20/05/16
- 4.3.3 The provisions of clauses 4.3.1 and 4.3.2 do not apply to any residential development within the Avon/Mortlock Rivers Special Control Area.

AMD 4 GG 20/05/16
- 4.3.4 Where an application for subdivision or development is received for land along Gordon Street, the higher code may be considered where the application is consistent with the Gordon Street Local Planning Policy's character protection guidelines.

4.4 RESTRICTIVE COVENANTS

- 4.4.1 Subject to clause 4.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme. *AMD 4 GG 20/05/16*
- 4.4.2 Where clause 4.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant development approval to the development of the land which would, but for the operation of clause 4.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 64 of the deemed provisions. *AMD 4 GG 20/05/16*

4.5 SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 Table 2 sets out the site and development requirements for each of the zones which may be varied and/or supplemented by the local government at its discretion to suit any specific requirements.
- 4.5.2 The local government in determining applications for any development may require such development to comply generally with the standards required for the relevant zone as stipulated in Table 2 to ensure that the scale, nature, design, general appearance and impact of any proposed use/s is compatible with the objectives of the zone in which the development is proposed and the general purposes and aims of the Scheme.

TABLE 2: SITE AND DEVELOPMENT REQUIREMENTS TABLE

CONTROLS	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Φ Minimum Landscaping Area (%)	Minimum Lot Size
ZONE	Front #	Rear	Sides			
Residential	In accordance with the Residential Design Codes or as varied by the Scheme Provisions.					
Commercial	*	*	*	*	*	*
Mixed Use <i>AMD 6 GG 29/12/17</i>	*	*	*	*	*	*
Tourist	7.5	7.5	4	*	*	*
General Industry	7.5	10	5	*	15%	2,000 m ²
Light & Service Industry	7.5	7.5	4	*	10%	1,000 m ²
Rural	25	20	20	n/a	n/a	##
Rural Residential	15	10	10	n/a	*	## (generally ranging from 1 to 4 hectares)
Rural Smallholding	25	20	20	n/a	*	## (generally ranging from 4 to 40 hectares)

NOTES:

* Means to be determined by the local government in each particular case.

Front Setback applies to all sides of a property that adjoin a road reserve, see Clause 4.18. *AMD 4 GG 20/05/16*

As determined by the local government in each particular case having due regard for the Local Planning Strategy.

Φ Landscaping to generally be provided at the street frontage and is determined as a percentage of the total lot area.

4.6 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.6.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit. *AMD 4 GG 20/05/16*
- 4.6.2 In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to – *AMD 4 GG 20/05/16*
- a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and *AMD 4 GG 20/05/16*
 - b) have regard to any expressed views prior to making its determination to grant the variation.
- 4.6.3 The power conferred by this clause may only be exercised if the local government is satisfied that –
- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and *AMD 4 GG 20/05/16*
 - b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.7 ENVIRONMENTAL CONDITIONS

- 4.7.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, incorporated into the Scheme by Schedule 6 of the Scheme. *AMD 4 GG 20/05/16*
- 4.7.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 4.7.3 The local government is to –
- a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
 - b) make the statements available for public inspection at the offices of the local government.

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

4.8 OUTDOOR STORAGE AREAS

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

4.9 BUILDING FACADES

Where lots in the Commercial, Mixed Use, Tourist or Light & Service Industry zones have common boundaries with public reserves, the local government may require buildings to be designed and constructed so as to present a facade of brick, plate glass or other material approved by the local government to those boundaries.

4.10 MAXIMUM BUILDING HEIGHT

- 4.10.1 Unless provided for elsewhere in the Scheme or the Residential Design Codes, no site shall be developed or building constructed to contain more than two storeys or exceed 9 metres in height measured to the highest proportion of the building from mean natural ground level, or such other ground level, as may reasonably be determined by the local government.
- 4.10.2 The local government may vary the requirements of clause 4.10.1 if it is satisfied that the development can comply with the relevant development standards and: *AMD 4 GG 20/05/16*
- a) will not restrict light, sunshine and natural ventilation enjoyed by surrounding properties;
 - b) will not intrude upon the privacy enjoyed by surrounding properties by virtue of overview;
 - c) will not diminish views or outlook available from surrounding properties; and
 - d) is sympathetic with the scale, townscape and character of the surrounding built environment.

4.11 RETAINING WALLS

- 4.11.1 No retaining wall or the filling of property shall alter the contours of the natural surface by more than 0.5 metres without the prior development approval of the local government and the local government in granting such development approval is satisfied that the proposal will not adversely impact on the amenity of surrounding land and developments, occupants or the streetscape. *AMD 4 GG 20/05/16*
- 4.11.2 In granting development approval for a retaining wall or the filling of property the local government may impose such conditions as it thinks appropriate to address matters including (but not limited to) – *AMD 4 GG 20/05/16*
- a) the engineering design;
 - b) materials;
 - c) shape;

- d) colours;
- e) location;
- f) height; and
- g) use of land retained.

4.12 LANDSCAPING

- 4.12.1 The local government may require an application for development approval to be accompanied by landscaping plans. Prior to the occupation of premises for the purposes of the development approval, landscaping is to be planted and is thereafter to be maintained to the satisfaction of the local government in accordance with the landscaping plan approved by the local government.
AMD 4 GG 20/05/16
- 4.12.2 The local government may require landowners to plant and maintain landscaping to its satisfaction on adjacent road verges as a condition of development approval.
AMD 4 GG 20/05/16
- 4.12.3 With the exception of areas around which authorised screen walls have been erected, landscaping shall be planted and maintained by the owners, to the satisfaction of the local government, on all portions of lots that are not covered by approved buildings, storage areas, access ways or parking spaces.
- 4.12.4 In the Residential, Rural Residential and Rural Smallholding zones, the local government may, as a condition of any approval, require lot owners to plant and maintain to its satisfaction, mature native trees and shrubs to promote the natural landscape values of the area.

4.13 CAR PARKING

- 4.13.1 A person shall not develop or use any land or erect, use or adapt any building unless a suitable number of car parking spaces are provided on site and in accordance with the car parking requirements for particular developments and land uses as listed in 'Table 3: Car Parking Guidelines' or as varied by the provisions of this Scheme.
- 4.13.2 The dimensions of parking spaces required under the provisions of the Scheme, shall be as per the Australian Standards.
- 4.13.3 For open car parking facilities with 20 or more parking spaces, a minimum area equivalent to one parking space shall be provided in suitable locations for every 20 parking spaces for garden and planting of native plants and trees to provide visual relief and, so long as these garden and planting areas are maintained in good order, those areas provided for this purpose shall be included in calculations as landscaping and not as car parking.
- 4.13.4 The car parking layouts on any lot within the Commercial, Mixed Use or Tourist zones shall be designed in conjunction with layouts on adjoining lots so that the total area may ultimately function as an integrated car parking area.

- 4.13.5 Where an applicant for development approval can demonstrate that other off-street parking facilities are available to be shared with other land uses operating at different times, the local government may approve a development with less than the required number of on-site car bays provided – *AMD 4 GG 20/05/16*
- a) the local government is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
 - b) landowners who request sharing of parking facilities enter into a legal agreement to the local government's satisfaction for reciprocal access to parking facilities.
- 4.13.6 Where the owner can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in the 'Table 3: Car Parking Guidelines', landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping, provided that the local government may from time to time require that additional parking spaces be provided by the owner.
- 4.13.7 In the Commercial Zone, where a developer can satisfy the local government that the minimum car parking requirements cannot be provided on the site, the local government may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this clause –
- a) A "cash-in lieu" payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the scheme, plus the value as estimated by the Valuer General, or by a licensed valuer appointed by local government of that area of the applicant's land which would have been occupied by the parking spaces.
 - b) Before the local government agrees to accept a cash payment "in lieu" of the provision of parking spaces, the local government must either have already provided public car parking nearby, or must have firm proposals to provide public car parking nearby within a period of not more than 18 months from the time of agreeing to accept the cash payment.
 - c) Payments made under this clause shall be paid into a special fund to be used to provide public car parks and the local government may use this fund to provide public car parking anywhere in the immediate vicinity.
- 4.13.8 When considering an application to commence development the local government shall have regard to, and may impose conditions in respect of –
- a) the location and design of the required car parking spaces;
 - b) natural planting;
 - c) pedestrian spaces on the lot; and
 - d) any other matter deemed relevant.

4.13.9 In determining the requirements of subclause 4.13.8, the local government may consider matters including – *AMD 4 GG 20/05/16*

- a) the proportion of car spaces to be roofed or covered;
- b) the proportion of car spaces to be below natural ground level;
- c) the means of access to each car space and the adequacy of any vehicular manoeuvring area;
- d) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- e) the extent to which car spaces are located within required building setback areas;
- f) the locations of proposed public footpaths, vehicular crossings, or private footpaths within the lot, and the effect on both pedestrians and vehicular traffic movement and safety; and
- g) the suitability and adequacy of elevated structural deck for development and service as a proportion of the required area for natural planting and pedestrian space.

TABLE 3: CAR PARKING GUIDELINES

LANDUSE	MINIMUM NUMBER OF CAR PARKING SPACES REQUIRED
Amusement Parlour	1 / 4 patrons
Betting Agency	1 / 15 m ² GFA
Civic Use	1 / 20 m ² GFA or 1 / 4 persons accommodated
Club Premises	1 / 50 m ² GFA or 1 / 4 persons accommodated
Club (Licensed)	1 / 5 m ² bar and other activity area
Consulting Rooms	4 / practitioner
Childcare Premises	1 / staff member + 1 / 5 children accommodated
Dry Cleaning / Laundry	1 / 30 m ² GFA
Fast Food Outlet	1 / 20m ² GFA + 1 / 4 seated patrons
Fish Shop	DELETED BY AMD 6 GG 29/12/17
Funeral Parlour	6 spaces + 1 / 4 persons in chapel
Garden Centre	1 / 100 m ² GFA
Health Studio	1 / 50 m ² GFA
Hire Service	1 / 50 m ² GFA
Hotel	1 / 5 m ² public bar area + 1 / bedroom + 1 / 4 restaurant dining seats
Industry – General	1 / 100 m ² GFA
Industry – Light and Service	1 / 50 m ² GFA
Laundromat	1 / 2 machines installed
Liquor Store	1 / 25m ² GFA
Medical Centre	5 / practitioner
Motel	1 / unit + 1 / 25m ² service area
Motor Vehicles / Marine Sales	1 / 100 m ² display area + 1 / employee
Night Club	1 / 4 patrons
Office	1 / 25 m ² NLA
Public Amusement	DELETED BY AMD 6 GG 29/12/17
Place of Worship	1 / 4 persons accommodated
Reception Centre	1 / 4 persons accommodated
Recreation Active	1 / 4 persons accommodated
Residential	As per the Residential Design Codes
Restaurant	1 / 4 patrons
Restricted Premises	1 / 25 m ² GFA
Service Station	1 / 200m ² gross site area + 1 / employee
Shop	1 / 20 m ² NLA
Showroom	1 / 100 m ² GFA + 1 / employee
Tavern	1 / 5 m ² public area + 1 / 4 restaurant dining seats
Veterinary Consultancy	4 / practitioner
Warehouse	1 / 100m ² GFA + 1 / 100 m ² outdoor storage / warehousing area
Other Uses Not Listed	As determined by the local government after consideration of the parking needs generated by the use.

Note: In determining its decision in respect to the provision and construction of car parking, the local government will have regard to any relevant local planning policies adopted under the provisions of the Scheme.

4.14 TRAFFIC ENTRANCES

- 4.14.1 The local government may refuse to permit more than one vehicle entrance or exit to or from any lot, may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.
- 4.14.2 Access to a lot for vehicles may not be permitted directly to or from Major and/or Regional Road reserves where access is available from side or rear streets.
- 4.14.3 Where access to a lot abutting a Major or Regional Road reserve is available only from that road, parking, servicing, and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear, unless the applicant can provide sufficient information to demonstrate other suitable and safe arrangements to the satisfaction of the local government.

4.15 VISUAL TRUNCATIONS – CORNER LOTS AND VEHICLE ACCESS WAYS

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

4.16 ACCESS FOR LOADING & UNLOADING VEHICLES

For all non-residential use and/or development –

- (a) no land shall be used or buildings developed unless provision is made for the purpose of loading or unloading goods or materials to the satisfaction of the local government; and
- (b) the local government will normally seek to ensure that servicing vehicles will be able to enter the street in a forward direction.

4.17 DEVELOPMENT OF LOTS ABUTTING UNDEDICATED AND/OR UNCONSTRUCTED ROADS

Notwithstanding anything else appearing in the Scheme, development approval is required for development of land abutting an undedicated and/or unconstructed road or a lot which does not have direct frontage to a dedicated and/or constructed road. In considering an application for development approval in these circumstances, the local government shall –

AMD 4 GG 20/05/16

- (a) refuse the application until the road has been dedicated and/or constructed or access by means of a dedicated and constructed road is provided as the case may be;
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of dedicating and/or constructing the road or part thereof and any other conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access as shall be to the satisfaction of the local government.

4.18 DEVELOPMENT OF LOTS WITH MORE THAN ONE STREET FRONTAGE

Where development not governed by the requirements of the Residential Design Codes is proposed on a lot with more than one street frontage, the front setback as required in Table 2 will apply to all street frontages on the lot and the remaining boundaries shall be treated as side boundaries.

4.19 USE OF LAND BETWEEN THE STREET ALIGNMENT AND FRONT BUILDING SETBACK

4.19.1 In any zone other than the Residential, Rural Residential and Rural Smallholding zones a person shall not use the land between the street alignment and the front building setback as prescribed in Table 2, or where no setback is prescribed, the setback as determined by the local government, or the front setback of an existing building, except for one or more of the following purposes –

- a) gardens and other landscaping;
- b) access driveways; and
- c) vehicle parking to the satisfaction of the local government.

4.20 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL, RURAL RESIDENTIAL AND RURAL SMALLHOLDING ZONES

AMD 6 GG 29/12/17

4.20.1 The parking of a commercial vehicle in excess of 4.5 tonne tare weight shall not be permitted on any Residential or Rural Residential zoned lot of 1 hectare or less without the development approval of the local government except for the purpose of delivering or loading normally associated with residential uses. *AMD 4 GG 20/05/16*

4.20.2 A commercial vehicle shall be considered to be parked on a lot for the purpose of this clause if it remains on that lot for more than 2 hours in aggregate over any period of 24 hours.

4.20.3 Under this clause the local government shall only approve the parking of a maximum of one commercial vehicle per lot.

4.20.4 The parking and repair of commercial vehicles on any Residential or Rural Residential zoned lot of 1 hectare or less shall be in accordance with the following requirements:

- a) the lot on which the vehicle is parked contains only a single house (including any associated outbuilding) provided that the local government may permit the parking of such vehicle on a lot which contains grouped dwellings if it is of the opinion that this will not adversely affect the amenity of the grouped dwelling development or the surrounding area;
- b) the vehicle is used by an occupant that is lawfully occupying the dwelling on the lot;
- c) the vehicle is parked entirely on the subject lot within a garage or is located on a hard stand area, sited and partially screened so as to reasonably minimise the visual effect as viewed from the road reserve or from a neighbouring property to the satisfaction of the local government;

- d) the vehicle does not exceed 3.6 metres in height (including any load), 2.5 metres in width and 8 metres in length;
 - e) the vehicle is not started or manoeuvred on-site between the hours of 10.00pm and 6.00am the following day without the prior approval of the local government;
 - f) whilst on the lot, the vehicle's motor is not left running when the vehicle is unattended or in any event for any period in excess of five (5) minutes;
 - g) the vehicle, whilst on the lot, is not loaded with goods or materials that may cause nuisance, risk or pollution to the detriment of the amenity of the area or nearby residents;
 - h) the vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis;
 - i) whilst on the lot, there is no transfer of goods or passengers from one vehicle to another vehicle, loading and unloading of the vehicle, or storage of goods associated with the use of the vehicle;
 - j) the vehicle is not used or operated as a tow truck or other emergency vehicle between the hours of 10.00pm to 6.00am in a manner that adversely affects the residential amenity of the area; and
 - k) only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generates easily contained liquid waste is carried out on the lot. All cleaning and servicing shall be screened from any nearby road reserve/s and the disposal of waste products shall be to the satisfaction of the local government.
- 4.20.5 The local government may, upon receipt of an application for development approval, approve a variation to any of the requirements of clause 4.20.4 provided that it is satisfied that the variation will not adversely affect the amenity of the area or nearby residents. *AMD 4 GG 20/05/16*

4.21 HOME OCCUPATION, HOME BUSINESS AND RURAL HOME BUSINESS

- 4.21.1 If, in the opinion of the local government, a home occupation, home business or rural home business is having a negative impact on the character and/or amenity of a locality or is causing a nuisance or annoyance to owners or occupiers of land in the locality, the local government may rescind the approval.
- 4.21.2 Where the conditions of approval to conduct a home occupation, home business or rural home business are breached the local government may revoke the approval.

4.22 OUTBUILDINGS

- 4.22.1 The siting and design of outbuildings in the Residential zone shall be in accordance with the Residential Design Codes or any local planning policy adopted by the local government.
- 4.22.2 The siting and design of outbuildings in all zones except the Residential zone shall be in accordance with Table 2 or any local planning policy adopted by the local government.

- 4.22.3 Notwithstanding any other provisions contained in the Scheme, the local government may refuse to grant development approval for the development or use of any outbuilding on any Residential, Rural Residential and Rural Smallholding zoned lot which does not contain a dwelling.

AMD 4 GG 20/05/16; AMD 6 GG 29/12/17

4.23 SEA CONTAINERS

AMD 4 GG 20/05/16

- 4.23.1 Development approval is required to relocate sea containers to any lot. Where approval is granted to the development and use, the sea container shall be constructed and upgraded to a standard that ensures the visual amenity of the area is not impacted. Where the sea container would have an adverse impact on the amenity of the locality, the local government may refuse the application.
- 4.23.2 Where an application for development approval is made for a sea container, the local government shall give notice in accordance with clause 64 of the deemed provisions.
- 4.23.3 Sea containers are not permitted on any land within the Residential zone.

4.24 ADVERTISEMENTS

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Planning Act and requires the development approval of the local government in accordance with the provisions of Part 7 of the deemed provisions, unless it is an exempted advertisement as listed in Schedule 5.

AMD 4 GG 20/05/16

4.25 EXTRACTIVE AND MINING INDUSTRIES

- 4.25.1 The development of extractive and mining industries that are not covered by the Mining Act 1978 in the Scheme Area will only be supported by the local government under the following circumstances –

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

- 4.25.2 All applications for development approval for the establishment of extractive and mining industry operations in the Scheme area are to be accompanied by a management plan and report which –

AMD 4 GG 20/05/16

- a) describes the physical characteristics of the excavation site including significant environmental features;
- b) demonstrates that sensitive land uses within 1,000 metres of the proposed extractive and mining industry operations will not be adversely affected by the use;
- c) identifies appropriate buffer distances required for extraction that are needed to buffer the impact of operations to adjacent land uses;

- d) provides details of the proposed use, development and management of the site which may include the nature and estimated duration of excavation works, environmental and water resource management standards, excavation areas, stock piles, machinery maintenance areas, processing plants, fuel storage and on-site access roads, parking for cars and other vehicles used on the site, fire management, dust and noise management and proposals for landscaping to screen activities on the site from public view;
- e) describes arrangements for access to the site, including the roads which are proposed to be used to provide the main vehicular access and likely traffic volumes;
- f) provides details of proposed decommissioning and rehabilitation works;
- g) describes future land use and development proposals following completion of decommissioning and rehabilitation works; and
- h) any other information the local government considers relevant.

4.25.3 In determining applications for development approval for the establishment of extractive and mining operations (not covered by the *Mining Act 1978*) in the Scheme Area the local government may impose conditions relating to but not limited to the following matters – AMD 4 GG 20/05/16

- (a) hours and methods of operation;
- (b) siting of internal access thoroughfares, buildings and plant;
- (c) vehicle access arrangements including road upgrade and maintenance contributions;
- (d) measures to minimise air, water, noise and visual pollution;
- (e) location and depth of extraction areas;
- (f) stabilisation of extraction areas, stock piles and overburden dumps;
- (g) drainage;
- (h) protection of the amenity of adjoining land uses including visual screening and buffer requirements;
- (i) restoration and rehabilitation of excavation areas;
- (j) rehabilitation to ensure consistency with long term planning objectives including sequential land use proposals; and
- (k) a bond may be required in accordance with the local planning policy.

4.26 DEVELOPMENT IN THE COMMERCIAL ZONE

Unless otherwise specified on the Scheme map, residential development in the 'Commercial' zone shall be in accordance with the R80 Code and shall satisfy the mixed use requirements of the Residential Design Codes.

4.27 DEVELOPMENT IN THE RURAL TOWNSITE ZONE*AMD 21 GG 14/11/2025*

Residential development in the 'Rural Townsite' zone shall be in accordance with the R30 Code for single and grouped dwellings and R80 for multiple dwellings and shall satisfy the mixed-use requirements of the 'Residential Design Codes.

4.28 DEVELOPMENT IN THE MIXED USE ZONE*AMD 21 GG 14/11/2025*

Unless otherwise specified on the Scheme map, residential development in the 'Mixed Use' zone shall be in accordance with the R40 Code and shall satisfy the mixed use requirements of the Residential Design Codes.

4.29 DEVELOPMENT IN THE GENERAL INDUSTRY AND LIGHT & SERVICE INDUSTRY ZONES*AMD 21 GG 14/11/2025*

4.29.1 Within the General Industry and Light & Service Industry zones the development of factory tenement buildings for the purpose of providing multiple factory units on a lot shall not be permitted unless the following requirements are complied with –

- a) No factory unit shall have a floor area of less than 100 square metres and a minimum internal dimension of not less than eight metres;
- b) Each factory unit shall have a service yard which shall be a minimum of 50% of the unit floor area;
- c) Access to the office attached to the factory unit and the major access to the unit itself shall not be through the service yard;
- d) Off street parking may be provided as an overall area onsite and shall provide for all employees onsite with a minimum staff parking requirement of four bays per unit. Customer parking shall be provided as an additional figure of one bay per unit;
- e) All facades to be of masonry construction or other material approved by the local government;
- f) Other requirements for access to the area of units for loading and unloading, and for traffic circulation, servicing and building clearance shall be at the discretion of the local government, taking into account the provisions of the Scheme.
- g) A local development plan for a factory unit shall show a landscaping area, which shall meet the approval of the local government. Immediately upon completion of the units the landscaping shall be constructed and maintained.

4.29.2 Where a comprehensive reticulated sewerage system is not available to a proposed development or use in the General Industry or Light & Service Industry zones, the local government may grant development approval which permits on-site effluent disposal provided such usage does not generate a daily volume of wastewater exceeding 540 litres per 2,000m² of lot size and site conditions are suitable for on-site effluent disposal.

AMD 4 GG 20/05/16

4.29.3 The minimum standard fence for any lot classified General Industry or Light & Service Industry zones shall be a minimum of 1.8 metre high to a maximum of 2.4 metre high link mesh fence constructed in accordance with the local government's current local law governing boundary fencing unless otherwise approved by the local government.

4.29.4 Development is to be sufficiently set back from property boundaries and roads to minimise amenity impacts of industrial land use on adjacent land.

AMD 6 GG 29/12/17

4.29.5 In the General Industry zone, in order to conserve environmental values and amenity, native trees and revegetated areas shall be retained unless their removal is authorised by local government or is associated with approved works, vehicle access or required bushfire mitigation measures or the trees are dead, diseased or dangerous.

AMD 16 GG 30/8/2022

4.30 DEVELOPMENT IN THE RURAL ZONE

AMD 21 GG 14/11/2025

The existence of more than one (1) single dwelling on any lot classified Rural zone shall not be construed as a basis for the local government's support for the subdivision of the lot.

4.31 DEVELOPMENT IN THE RURAL RESIDENTIAL AND RURAL SMALLHOLDING ZONES

AMD 21 GG 14/11/2025

4.31.1 The provisions applicable to a specific area of Rural Residential or Rural Smallholding zoned land in Schedule 7 & 8 shall specify any additional provisions considered appropriate to the particular site to achieve the objectives of the Scheme and the relevant zone. If a provision in Schedule 7 & 8 conflicts with any other provision of the Scheme, the provision in Schedule 7 & 8 shall prevail.

AMD 4 GG 20/05/16

4.31.2 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholding zone shall generally be in accordance with a structure plan prepared pursuant to Part 4 of the deemed provisions. The subdivision of existing Rural Residential or Rural Smallholdings lots that do not have approved structure plans will generally not be supported.

AMD 4 GG 20/05/16

4.31.3 The permissibility of uses shall be in accordance with the Zoning Table unless specified otherwise in Schedules 7 & 8.

AMD 4 GG 20/05/16

4.31.4 The local government may grant temporary development approval for the temporary human habitation within an outbuilding on a Rural Residential or Rural Smallholding zoned lot for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force.

AMD 4 GG 20/05/16; AMD 6 GG 29/12/17

4.31.5 In the Rural Residential and Rural Smallholding zones, a demonstrated and sustainable water supply is to be provided in accordance with State Policy.

AMD 6 GG 29/12/17

4.31.6 The local government or the Western Australian Planning Commission may require the provision of building envelopes or building exclusion areas for any land proposed to be subdivided in the Rural Residential or Rural Smallholdings zone. These shall be -

- a) Shown on the approved structure plan, or separate detailed plan required as a condition of subdivision approval;

- b) at a size to be determined by the local government;
 - c) located to avoid any native vegetation or any area recognised for protection or rehabilitation as shown on the approved structure plan and/or environmental management plan;
 - d) located to ensure on site effluent disposal meets the minimum setback requirements from drainage lines, watercourses, wetlands and other areas as determined by the local government;
 - e) located outside of any identified and/or designated buffer areas; and
 - f) located in accordance with any fire management plan approved for the land.
- 4.31.7 The local government may permit a variation to a previously approved building envelope, prior to the construction of any building, if it can be demonstrated to the satisfaction of the local government that the location of the proposed new building envelope will not be detrimental to the residential amenity and landscape and/or environmental qualities of the land and other adjoining properties.
- 4.31.8 Unless otherwise approved by the local government, all buildings and on-site effluent disposal systems shall be confined to the building envelope indicated on the approved structure plan.
- 4.31.9 The following development is not permitted within a distance of 50 metres on either side of the centre of any watercourse except with the approval of the local government –
- a) the construction of dams or artificial retention of flow, pumping, diversion of water or modification of stream course bed or banks; or
 - b) the development of any buildings or other structures.
- 4.31.10 Conventional effluent disposal facilities (i.e. septic tank and leach drains) shall be setback a minimum of 100 metres from any wetland or watercourse. Where an anaerobic treatment unit (ATU) is to be used, it shall be setback a minimum of 30 metres from any wetland or watercourse.
- 4.31.11 No local native trees or shrubs shall be felled or removed from any lot classified Rural Residential or Rural Smallholding zone other than within an approved building envelope except where in the opinion of the local government –
- a) such trees and shrubs are dead, diseased or dangerous;
 - b) the establishment or maintenance of a firebreak is required under a regulation or local law;
 - c) it is necessary to allow for the construction or maintenance of vehicle access, fences or essential service infrastructure; or
 - d) it is necessary to provide for the reduction of any existing or potential fire hazard.

- 4.31.12 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholding zone will be conditional upon the subdivider preparing and implementing a Fire Management Plan to the satisfaction and approval of the local government and the Fire and Emergency Services Authority of Western Australia.
- 4.31.13 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholding zone will be conditional upon the subdivider preparing and implementing a Local Water Management Strategy to the specifications, satisfaction and approval of the local government and the Department of Water.
- 4.31.14 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholding zone will be conditional upon the subdivider preparing and implementing an Environmental Management Plan to the satisfaction and approval of the local government. The plan shall include details of –
- a) the location of all building envelopes;
 - b) all vegetation protection areas;
 - c) measures for the protection, revegetation and maintenance of landscape buffers along seasonal watercourse and wetlands;
 - d) drainage, nutrient and salinity management arrangements;
 - e) livestock management arrangements; and
 - f) ground, surface and scheme water management arrangements.
- 4.31.15 The areas identified in the Environmental Management Plan are to be maintained by individual landowners in accordance with the terms and conditions of the approved Environmental Management Plan.
- 4.31.16 All landscape buffer, tree preservation, revegetation and/or stream protection areas shown on an approved structure plan and/or Environmental Management Plan are to be protected from livestock by fencing or other means to the satisfaction of the local government and the requirements thereof are to be detailed within the Environmental Management Plan.
- 4.31.17 Any application for a rural pursuit or equestrian activity that involves the stabling and keeping of livestock (including horses) will be conditional upon compliance with the terms and conditions of the approved Environmental Management Plan.
- 4.31.18 If, in the opinion of the local government, over-grazing by livestock is causing degradation to the landscape or land degradation that may lead to soil erosion, the local government may issue an order to the property owner requiring a reduction in the number, or total removal, of the livestock.

4.32 AMENITY OF NON-RESIDENTIAL DEVELOPMENT

AMD 6 GG 29/12/17; AMD 21 GG 14/11/2025

- 4.32.1 The amenity of non-residential development shall be determined in the context of each proposed development and site conditions, but shall generally be in accordance with the following:
- a) the form and scale of the development is to be compatible with surrounding land uses;

- b) buildings are to have coordinated or complementary materials, colours and styles and be reflective of the character of the locality;
- c) visual impacts are to be minimised by the use of vegetation screening and tree retention.

4.32.2 In exercising its direction under this clause, the local government shall have regard to the following when assessing any applications for development approval –

- a) the external appearance of the building and any associated structures and landscaping;
- b) the dimensions and proportions of the building or structure;
- c) the materials used in the construction of the building taking into consideration texture, scale, shape and colour;
- d) the effect of the building or works on nearby properties, and on the occupants of those buildings;
- e) the effect on the landscape and environment generally; and
- f) any other matter which in the opinion of the local government is relevant to the amenity of the locality.

4.33 REPURPOSED AND SECOND-HAND DWELLING AND BUILDINGS

AMD 6 GG 29/12/17; AMD 8 GG 9/7/19; AMD 21 GG 14/11/2025

4.33.1 The local government may permit the erection of a repurposed or second-hand building on a lot where –

- a) in its opinion such building is in satisfactory condition and the design and locality of the building is to the satisfaction of the local government and will not adversely affect the amenity of the locality;
- b) the applicant for a building permit for the repurposed or second-hand building lodges a cash bond and enters into an agreement, to the satisfaction of the local government, to ensure the building achieves a standard of presentation acceptable to the local government within 12 months of the issues of the building permit; and
- c) the proposal complies with the provisions of the local government's local planning policies.

4.33.2 The placement of a repurposed or second-hand dwelling shall not be permitted on any lot within the Scheme area unless:

- (i) In the opinion of the local government such a dwelling is in satisfactory condition and an acceptable standard of presentation, and will not detrimentally affect the amenity of the area; or
- (ii) An applicant enters into an agreement to the satisfaction of the local government to reinstate the dwelling to a satisfactory condition and an acceptable standard of presentation, as determined by the local government, within 24 months of issue of the building permit

4.34 OCCUPANCY OF CARAVAN PARKS AND PARK HOME PARKS*AMD 6 GG 29/12/17; AMD 21 GG 14/11/2025*

The local government may permit the permanent occupancy of not more than 15% of sites within a caravan park or park home park, where the applicant can demonstrate, to the satisfaction of the local government, that the primary tourist accommodation purpose of the park will not be compromised and that adequate services and facilities exist to service the permanent population.

4.35 TELECOMMUNICATIONS INFRASTRUCTURE*AMD 6 GG 29/12/17; AMD 21 GG 14/11/2025*

4.35.1 An application for development approval from the local government is required for the development of all telecommunication infrastructure (overhead cabling, telecommunications towers, radio communications, dishes etc) excluding those listed in the Telecommunications Low Impact Facilities Determination 1997 and subsequent Amendments to the Determination.

4.35.2 Applications for the development approval for telecommunications infrastructure shall be accompanied by plans and information required for application for development approval under Part 7 of the deemed provisions and will be considered in relation to the following –

- a) consistency with the objective and purpose of the zone or reserve;
- b) social and economic benefits of the proposal;
- c) the impact of the proposal on the landscape, heritage and environmental values of the locality;
- d) coordination with other services; and
- e) any relevant local planning policy adopted by the local government.

4.36 HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS*AMD 6 GG 29/12/17; AMD 21 GG 14/11/2025*

4.36.1 Development approval is not required to conduct a home office as defined in the Scheme.

4.36.2 Where the local government issues a development approval to conduct a home occupation or a home business, the approval relates to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.

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

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

4.37 DEVELOPMENT IN ENVIRONMENTAL CONSERVATION ZONE*AMD 6 GG 29/12/17; AMD 21 GG 14/11/2025*

- 4.37.1 As required, adjustments to Environmental Conservation zone boundaries may be considered as 'basic' scheme amendments, subject to environmental surveys and supported by the agency responsible for biodiversity and conservation.
- 4.37.2 Subdivision of Environmental Conservation zones will generally not be supported, unless supported by environmental surveys and advice from the agency responsible for biodiversity and conservation.
- 4.37.3 Development within the Environmental Conservation zone is to be in accordance with the zone objectives and is not to disturb vegetation.
- 4.37.4 Where development is proposed that would affect Environmental Conservation zoned land, the proponent is to prepare an Environmental Management Plan at the time of structure planning, subdivision or development (as relevant), in consultation with the State government department responsible for biodiversity conservation. The plan is to be approved by the local government with arrangements made for the implementation of the approved plan. The Environmental Management Plan is to address the following:
 - (i) protection and management of the environmental values of the zoned land;
 - (ii) property boundaries, the location of the building envelope(s) and access arrangements, taking into account environmental and visual landscape impacts;
 - (iii) fencing, fire management, weed control, rehabilitation and control of domestic pets; and
 - (iv) any other matters relevant to the site, as recommended by the State or local government.

4.38 STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME*AMD 6 GG 29/12/17; AMD 21 GG 14/11/2025*

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

4.39 ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS*AMD 17 GG 12/04/24; AMD 21 GG 14/11/2025*

- 4.39.1 Table 4 sets out requirements relating to development that are additional to those set out in the R-Codes,

Table 4 – Additional Requirements that apply to land in the Scheme area

No.	Description of Land	Requirement
1	Lot 881 (No.239) Yilgarn Avenue, Malabaine	<p>1. Prior to subdivision and/or development approval an Environmental Management Plan shall be prepared, to the satisfaction of the local government, to address the following matters:</p> <ul style="list-style-type: none"> (a) establishment of a 15 metre wide vegetation corridor, adjacent to the full length of the western boundary, planted with species comprising the Eucalypt Woodlands of the Western Australian Wheatbelt ecological community; (b) retention and protection of existing vegetation within the corridor to ensure that it is not impacted by subdivision and/or development works; (c) demarcation of the vegetation corridor to provide protection from proposed lots and any future development; (d) ongoing maintenance and management of the corridor; and (e) ongoing alternative arrangements for the location of firebreaks. <p>2. The vegetation corridor shall be established and protected in accordance with the Environmental Management Plan, as a condition of subdivision approval.</p> <p>Development shall avoid any impact on the vegetation corridor which shall be maintained and managed in accordance with the Environmental Management Plan.</p> <p>Notwithstanding clause 4.5 and Table 2 in this Scheme, development shall be setback a minimum of 22.5 metres from the boundary adjoining Lot 50 (No. 175) Yilgarn Avenue.</p> <p>5. Notwithstanding any other provision in this Scheme the removal of vegetation within the vegetation corridor shall be prohibited unless approved by the local government.</p>

- 4.39.2 To the Extent that a requirement referred to in subclause 4.38.1 is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause 4.38.1 prevails.

PART 5— SPECIAL CONTROL AREAS

AMD 4 GG 20/05/16

5.1 OPERATION OF SPECIAL CONTROL AREAS

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

1. SCA 1 - Avon & Mortlock Rivers Special Control Area
2. SCA 2 - Landscape Protection Special Control Area
3. SCA 3 - Spencers Brook Special Control Area
4. SCA 4 - Wastewater Treatment Plant Buffer Special Control Area
5. SCA 5 - Development Contribution Areas
6. SCA 6 - Mitchell on Avon Special Control Area
7. SCA 7 - Minson Avenue Design Guidelines Special Control Area

5.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.2 SCA 1 - AVON & MORTLOCK RIVERS SPECIAL CONTROL AREA

5.2.1 Purpose

The purpose of the Avon & Mortlock Rivers Special Control Area is to –

- a) Preserve the ecological values of the Avon and Mortlock Rivers as a significant drought refuge for freshwater fishes and water birds;
- b) Avoid development that would negatively impact upon the ecological values and landscape qualities of the area;
- c) Ensure that land use in the area, including grazing, cultivation and recreational activities does not degrade the area;
- d) Ensure that any development takes place in such a manner so as to safeguard the welfare of people in the area; and
- e) Ensure that future infrastructure development does not adversely alter the capacity of the area to convey floodwaters.

5.2.2 Application Requirements

Development approval is required to construct or extend a single house and ancillary outbuilding or the demolition of any building or structure.

AMD 4 GG 20/05/16

5.2.3 Relevant Considerations

5.2.3.1 In considering any rezoning request, subdivision or development application the local government will have due regard for the following –

- (a) There is a general presumption against rezoning of land within the area for more intensive land uses, such as residential, industrial and rural residential.

- (b) Subdivision applications for land entirely within the area will generally not be supported by the local government to avoid creating the potential for additional development.
- (c) The local government may consider supporting subdivision applications within the area where –
 - (i) the subdivision is for the use of land which will not create the potential for additional development;
 - (ii) subdivision is for boundary realignment, rationalization of landholdings or lots created for management purposes, which will not create the potential for additional development within the floodplain area;
 - (iii) the subdivision is consistent with the policies of the Western Australian Planning Commission.

5.2.3.2 Development applications for land within the area should not be approved where the development may result in an obstruction to major river flows and increase flood levels upstream. The impacts of proposals for aquaculture, commercial tree plantations or significant revegetation, earthworks (such as filling and excavation) and intensive agriculture will be carefully assessed.

5.2.3.3 Public works (for example, road or bridge construction) or community facilities may be permitted within the floodplain subject to advice from any relevant authority that such public works or development can be designed and located in a manner so as to minimize flood risks, property damage and obstruction to the river flow.

5.2.3.4 Development applications within the floodplain will be subject to a minimum habitable floor level of 0.50 metres above the predicted 1 in 100 year flood level as determined by the Department of Water to provide adequate protection from major floods.

5.2.4 Referral of Applications

Consultations regarding any rezoning request, subdivision or development application may be referred to any relevant authority for advice and comment.

5.2.5 Conditions of Approval

The local government's approval to any subdivision and/or development on any land within the Avon & Mortlock Rivers Special Control Area may be conditional upon one or more of the following –

- a) Planting and/or retention of vegetation;
- b) Fencing of remnant vegetation;
- c) Control of stock along wetland and foreshore areas;
- d) Prohibition of dwellings and effluent disposal systems within 100 metres of wetland and foreshore areas;
- e) Management of storm water drainage;
- f) Creation of rights of public access to foreshore areas;

- g) Preparation of conservation management plans; and
- h) Preparation and registration of restrictive covenants and/or deeds of agreement to secure performance of land management agreements.

5.3 SCA 2 - LANDSCAPE PROTECTION SPECIAL CONTROL AREA

5.3.1 Purpose

The purpose of the Landscape Protection Special Control Area is to -

- a) Preserve the visual amenity and landscape quality of the area;
- b) Avoid development which would negatively impact upon the ecological values and landscape qualities of the area; and
- c) Ensure that land use in the area, including grazing, mining activities and recreational activities does not degrade the area.

5.3.2 Application Requirements

Development approval is required to construct or extend a single house and ancillary outbuilding or the demolition of any building or structure.

AMD 4 GG 20/05/16

5.3.3 Relevant Considerations

5.3.3.1 In considering any rezoning request, subdivision or development application the local government will have regard to the following –

- (a) It is considered that subdivision may be possible within this area in accordance with the Shire of Northam Local Planning Strategy.
- (b) The local government may consider supporting subdivision applications where –
 - (i) the subdivision is for the use of land which is in accordance with the Shire of Northam Local Planning Strategy and has been zoned appropriately;
 - (ii) the subdivision is for a boundary realignment, rationalisation of landholdings or lots created for management purposes; and
 - (iii) the subdivision is consistent with the policies of the Western Australian Planning Commission.

5.3.3.2 Development applications for land within the area will not be approved where the development may detract from the visual landscape quality of the area. The impacts of proposals for aquaculture, commercial tree plantations or significant revegetation, earthworks (such as filling and excavation) and intensive agriculture will be carefully assessed.

5.3.3.3 Public works (for example, road construction) or community facilities may be permitted within the area on condition that they do not detract from the visual quality of the area.

5.3.4 Referral of Applications

Consultations regarding any rezoning request, subdivision or development application may be referred to any relevant authority for advice and comment.

5.4 **SCA 3 - SPENCERS BROOK SPECIAL CONTROL AREA**

5.4.1 Purpose

The purpose of the Spencers Brook Special Control Area is –

- a) To preserve the ecological values of the river and riparian zone;
- b) To avoid development which would negatively impact upon the qualities of the area;
- c) To ensure that land use in the area does not degrade the area;
- d) To ensure that any development takes place in such a manner so as to safeguard the lives and property of people in the area; and
- e) To ensure that any development does not adversely alter the capacity of the floodway to convey floodwaters.

5.4.2 Application Requirements

Development approval is required to construct or extend a single house and ancillary outbuilding or the demolition of any building or structure.

AMD 4 GG 20/05/16

5.4.3 Relevant Considerations

5.4.3.1 In considering any rezoning request, subdivision or development application the local government will have regard to the following –

- (a) There is a presumption against development of land within the Spencers Brook management area for more intensive land uses, such as residential, commercial or rural uses.
- (b) Subdivision applications for land entirely within the Spencers Brook management area will generally not be supported by the local government to avoid creating the potential for additional development.
- (c) The local government may consider supporting subdivision applications where –
 - (i) the subdivision is for the use of land which will not create the potential for additional development;
 - (ii) the subdivision is for a boundary realignment, rationalization of landholdings or lots created for management purposes, which will not create the potential for additional development; and
 - (iii) the subdivision is consistent with the policies of the Western Australian Planning Commission.

5.4.3.2 Development applications for land within the area will not be approved where the development may result in an obstruction to major river flows and increase flood levels upstream. The impacts of proposals for aquaculture, commercial tree plantations or significant revegetation, earthworks (such as filling and excavation) and intensive agriculture will be carefully assessed.

5.4.3.3 Public works (for example, road or bridge construction) or community facilities may be permitted within the area, subject to advice from any relevant authority that such public works or development can be designed and located in a manner so as to minimise flood risks, property damage and obstruction to the river flow.

5.4.3.4 Development applications within the floodplain will be subject to a minimum habitable floor level of 0.50 metres above the predicted 1 in 100 year flood level, as determined by the Department of Water, to provide adequate protection from major floods.

5.4.4 Referral of Applications

Consultations regarding any rezoning request, subdivision or development application may be referred to any relevant authority for advice and comment.

5.5 **SCA 4 - WASTEWATER TREATMENT PLANT BUFFER SPECIAL CONTROL AREA**

5.5.1 Purpose

The purpose of the Wastewater Treatment Plant Buffer Special Control Area is to –

- a) Identify land likely to be the subject of off-site impacts from all wastewater treatment plants operating in the Scheme Area; and
- b) Ensure that the development and use of any land located within a wastewater treatment plant buffer area is compatible with any existing or proposed future development and use of the relevant wastewater treatment plant.

5.5.2 Application Requirements

In addition to development which otherwise requires development approval under the Scheme, development approval is required for any development partly or wholly within a wastewater treatment plant buffer area which involves the construction or extension of any building or earthworks. Approval to any such development will be at the discretion of the local government, notwithstanding that the use may be designated a 'P' use under the Scheme.

AMD 4 GG 20/05/16

5.5.3 Relevant Considerations

In considering any application for development approval on land partly or wholly within a wastewater treatment plant buffer area the local government shall consider –

AMD 4 GG 20/05/16

- a) Whether the proposal is compatible with any existing or proposed future development and use of the relevant wastewater treatment plant;

- b) Any advice and recommendations received from the Department of Environment and Conservation, the Department of Health, the Water Corporation or any other agency consulted pursuant to clause 5.5.4; and *AMD 4 GG 20/05/16*
- c) The State Industrial Buffer Policy (WAPC State Planning Policy No.4.1).

5.5.4 Referral of Applications

Prior to determining an application for any development partly or wholly within a wastewater treatment plant buffer area the local government shall consult with the Department of Environment and Conservation, the Department of Health, the Water Corporation or any other agency it considers necessary or appropriate.

5.6 **SCA 5 - DEVELOPMENT CONTRIBUTION AREAS**

AMD 6 GG 29/12/17

Special Control Areas for Development Contributions may be introduced to the scheme pending preparation of Development Contribution Plans in accordance with clause 4.36 of the Scheme.

5.7 **SCA 6 - MITCHELL ON AVON SPECIAL CONTROL AREA**

5.7.1 Purpose

The purpose of the Mitchell on Avon Special Control Area is to –

- a) Provide continuity and stability to any future development and use within the 'Mitchell on Avon' precinct bounded by Mitchell Avenue, the railway line, James Street and Robinson Street; and
- b) Maintain the integrity of the area as an example of post-World War II housing for railway employees.

5.7.2 Application Requirements

Development approval is required to construct or extend a single house and ancillary outbuilding or the demolition of any building or structure.
AMD 4 GG 20/05/16

5.7.3 Relevant Considerations

In considering any rezoning request, subdivision or development application, the local government will have due regard for the following -

- a) There is a general presumption against rezoning of land within the area for more intensive land uses.
- b) The local government may consider supporting subdivision applications within the area where –
 - (i) the subdivision is for the use of land which will not create the potential for additional development;
 - (ii) subdivision is for boundary realignment purposes;
 - (iii) the subdivision is consistent with the policies of the Western Australian Planning Commission; or
 - (iv) future subdivision is to ensure that all housing has a street frontage no less than 18 metres.

5.7.4 Referral of Applications

Consultations regarding any rezoning request, subdivision or development application may be referred to any relevant authority for advice and comment.

5.7.5 Conditions of Approval

The local government's approval to any subdivision and/or development on any land within the Mitchell on Avon Special Control Area may be conditional upon one or more of the following –

- a) The planting and/or retention of vegetation;
- b) No building shall be constructed closer than 7.5 metres to a street boundary or 1 metre to a side or rear boundary. Parapet walls are not permitted;
- c) All new building services (e.g. solar panels, air-conditioning units, telecommunication dishes etc.) should be located, wherever possible, on rear sections of roofs;
- d) All new dwellings shall be single storey with the finished floor level not exceeding 1 metre above ground level and wall heights not exceeding three metres;
- e) All new dwellings shall have two or three rooms facing the street and shall provide a front verandah or porch under the main roof;
- f) Roofs shall be predominantly hipped design, clad with colorbond custom orb profile or tiles consistent in profile with existing dwellings in the area and pitched at no greater than 20 degrees;
- g) Fences in front of dwellings shall not exceed 1,200mm in height, nor be of solid panel construction. Open style fencing (swimming pool or picket) may be approved, and require application for and the issuance of a fencing licence prior to construction; and
- h) Where relatively narrow residential lots are unable to comply with the local government's design guidelines for grouped dwellings, the local government may consider approval of outbuildings for home businesses as a more appropriate option than "battleaxe" grouped dwelling development or subdivision.

5.8 SCA 7 - MINSON AVENUE DESIGN GUIDELINES SPECIAL CONTROL AREA

5.8.1 Purpose

The purpose of the Minson Avenue Design Guidelines Special Control Area is to -

- a) To encourage appropriate mixed residential and non-residential development.
- b) To encourage development which both complements the existing style and character of adjacent commercial areas along Fitzgerald Street as well as improving the quality of the built form on Minson Avenue.
- c) To control the bulk and scale of buildings along the Minson Avenue frontage.

- d) To ensure that setbacks, building design and layout, service areas, landscaping, car parking and vehicular access are consistent with the Minson Avenue Design Guidelines (May 2011) as adopted by the local government.

5.8.2 Application Requirements

Development approval is required for all development. *AMD 4 GG 20/05/16*

5.8.3 Relevant Considerations

In considering any subdivision or development application the Local Government will have regard to the Minson Avenue Design Guidelines (May 2011) as adopted by the local government.

SCHEDULE 1 — DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

AMD 4 GG 20/05/16

[cl. 1.7]

1. General definitions

In the Scheme —

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

“commercial vehicle” means a vehicle, whether licensed or not, which has a gross vehicle mass of greater than 4.5 tonnes and includes the following vehicles above that weight -

- (a) Any utility, van, truck, trailer or tractor or any attachment to any of them or any article designed to be an attachment to them; and
- (b) Any omnibus and any earthmoving machine whether self-propelled or not.

“commercial vehicle parking” means the parking or garaging of not more than two commercial vehicles for more than two hours in any 24 hour period;

“commission” means the Western Australia Planning Commission or equivalent established under the Planning and Development Act 2005.

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

“detailed area plan” means a plan prepared and adopted pursuant to sub-clause 5.31 of this Scheme;

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

“frontage”, when used in relation to a building that is used for -

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

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

“gross floor area (gfa)” means the total floor area of a building measured to the outer face of external walls, but does not include areas occupied by lift, lift motor and plant rooms, car parking spaces or loading bays or internal access thereto, public arcades or toilets;

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

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

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

“Infrastructure” means the standard infrastructure items (services and facilities set out in appendix 1 of *State Planning Policy 3.6 Development Contributions for Infrastructure*) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.

“infrastructure costs” means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

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

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

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

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

“non-conforming use” has the same meaning as it has in section 172 of the Planning Act;

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

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

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

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

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

“Residential Design Codes” means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;

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

“short-term accommodation” means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period. *AMD 6 GG 29/12/17*

“structure plan” means a structure plan that has come into effect in accordance with the provisions of this scheme and includes any Outline Development Plan or Subdivision Guide Plan prepared and approved under the previous local planning scheme of the local government, where applicable to a structure planning area;

“structure planning area” is an area that requires structure planning and may be required in any zone;

2. Land use definitions

In the Scheme -

“abattoir” means premises used commercially for the slaughtering of animals for the purposes of consumption as food products; *AMD 6 GG 29/12/17*

“aged and dependent persons dwelling” has the same meaning given as in the Residential Design Codes of Western Australia;

“aged persons hostel” means premises used for the accommodation of aged persons in independent units and where meals and other facilities are provided;

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

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

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

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

“airpark” means land and buildings used for an aviation themed residential estate, including outbuildings that cater for the housing, parking, storage, servicing and repairing of light aircraft.

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

“ancillary dwelling” has the same meaning as in the Residential Design Codes of Western Australia; *AMD 6 GG 29/12/17*

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

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

“art gallery” means premises - *AMD 6 GG 29/12/17*

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

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

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

“boarding house” means a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include -

- (a) premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the *Liquor Control Act 1988*;

- (b) premises used as a boarding school approved under the *School Education Act, 1999*;
- (c) a single dwelling, attached, grouped or multiple dwelling unit;
- (d) any building that is the subject of a strata title issued under the provisions of the *Strata Titles Act, 1985* (as amended).

“brewery” means premises used for the production of beer and ale and may include sale of the produce.

“bulky goods showroom” means premises -

AMD 6 GG 29/12/17

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes -
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, Manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies’ and children’s goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;

or

- (b) used to sell by retail goods and accessories 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;

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

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

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

“child care premises” has the same meaning as in the *Child Care Services Act, 2007*;

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

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

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

“commercial vehicle parking” means premises used for parking of one or 2 commercial vehicles but does not include - AMD 6 GG 29/12/17

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

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

“convenience store” means premises -

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

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

“dry cleaning premises” means any land or buildings used for the cleaning of garments and other fabrics by chemical processes;

“dwelling” has the same meaning given as in the Residential Design Codes of Western Australia;

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

“equestrian activity” means premises used for the showing, competition or training of horses and includes a riding school;

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

“family day care” means premises used to provide family day care within the meaning of the *Child Care Services Act, 2007*;

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

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

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

“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; AMD 6 GG 29/12/17

“grouped dwelling” has the same meaning as in the Residential Design Codes of Western Australia;

“health studio” means any land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation;

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

AMD 6 GG 29/12/17

“holiday home” means a residential building used to provide accommodation for short-stay guests, rather than permanent residency, and excluding those uses more specifically defined elsewhere;

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

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

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

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

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

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

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

“hospital” means premises used as a hospital as defined in the *Hospitals and Health Service Act 1927* section 2 (1);

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

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

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

incidental to any of those industrial operations;

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

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

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

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

“industry - light” means an industry -

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

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

“industry - primary production” means premises used -

AMD 6 GG 29/12/17

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

“industry - rural” means -

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

“industry - service” means -

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

“landscape supplies” means premises used for the storage and sale of items such as woodchips, logs, rocks, sand stone and other such materials;

“laundromat” means any land or building open to the public in which washing machines, with or without provision for drying clothes, are available for use;

“liquor store – large” means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m²;
AMD 6 GG 29/12/17

“liquor store – small” means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m²;
AMD 6 GG 29/12/17

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

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

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

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

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

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

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

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

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

“motor vehicle wrecking” means premises used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts;

“multiple dwelling” has the same meaning given as in the Residential Design Codes of Western Australia;

“museum” means any land or buildings used to exhibit cultural or historical artefacts.

“nightclub” means premises -

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

“nursing home” means a hospital in which patients reside;

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

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

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

“power generation” means premises used predominantly to generate electricity for a commercial gain;

“produce stall” means premises used to sell goods by way of display on a produce/craft stall, such produce is grown or made within the district and offered for sale only from the produce stall;

“public utility” means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;

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

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

“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.
AMD 16 GG 30/8/22

“Repurposed dwelling” - a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.
AMD 8 GG 9/7/19

“residential aged care facility” means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents, meals and cleaning services, furnishings, furniture and equipment. May also include residential respite (short term) care by does not include a hospital or psychiatric facility.
AMD 5 GG 05/09/17

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

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

“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) Enforcement Act, 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“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 additional facilities or services –
AMD 10 GG 29/12/17

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) accommodation for guests on a commercial basis, with no individual guest accommodation for a period or periods exceeding a total of 3 months in any 12-month period.
AMD 20 GG 14/11/202
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;

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

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 200 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of more than 3 vehicles, with vehicles not being more than 25 tonnes gross weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

"rural pursuit" means any premises used for -

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

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

"salvage yard" means premises used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats;

"Second-hand dwelling" – 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.

AMD 8 GG 9/7/19

"service station" means premises used for -

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

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

"shop" means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

AMD 6 GG 29/12/17

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

"small bar" means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

AMD 6 GG 29/12/17

"stockyards" means premises used for holding and/or sale of animal stock.

"tavern" means premises licensed as a tavern under the *Liquor Control Act, 1988* and used to sell liquor for consumption on the premises;

"telecommunications infrastructure" means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line,

equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

"tourist accommodation" means accommodation specifically catering for tourists such as chalets, farm stay, guesthouses and similar but does not include a hotel, motel or caravan park, and which is not to be occupied by a person for more than 3 months in a 12 month period.

"tourist development" means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three (3) months in any twelve (12) month period and excludes those uses more specifically defined elsewhere in Schedule 1;

"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 - AMD 6 GG 29/12/17

- (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 for the garaging of motor vehicles used or intended to be used for carrying goods or persons, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers;

"transportable structure/dwelling" DELETED BY AMD 8 GG 9/7/19

"tree farm" means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5; AMD 6 GG 29/12/17

"vehicle recovery & towing" means premises used for the transfer and temporary storage of damaged motor vehicles and includes the maintenance, management and repair of the vehicles used to recover and tow damaged motor vehicles;

"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: AMD 16 GG 30/8/2022

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

"waste disposal facility" means premises used - AMD 6 GG 29/12/17

- (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;
AMD 6 GG 29/12/17

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

“workers accommodation” means shared self-contained living accommodation (separate to a single dwelling) used for the accommodation (temporary or otherwise) of workers directly employed in an approved activity carried out on the Lot.

SCHEDULE 2 — ADDITIONAL USES

[cl. 4.5]

No.	Description of land	Additional use	Conditions
A1.	Lot 194 Great Eastern Highway, Bakers Hill AMD 4 GG 20/05/16	Motor Vehicle Repairs	<ol style="list-style-type: none"> 1. All development and use shall be subject to an Application for Development Approval. 2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government. 3. No alterations or extensions to the land use shall be undertaken without the approval of the local government. 4. The use of the land shall not cause injury to or prejudicially affect the amenity of the immediate locality.
A2.	Lot 102 (967) Northam-Toodyay Road, Katrine on Deposited Plan 55137	Group Farming The purpose of the 'group farming' use is to permit the establishment of more than one residence on the property to facilitate opportunities for rural living in the context of a commitment to the protection and enhancement of the agricultural and environmental status of the land and its rural landscape values.	<ol style="list-style-type: none"> 1. A structure plan is required to be prepared and approved by the Commission prior to any subdivision or development. 2. All subdivision and development shall be undertaken in accordance with an approved structure plan. 3. The structure plan and supporting documentation must include: <ul style="list-style-type: none"> - Residential lot layouts & areas; - Community facilities; - Servicing details; - Identification of land uses; - Assessment of the property's landforms, soils, landscape and environment generally including assessment of capability of the commonly owned or managed area to support an agricultural enterprise appropriate to the local conditions; - Details of the fire protection and management plans; - Details of management plans to address environmental issues; and - Details of management of the property including appropriate and enforceable contractual obligations that include: <ol style="list-style-type: none"> (a) a mechanism whereby the local government will be a party to, and whose consent will be necessary for, any decision involving a change in the structure or management of the project or a major change in land use; (b) a commitment to a continuing direct relationship between ownership of residential lots and the balance of the property; (c) satisfactory management or maintenance of the non-residential component of the property; (d) methodology for resolution of any conflict arising in respect to the management of the property as a whole or to activity on a residential site;

No.	Description of land	Additional use	Conditions
A2 cont.	Lot 102 (967) Northam-Toodyay Road, Katrine on Deposited Plan 55137		<p>(e) continuing use of land, other than set aside for residential or community use, for agricultural purposes, other approved rural enterprises such as tree plantations or, where such uses cease either temporarily or permanently, for maintenance which will satisfactorily retain the property's agricultural potential;</p> <p>(f) ownership and management of community facilities where provided;</p> <p>(g) prohibition of the sale of commonly owned or managed land, unless with the consent of the local government and approval of the Commission; and</p> <p>(h) implementation of reasonable controls over residential appearance and maintenance.</p>
A3.	Lot 340 (No.159) Wellington Street (cnr Charles Street), Northam <i>AMD 4 GG 20/05/16</i>	Office, Showroom or Warehouse	<p>1. All development and use shall be subject to an Application for Development Approval.</p> <p>2. All development and use shall be in accordance with the standards applicable to the 'Mixed Use' zone as well as any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
A4.	Lots 30, 34, 100 & portion of Town Lots 7 & 8 (No.334) Fitzgerald Street, Northam <i>AMD 4 GG 20/05/16</i>	Flour Mill & uses ancillary thereto as approved by the local government.	<p>1. All development and use shall be subject to an Application for Development Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
A5.	Lot 1 (47) Fitzgerald Street, Lots 3, 4, 5 and 340 Peel Terrace, Lot 385 Wellington Street and Part Reserve 32053 (Plan 1312 – Lot 367) Elizabeth Place, Northam <i>AMD 4 GG 20/05/16; AMD 13 GG 14/06/19</i>	Motor vehicle, boat or caravan sales & uses ancillary thereto as approved by the local government.	<p>1. All development and use shall be subject to an Application for Development Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
A6.	Lot 4 (No.345) Northam – York Road, Muluckine <i>AMD 4 GG 20/05/16</i>	Garden Centre	<p>1. All development and use shall be subject to an Application for Development Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>

No.	Description of land	Additional use	Conditions
A7.	Portion of Location 4229 Tames Road, Bakers Hill with 135.9 metres frontage to Tames Road & 159 metres frontage to Berry Brow Road.	Metal Fabrication	<ol style="list-style-type: none"> 1. The additional use permitted is restricted to a maximum floor space of 3,373m² and all use and development shall be in accordance with a Local Development Plan which is required to be submitted to and approved by the local government. 2. The Local Development Plan is required to contain, but is not limited to the following: <ol style="list-style-type: none"> (a) a detailed description of the land use. (b) a detailed description of existing buildings, structures and/or dwellings. (c) a scaled site plan showing all existing and any proposed development. (d) demonstrated compliance with the requirements of Table 2. (e) a Management Plan to control such things as noise, dust, traffic, smell etc. (f) a Landscaping Plan including revegetation to provide screening and buffer areas. 3. No alterations, extensions or redevelopment shall be undertaken without the prior approval of the local government. 4. The use of the land shall not cause injury to or prejudicially affect the amenity of the immediate locality.
A8.	Portion of Location 4229 Tames Road, Bakers Hill – 5.7384ha (4,660m ² reserve) with 389.8 metres frontage to Tames Road.	Industry – Light	<ol style="list-style-type: none"> 1. Prior to the commencement of any proposed development or use, a Local Development Plan is required to be submitted and approved by the local government. 2. The Local Development Plan is required to contain, but is not limited to, the following: <ol style="list-style-type: none"> (a) a detailed description of the proposed land use including scale. (b) a detailed description of proposed existing buildings, structures and/or dwellings. (c) a scaled site plan showing all proposed development. (d) demonstrated compliance with the requirements of Table 2. (e) a Management Plan to control such things as noise, dust, traffic, smell etc. (f) a Landscaping Plan including revegetation to provide screening and buffer areas. 3. All development and use shall be in accordance with the approved Development Plan. 4. No alterations or extensions to the land use shall be undertaken without the approval of the Local Government. 5. The use of the land shall not cause injury to or prejudicially affect the amenity of the immediate locality. 6. The establishment of any activity shall not impose any undue load on any existing or proposed service for the supply or provision of essential services.

No.	Description of land	Additional use	Conditions
A8 cont.			<p>7. A retail shop front from which goods manufactured on the premises may be sold is permitted subject to compliance with the approved Local Development Plan.</p> <p>8. All development that includes uses incompatible with sensitive land uses shall be located such that the required buffer area for those uses is fully accommodated within the boundaries of that portion of Lot 4229 classified 'Rural Residential' zone with additional use classification 'A8'.</p>
A9	<p>Linley Valley Abattoir on Lots 7, 8, 10, 421 and 5485 Linley Valley Road, Wooroloo</p> <p>AMD 4 GG 20/05/16</p>	Abattoir and associated commercial activities	<p>1. All development of the land shall be subject to an application for development approval.</p> <p>2. Other associated commercial activities may include skin and hide curing, processing facilities, waste water treatment ponds, offices, packaging facilities, storage, boning room, refrigeration room, holding area, lairage for sheep and cattle, wash down area, employee car parking and ancillary uses</p> <p>3. Rendering facility and tannery are not permitted.</p>
A10	<p>Lot 5000 (150) Yilgarn Avenue, Northam</p>	Caravan Park	Short and long-term accommodation permitted.
A11	<p>Lots 201 and 202 Duke Street West, Northam</p> <p>AMD 12 GG 24/10/17</p>	Tourist Accommodation ('A')	<p>1. All development on the land shall be subject to an Application for Development Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
A12	<p>Lot 600 on Deposited Plan 427356</p> <p>AMD 20 GG 14/11/2025</p>	Tourist Accommodation (A)	<p>1. All development on the land shall be subject to an application for Development Approval.</p> <p>2. All development and use shall be in accordance with an plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>

SCHEDULE 3 — RESTRICTED USES

[cl. 4.6]

No.	Description of land	Restricted use	Conditions
R1	Lot 15 Northam-Toodyay Road, Burlong	Industry-Rural	<ol style="list-style-type: none"> 1. Provide for transport infrastructure for storage and/or processing of bulk grain including connection to the state rail system. 2. Noise, vibration, light and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development, is not adversely affected.
R2	Part Lot 4396 Great Eastern Highway and Part Lot 31 Oyston Road, Bakers Hill (zoned 'Agriculture-Local')	One Residential Dwelling, Home Occupation, Bed & Breakfast and/or Cottage Industry	<ol style="list-style-type: none"> 1. Residential Dwelling <ol style="list-style-type: none"> 1.1 Residential dwellings shall be restricted to one per lot. 1.2 The dwelling is to comply with Australian Standard AS:3959 in relation to Bushfire Protection Construction Guidelines. 2. Keeping of Stock and Pets <ol style="list-style-type: none"> 2.1. The keeping of stock is prohibited. 2.2. Fencing shall be erected to the local government's satisfaction to prevent domestic pet access to areas outside the building envelope. 3. Clearing <ol style="list-style-type: none"> 3.1. Clearing shall only be permitted within a building envelope. 3.2. Should a tree within a building envelope be identified by an independent Flora/Fauna Study as significant in respect to providing habitat for native fauna or being an outstanding specimen, the local government may require the tree to be retained notwithstanding Clause 3.1 above. 3.3. Clearing may be permitted, subject to local government approval, for the construction of a driveway for vehicular access to a building envelope. Only one driveway shall be permitted per lot and clearing shall minimise impacts on native flora and fauna. 3.4. Revegetation of areas damaged during the construction of a building or driveway may be required at the local government's discretion. 3.5. Fallen timber shall not be removed or cleared from areas outside the building envelope where it abuts large areas of remnant vegetation or areas that are identified for vegetation protection.

No.	Description of land	Restricted use	Conditions
R2 cont.			<p>4. Fencing</p> <p>4.1. Boundary fencing shall not be permitted where remnant vegetation traverses lot boundaries.</p> <p>4.2. Fencing is to be erected around building envelopes.</p> <p>5. Fire Management</p> <p>5.1. A Fire Management Plan (consistent with the requirements of the <i>Planning for Bushfire Protection Guidelines</i> Edition 2 or as subsequently amended) shall be prepared that identifies the need for, and the construction requirements relating to public access routes, firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local government and the relevant government agency. The approved Fire Management Plan shall be implemented as appropriate prior to development.</p> <p>5.2. An exception to the local government's Firebreak Order shall be sought for land containing remnant vegetation where the area defined traverses lot boundaries.</p> <p>6. Vegetation/Planting Management</p> <p>The planting of exotic or introduced species is not permitted outside of the building envelopes.</p>

SCHEDULE 4 — SPECIAL USE ZONES

[cl. 4.7.1]

No.	Description of land	Special use	Conditions
SU1.	Lot 800 and 801 corner Great Eastern Highway & Bodeguero Way, Wundowie <i>AMD 4 GG 20/05/16</i>	(a) Lot 800 - Tavern & uses ancillary thereto as approved by the local government. (b) Lot 801 - Roadhouse,	1. All development and use shall be subject to an Application for Development Approval. 2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government. 3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.
SU2.	Lot 1 Spencers Brook Road, Spencers Brook <i>AMD 4 GG 20/05/16</i>	Rural Pursuit, Grouped Dwellings, Holiday Accommodation & uses ancillary thereto as approved by the local government.	1. All development and use shall be subject to an Application for Development Approval. 2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government. 3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.
SU3.	Lot 2 Spencers Brook Road & Lot 10 Muresk Road, Spencers Brook <i>AMD 4 GG 20/05/16</i>	Rural Pursuit including, with the approval of the local government, the breeding and rearing of emus and small game birds.	1. The development of any Rural Pursuit requires the local government's prior development approval and will be subject to the satisfactory control of waste to avoid pollution of local waterways. 2. Any works including land clearing and/or future development shall, prior to commencement, be subject to a search for unexploded ordnance material and written clearance from an authorised officer of the Unexploded Ordnance Services Division of the Fire & Emergency Services Authority of WA (FESA). 3. Residential uses are not permitted except with the approval of the local government and conditional upon any earthworks being subject to clearance of the site by an authorised officer of the local government. 4. Any approved Residential use shall be securely fenced and signposted regarding unexploded ordnance material. 5. The local government will not support any further subdivision or strata titling of the land.
SU4.	Lot 56 Katrine Road & Lot 8 on D5700, Katrine <i>AMD 4 GG 20/05/16</i> <i>AMD 14 GG 09/08/19</i>	The following uses are permitted on the land provided they comply with the conditions of development approval granted by the local government: - Residential School (Higher Education Institution i.e. University) & ancillary accommodation.	1. All development and use shall be in accordance with an approved Local Development Plan and the conditions of development approval granted by the local government. 2. No development will be permitted within the 1:100 year flood plain of the Avon River. 3. An area 30 metres in width (or wider where fringing riparian vegetation exists) up slope from the high water mark of the Avon River on Lot 8 shall be set aside as a foreshore reserve.

No.	Description of land	Special use	Conditions
SU4 cont.		<ul style="list-style-type: none"> - Prayer centre, conference facilities & ancillary accommodation. - Recreational uses. - Rural Pursuit <p>All other uses not listed above are not permitted.</p>	<p>4. All development shall be in accordance with a structure plan approved by the WAPC. The structure plan should address matters such as building envelopes, view sheds, visual amenity, materials, colours and finishes of buildings, building heights, fencing, protection of remnant vegetation, revegetation program, clearing restrictions, reducing risk of soil erosion, effluent disposal, servicing, road access and road upgrading, and Avon River flood levels.</p> <p>5. A fire management plan shall be prepared for the land prior to the local government granting development approval.</p>
SU5.	<p>Lot 1 (No.79) Newcastle Road (corner Martin Road), Northam</p> <p>AMD 4 GG 20/05/16</p>	FESA District Headquarters	<p>1. All development and use shall be subject to an Application for Development Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
SU6.	<p>Lot 5 West Street, Northam</p> <p>AMD 4 GG 20/05/16</p>	Landscape Supplies	<p>1. All development and use shall be subject to an Application for Development Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
SU7.	<p>Lot 2 (No.122) Newcastle Road (corner Suburban Road & West Street), Northam</p> <p>AMD 4 GG 20/05/16</p>	Health Club	<p>1. All development and use shall be subject to an Application for Development Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
SU8.	<p>Lot 64 (Nos.82-84) Newcastle Road (corner Hutt Street), Northam</p> <p>AMD 4 GG 20/05/16</p>	Medical Offices & Consulting Rooms	<p>1. All development and use shall be subject to an Application for Development Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
SU9.	<p>Portion of Lot 90 (No. 51) Jocosso Rise, Wundowie as designated on the Scheme Map.</p> <p>AMD 5 GG 05/09/17</p>	Park home park, Motel, Office, Club premises, Reception centre and associated uses.	<p>1. Maximum development of 131 park homes and uses ancillary thereto including swimming pool, bowling green, kitchen, toilets and storage area, as approved by the local government.</p> <p>2. Maximum development of 19 motel units and uses ancillary thereto including swimming pool, gym and tennis court, as approved by the local government.</p>

No.	Description of land	Special use	Conditions
			<p>3. Development on the land shall be subject to a notification on title to advise landowners of potential impact from the operation of the Linley Valley abattoir.</p> <p>4. Any expansion is to be considered via a local planning scheme amendment to modify the provisions of the Special Use zone.</p>
SU 10.	Lot 88 Great Eastern Highway, Wooroloo	Golf course and other uses ancillary thereto	All development requires approval from the local government.
SU 11.	<p>Lots 56-58 Lunt Street, Northam</p> <p>AMD 3 GG 5/7/16</p>	<p>Airpark (P)</p> <p>Single house (P)</p> <p>Rural pursuit (P)</p>	<p>1. The purpose of this zone is to provide for an aviation themed residential estate, including the construction of aircraft hangars (outbuildings), parking, servicing and other related operations of aircraft and for those aircraft to access the adjoining Northam Airfield.</p> <p>2. A structure plan is to be prepared for this zone before any subdivision or development for Airpark purposes is undertaken.</p> <p>3. The minimum lot size is 2,000m².</p> <p>4. Each single house and/or associated outbuildings and structures shall generally be in accordance with the R% code of the Residential Design Codes of Western Australia (R-Codes), except the open space requirements which can be reduced to 60% where outbuildings occupy 20% of the site area.</p> <p>5. Where the total floor area of all outbuildings is:</p> <ol style="list-style-type: none"> 400m² or less in floor area; has a wall height less than 4.5m and/or a ridge height less than 5.5m; and complies with all other requirements of the R Codes and condition 4. <p>development approval is not required.</p> <p>6. Outbuildings that do not comply with condition 5 require development approval, and the maximum combined floor area shall be no more than 20 per cent of the lot area.</p> <p>7. Notwithstanding the setback requirements of the R Codes to this zone, outbuildings may be approved with a 'nil' setback on all lots adjacent to taxiways, subject to compliance with the Building Code of Australia.</p> <p>8. Construction of outbuildings and aviation related development may only occur in conjunction with, or following construction of a single house.</p> <p>9. At subdivision stage, notifications may be placed on title to advise landowners of potential impact from the operation and/or servicing of light aircraft associated with the Northam Airfield.</p> <p>10. Once subdivided in accordance with the structure plan, further subdivision of lots created shall not be permitted.</p>

No.	Description of land	Special use	Conditions
SU 12.	<p>Portion of Lot 90 (No. 51) Jocoso Rise, Wundowie as designated on the Scheme Map.</p> <p>AMD 5 GG 05/09/17</p>	<p>Grouped dwellings and residential aged care facility and associated uses.</p>	<ol style="list-style-type: none"> 1. Subdivision of land shall be limited to built or survey strata subdivision. 2. At subdivision stage use restrictions shall be imposed on lots to limit occupancy to person 45 years and older. 3. At subdivision or development stage lots shall be subject to a notification on title to advise landowners of potential impact from the operation of the Linley Valley abattoir. 4. The R-Codes are to apply. Subdivision and development is to be in accordance with the 'R30' density code. 5. Lots shall be connected to a reticulated water supply and sewerage system. 6. No development will be permitted within 500 metres of the Linley Valley abattoir and its associated wastewater ponds. 7. Construction of the residential aged care facility is to be substantially commenced prior to approval of the 41st lot in SU12. 8. Prior to the submission of an application for development approval, a Local Development Plan (LDP) for the land is to be prepared and approved by the local government. The LDP should provide sufficient information to address the requirements of the Scheme including traffic management, car parking, waste management and pedestrian access and walk ways. 9. Prior to subdivision or development, a Bushfire Management Plan (BMP) and Emergency Evacuation Plan is to be prepared and approved, in accordance with the Guidelines for Planning in Bushfire Prone Areas (as amended). The BMP should provide sufficient information to address the bushfire protection criteria including siting and design of development and vehicle access.
SU 13.	<p>Lot 860 Yilgarn Avenue, Malabaine</p> <p>AMD 10 GG 29/12/17</p>	<ul style="list-style-type: none"> • Roadhouse • Market 	<ol style="list-style-type: none"> 1. All development and use shall be subject to an Application for Development Approval. 2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government. 3. No alterations or extensions to the land use shall be undertaken without the approval of the local government. 4. The following services and facilities are not permitted within SU13: <ul style="list-style-type: none"> • Drive-through service of food and beverages. • Short term accommodation. • Wrecking, panel beating and spray painting.

No.	Description of land	Special use	Conditions
			<p>5. Any application for development approval shall be supported by:</p> <ul style="list-style-type: none"> • A Stormwater Management Plan, prepared in accordance with the Stormwater Management Manual of Western Australia. • A Bushfire Management Plan, including emergency evacuation and risk management, prepared in consultation with the local government and the Department of Fire and Emergency Services. • A Transport Impact Assessment, undertaken in consultation with the local government and Main Roads WA. <p>6. On-site treatment and disposal of wastewater and trade waste is required to be determined at development application stage and to the satisfaction of the Health Department.</p> <p>7. Development is to be connected to a reticulated water supply.</p> <p>8. Landscaping is to be provided in accordance with clause 4.12 of the scheme, including native vegetation to screen development from adjoining public roads.</p> <p>9. Car parking is to be provided in accordance with clause 4.13 and Table 3 of the scheme.</p> <p>10. Any direct vehicle access between Lot 860 and adjoining public rest area (Lot 29420) is to be approved by the local government in consultation with Main Roads WA.</p>

SCHEDULE 5 — EXEMPTED ADVERTISEMENTS

[cl. 8.2(f)]

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 Home Occupation	1 professional name plate as appropriate 1 advertisement describing the nature of the home occupation	0.2sqm 0.2sqm
Places of Worship, Meeting Halls and Places of Public Assembly Cinemas, Theatres and Drive-in Theatres	1 advertisement detailing the function and/or the activities of the institution concerned. 2 signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	0.2sqm Each advertisement sign not to exceed 5sqm
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15sqm Maximum permissible total area shall not exceed 10sqm & individual advertisement signs shall not exceed 6sqm. N/A
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	
Public Places and Reserves	a) Advertisement signs (illuminated or non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and b) Advertisement signs (illuminated or non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the council of a municipality, and c) Advertisement signs (illuminated or non-illuminated) required to be exhibited by or pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A N/A N/A

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
<p>Railway Property and Reserves</p> <p>Advertisements within Buildings</p> <p>All classes of buildings other than single family dwellings</p> <p>Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):</p> <p>i) Dwellings</p> <p>ii) Multiple Dwellings, Shops, Commercial & Industrial projects</p> <p>iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.</p>	<p>Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.</p> <p>All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.</p> <p>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.</p> <p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (i) above.</p> <p>One sign as for (i) above.</p> <p>One additional sign showing the name of the project builder.</p>	<p>No sign shall exceed 2sqm in area</p> <p>N/A</p> <p>0.2sqm</p> <p>2sqm</p> <p>5sqm</p> <p>10sqm</p> <p>5sqm</p>
<p>Sales of Goods or Livestock</p> <p>Property Transactions Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:</p> <p>a) Dwellings</p> <p>b) Multiple dwellings, shops, Commercial & Industrial Properties</p> <p>c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha</p>	<p>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.</p> <p>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.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above.</p>	<p>2sqm</p> <p>Each sign shall not exceed an area of 2sqm</p> <p>Each sign shall not exceed an area of 2sqm</p> <p>Each sign shall not exceed an area of 10sqm</p>

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
Display Homes Advertisement signs displayed or the period over which homes are on display for public inspection.	i) One sign for each dwelling on display. ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2sqm 5sqm

SCHEDULE 6 — ENVIRONMENTAL CONDITIONS

There are no environmental conditions imposed by the Minister for the Environment which apply to the Scheme.

[cl. 5.7]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE 7 — RURAL RESIDENTIAL ZONES

[cl. 5.7]

No.	Description of land	Conditions
RR1.	Various lots in the vicinity of Bobakine Road, Paynter Road & Searle Drive, Burlong as shown on the Scheme Map.	1. Notwithstanding the provisions of the Zoning Table, the following uses are not permitted: - Rural Pursuit; and - Animal Establishment
RR2.	Various lots in the vicinity of Carlin, Tamma & Shingle Hill Roads, Bakers Hill as shown on the Scheme Map.	1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are: - Single House (P) - Home Occupation (D) - Horse Stable (D) - Public Recreation (P) - Rural Pursuit (D) - Ancillary Dwelling (D) - Family Day Care (A) AMD 6 GG 29/12/17 AMD 6 GG 29/12/17
RR3.	Various lots in the vicinity of Berry Brow Road, O'Driscoll Street & Redcourte Road, Bakers Hill as shown on the Scheme Map.	1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are: - Single House (P) - Home Occupation (D) - Horse Stable (D) - Public Recreation (P) - Rural Pursuit (D) - Ancillary Dwelling (D) - Family Day Care (A) AMD 6 GG 29/12/17 AMD 6 GG 29/12/17 2. A 6 metre wide Emergency Access is required to be gated and maintained by the owners of all lots shown on the approved Structure Plan to the satisfaction of the local government.
RR4.	Lot 1 Cook Road & Location 14738 Oyston Road, Bakers Hill	1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are: - Single House (P) - Home Occupation (D) - Horse Stable (D) - Rural Pursuit (D) - Ancillary Dwelling (D) - Family Day Care (A) AMD 6 GG 29/12/17 AMD 6 GG 29/12/17
RR5.	Various lots in the vicinity of Anderson Road, Gleeson Hill Road & Glenmore Drive, Wundowie as shown on the Scheme Map.	1. All Vegetation Management Areas shown on the approved structure plan shall be re-vegetated by the planting of locally native species and protected from fire and excessive grazing. The following management provisions will therefore apply: (a) The local government will recommend to the Western Australian Planning Commission that all Vegetation Management Areas shall be re-vegetated by the planting of locally native species as a condition of subdivision approval; (b) These areas shall be fenced and maintained by each landowner as a low fuel area as a precaution against their destruction by fire; (c) Controlled grazing within these areas to reduce the fire hazard resulting from heavy fuel loads may be permitted at the discretion of the local government providing damage to any revegetation works is minimised; (d) Where fuel loads within these areas are not reduced by grazing the landowner is required to reduce the fire hazard by mechanical means; and

No.	Description of land	Conditions
		(e) These provisions are to be the subject of a notification under Section 70A of the Transfer of Land Act 1893 and endorsed on the Certificate of Title of all new lots created within the approved structure plan area.
RR6	<p>Lot 2 (No.233) Oyston Road, Bakers Hill</p> <p>Lot 100 (4301), Lot 101 (4287) and Loc 27466 (4333) Great Eastern Highway, Bakers Hill</p>	<p>1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are:</p> <ul style="list-style-type: none"> - Single House (P) - Home Occupation (D) - Rural Pursuit (D) - Ancillary Dwelling (D) - Family Day Care (A) <p style="text-align: right;">AMD 6 GG 29/12/17 AMD 6 GG 29/12/17</p> <p>2. The minimum permitted lot size shall be 2.0 hectares.</p> <p>3. All lots shall be provided with a reticulated potable water supply.</p> <p>4. There shall be no direct access to or from any lot abutting Great Eastern Highway.</p> <p>5. Landscape buffers shall be provided and maintained along Great Eastern Highway and Oyston Road to preserve the local rural amenity to the specifications and satisfaction of the local government.</p>
RR7	Various lots in the vicinity of Fernie & Sims Roads, Bakers Hill as shown on the Scheme Map.	<p>1. The minimum permitted lot size shall be 2.0 hectares.</p> <p>2. All lots shall be provided with a reticulated potable water supply.</p> <p>3. All Vegetation Management Areas shown on the approved structure plan shall be re-vegetated by the planting of locally native species and protected from fire and excessive grazing. The following management provisions will therefore apply:</p> <ul style="list-style-type: none"> (a) The local government will recommend to the Western Australian Planning Commission that all Vegetation Management Areas shall be re-vegetated by the planting of locally native species as a condition of subdivision approval; (b) These areas shall be fenced and maintained by each landowner as a low fuel area as a precaution against their destruction by fire; (c) Controlled grazing within these areas to reduce the fire hazard resulting from heavy fuel loads may be permitted at the discretion of the local government providing damage to any revegetation works is minimised; (d) Where fuel loads within these areas are not reduced by grazing the landowner is required to reduce the fire hazard by mechanical means; and (e) These provisions are to be the subject of a notification under section 70A of the Transfer of Land Act 1893 and endorsed on the Certificate of Title of all new lots created within the approved structure plan area.
RR8.	Various lots in the vicinity of Almond Avenue, Jose Road, Koojedda Road & Carlin Road, Bakers Hill as shown on the Scheme Map.	<p>1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are:</p> <ul style="list-style-type: none"> - Single House (P) - Home Occupation (D) - Rural Pursuit (D) - Ancillary Dwelling (D) - Family Day Care (A) <p style="text-align: right;">AMD 6 GG 29/12/17 AMD 6 GG 29/12/17</p> <p>2. All lots shall be provided with a reticulated potable water supply.</p>
RR9.	Lot 2 Hawke Avenue, Wundowie	<p>1. The minimum permitted lot size shall be 2.0 hectares.</p> <p>2. All lots shall be provided with a reticulated potable water supply.</p> <p>3. There shall be no direct access to or from any lot abutting Great Eastern Highway.</p> <p>4. The proposed emergency fire access onto Great Eastern Highway shall be designed, constructed and used in accordance with the specific requirements of the local government and Main Roads Western Australia.</p>

No.	Description of land	Conditions
RR10	Lot 16 Chitty Road, Bakers Hill	<ol style="list-style-type: none"> 1. The minimum permitted lot size shall be 2.0 hectares. 2. All lots shall be provided with a reticulated potable water supply.
RR11	Lot 6468 Oyston Road, Bakers Hill	<ol style="list-style-type: none"> 1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are: <ul style="list-style-type: none"> - Single House (P) - Home Occupation (D) - Rural Pursuit (D) - Ancillary Dwelling (D) <i>AMD 6 GG 29/12/17</i> - Family Day Care (A) <i>AMD 6 GG 29/12/17</i> 2. The minimum permitted lot size shall be 2.0 hectares. 3. All lots shall be provided with a reticulated potable water supply. 4. Landscape buffers shall be provided and maintained along Oyston Road to preserve the local rural amenity to the specifications and satisfaction of the local government.
RR12.	Loc 21630 (23), Loc 25089 (81), Loc 25088 (91), Loc 21631 (11) and Loc 25087 (99) Foundry Place and Loc 21632 (188) Coates Road, Wundowie	<ol style="list-style-type: none"> 1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are: <ul style="list-style-type: none"> - Single House (P) - Home Occupation (D) - Rural Pursuit (D) - Ancillary Dwelling (D) <i>AMD 6 GG 29/12/17</i> - Family Day Care (A) <i>AMD 6 GG 29/12/17</i> 2. All lots shall be provided with a reticulated potable water supply. 3. Prior to the local government's adoption of any proposed structure plan, a flora and fauna survey shall be undertaken to the specifications and satisfaction of the local government and the Department of Environment and Conservation. 4. Lot 1 may be subdivided to a minimum lot size of 1.8ha. 5. Egress should be provided to surrounding land west of Lot 1 and east of Lot 2 to assist in management of fire risk. 6. As a condition of subdivision, notifications pursuant to section 70A of the Transfer of Land Act 1893 shall be registered on the Certificates of Titles of all new lots to advise that the use and enjoyment of the land could be affected by future mining and land rehabilitation works that may occur in the area. 7. No further subdivision of Loc 21630 (23), Loc 25089 (81), Loc 25088 (91), Loc 21631 (11) and Loc 25087 (99) Foundry Place and Loc 21632 (188) Coates Road, Wundowie permitted.
RR13.	Lot 8246 (No.186) Chitty Road, Bakers Hill	<ol style="list-style-type: none"> 1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are: <ul style="list-style-type: none"> - Single House (P) - Home Occupation (D) - Rural Pursuit (D) - Ancillary Dwelling (D) <i>AMD 6 GG 29/12/17</i> - Family Day Care (A) <i>AMD 6 GG 29/12/17</i> 2. All lots shall be provided with a reticulated potable water supply. 3. All lots shall be connected to alternative on-site effluent disposal systems to the specifications and satisfaction of the local government and Department of Health.
RR14.	Avon Location 23094 (No.107) Doys Road, Wundowie	<ol style="list-style-type: none"> 1. All lots shall be provided with a reticulated potable water supply. 2. Should landowners intend to keep horses, a Horse Management Plan shall be prepared and submitted to the local government for approval prior to the commencement of any such use.

No.	Description of land	Conditions
RR15	Lot 5 Great Eastern Highway & Lot 6 Hawke Avenue, Wundowie	<ol style="list-style-type: none"> 1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are: <ul style="list-style-type: none"> - Single House (P) - Home Occupation (D) - Rural Pursuit (D) - Ancillary Dwelling (D) - Family Day Care (A) <div style="text-align: right;">AMD 6 GG 29/12/17 AMD 6 GG 29/12/17</div> 2. All lots shall be provided with a reticulated potable water supply. 3. There shall be no direct access to or from any lot abutting Great Eastern Highway. A restrictive covenant shall be placed on the certificate of title of proposed Lots 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 as shown on the approved structure plan prescribing that there shall be no direct access to Great Eastern Highway. 4. The proposed emergency fire access onto Great Eastern Highway shall be designed, constructed and used in accordance with the specific requirements of the local government and Main Roads Western Australia. 5. All building envelopes, including on-site effluent disposal systems, shall have a minimum setback of 30 metres from Coates Gully. Prior to varying the requirements for on-site effluent disposal adjacent to Coates Gully, the local government shall consult with the Department of Environment and Conservation and Department of Health Western Australia. 6. A restrictive covenant shall be placed on the certificate of title of proposed Lots 5, 6, 7, 9, 10 and 11 prescribing the requirement for ATU waste disposal systems to be installed. 7. The subdivider shall make provision for easements in favour of Western Power to enable maintenance of existing power lines.
RR16.	Locations M2035 & M2036 Golf Links Road, Wundowie	<ol style="list-style-type: none"> 1. All proposed new lots shall be provided with a reticulated potable water supply unless otherwise approved by the Western Australian Planning Commission. 2. Golf Links Road shall be upgraded at the subdivider's expense to the specifications and satisfaction of the local government. 3. A fence restricting pedestrian, stock and domestic animal access to Golf Links Road and the Woondowing Nature Reserve is to be constructed on the southern boundary of Lot M2036 to a consistent standard acceptable to local government.
RR17.	Lots 2 & 3 Golf Links Road, Wundowie	<ol style="list-style-type: none"> 1. All proposed new lots shall be provided with a reticulated potable water supply unless otherwise approved by the Western Australian Planning Commission. 2. Golf Links Road shall be upgraded at the subdivider's expense to the specifications and satisfaction of the local government.
RR18.	Various lots in the vicinity of Bodeguero Way, Jocosso Rise & Rufian Court, Wundowie as shown on the Scheme Map.	<ol style="list-style-type: none"> 1. The minimum permitted lot size shall be 2.0 hectares. 2. All lots shall be provided with a reticulated potable water supply. 3. There shall be no direct access to or from any lot abutting Great Eastern Highway. 4. Any proposed emergency fire access onto Great Eastern Highway shall be designed, constructed and used in accordance with the specific requirements of the local government and Main Roads Western Australia.
RR19.	Location 4229 Tames Road, Bakers Hill	<ol style="list-style-type: none"> 1. All lots shall be provided with a reticulated potable water supply. 2. No more than one (1) horse may be permitted on any lot at any given time. 3. A 30 metre wide buffer shall apply from the centre of the existing watercourse traversing Lot 4229. The land located within the 30 metre buffer area shall be revegetated by the planting of local endemic species and managed as part of the Environmental Management Plan.

No.	Description of land	Conditions
RR20.	<p>Lots bound by Martin Street, Bostock Street, Jordi Road and Great Eastern Highway, Bakers Hill</p> <p>Lots bound by Martin Street, Great Eastern Highway, Bridgeman Road, Bakers Hill townsite boundary and residential zoned interface.</p>	<ol style="list-style-type: none"> Any future subdivision that does not compromise the future expansion identified in the Local Planning Strategy must be undertaken in accordance with an approved structure plan, Fire Management Plan, Local Water Management Strategy, Environmental Management Strategy and be served by a reticulated potable water supply. Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the future residential and light industrial development identified in the Local Planning Strategy and any further subdivision that compromises this will not be supported. There shall be no direct access to or from any lot abutting Great Eastern Highway.
RR21.	Lot 161 to Lot 165 Great Eastern Highway, Bakers Hill	<ol style="list-style-type: none"> Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the orderly and proper planning principles expressed in WAPC policy. There shall be no direct access to or from any lot abutting Great Eastern Highway.
RR22.	Clackline townsite and land bound by Wilding Road, Railway Road and Clackline Nature Reserve	<ol style="list-style-type: none"> Any future subdivision must be undertaken in accordance with an approved structure plan, Fire Management Plan, Local Water Management Strategy, Environmental Management Strategy and be served by a reticulated potable water supply. Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the orderly and proper planning principles expressed in WAPC policy. There shall be no direct access to or from any lot abutting Great Eastern Highway.
RR23.	Land bound by Muluckine Road, Railway reserve, Carroll Street, Keane Street, Walsh Street, Tank Street, Grass Valley Road South, Grass Valley.	<ol style="list-style-type: none"> Any future subdivision must be undertaken in accordance with an approved structure plan, Fire Management Plan, Local Water Management Strategy, Environmental Management Strategy and be served by a reticulated potable water supply. Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the orderly and proper planning principles expressed in WAPC policy.
RR24.	Loc 5584 (Lot 1) Great Eastern Highway (Oyston Road), Bakers Hill	<ol style="list-style-type: none"> Minimum lot sizes shall be 2.0 hectares. Anaerobic Treatment Units are to be installed on proposed lots containing Coates Gully wetlands to the specifications of the local government and are to be detailed within the Environmental Management Plan. Landscape buffers are to be provided and maintained along Great Eastern Highway and Oyston Road to preserve the rural amenity to the satisfaction of the Local Government. The permissibility of uses shall be: <ol style="list-style-type: none"> Single House (P) Home Occupation (D) Rural Pursuit (D) Ancillary Dwelling (D) Family Day Care (A) All other uses are not permitted. Second hand transportable dwellings shall not be permitted. All lots abutting Great Eastern Highway shall not have any direct access to the highway. These conditions are to be read in conjunction with the scheme requirements for the Rural Residential zone. Where conflict exists, the conditions of this Schedule will prevail.

No.	Description of land	Conditions
RR25.	<p>Loc 3709 (L1) Chitty Road and Lot 340 (127) Augustini Road, Bakers Hill</p> <p>AMD 6 GG 29/12/17 AMD 15 GG 24/01/2020</p>	<ol style="list-style-type: none"> 1. Second hand transportable dwellings shall not be permitted. 2. The subdivider shall prepare and implement an Environmental Management Plan to the satisfaction and approval of the local government prior to the subdivision of the land. The plan shall include:- <ol style="list-style-type: none"> (a) vegetation protection except that necessary to provide for the provision of roads, other infrastructure and building development within building envelopes as approved by the local government; (b) drainage and nutrient management; and (c) "Watercourse Protection Areas" the extents of which are to be determined after consultation with the relevant government agency, and where the following will apply: <ol style="list-style-type: none"> (i) except with the approval of the local government, the clearing of trees except for the purpose of fire-breaks or fences is prohibited and, in order to assist in reducing erosion, planting of vegetation indigenous to the area shall be undertaken by the subdivider to the satisfaction of the local government; (ii) except with the approval of the local government and only after consultation with the relevant authority, the construction of dams or artificial retention flow, pumping, diversion of water or modification of stream course bed or banks is prohibited; (iii) development of buildings or other structures is not permitted; and (iv) with the intention of preventing degradation of the streams and their contiguous areas, the keeping of livestock in the area is prohibited and the area is to be fenced to preclude livestock; 3. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre-development levels and shall be to the satisfaction and specifications of the local government. The stormwater management systems should be designed in accordance with the guidelines contained within the 'Stormwater Management Manual of WA' (Department of Water 2004). 4. The permissibility of uses shall be:- <ol style="list-style-type: none"> (a) Dwelling (Single) (P) (b) Ancillary Accommodation (D) (c) Home Occupation (D); and (d) Rural Pursuit (D) (e) Family Day Care (A) <p>All other uses are not permitted (X).</p> 5. Landscape buffers are to be provided and maintained along Chitty Road to preserve the rural amenity to the satisfaction of the local government. 6. At the time of subdivision application, the Shire will request the subdivider to upgrade both Chitty Road and Augustini Road to the satisfaction of the local government.
RR26.	<p>Lot 411 (35) Northam-Pithara Road, Northam</p>	<ol style="list-style-type: none"> 1. Minimum lot sizes shall be 2.0 hectares. 2. Landscape buffers are to be provided and maintained along Great Eastern Highway as appropriate to preserve the rural amenity to the satisfaction of the Local Government. 3. The permissibility of uses shall be: <ol style="list-style-type: none"> (a) Single House (P); (b) Home Occupation (D); (c) Public Recreation (P); (d) Rural Pursuit (D); (e) Ancillary Dwelling (D); (f) Family Day Care (A); and (g) All other uses are not permitted. 4. Second hand transportable dwellings shall not be permitted. 5. All lots abutting Great Eastern Highway shall not have any direct access to

No.	Description of land	Conditions
RR26 Cont		<p>the highway.</p> <ol style="list-style-type: none"> 6. Stormwater drainage shall be contained onsite to the satisfaction and specification of the local government, the stormwater management system should be designed in accordance with the guidelines contained in the 'Stormwater Management Manual of Western Australia' (Department of Conservation and Environment, 2004). 7. The applicant being advised that the local government will request that a condition of subdivision approval be imposed that requires the preparation of a notification on the Certificate of Titles of all lots advising of the close proximity of the airport. 8. The applicant being advised that the local government will request that a condition of subdivision be imposed that requires the upgrading of Harper Street from the property boundary to Katrine Road. 9. Access to Northam-Pithara Road shall be limited to two intersections, designed in consultation with the relevant State road agency. Lots abutting Northam-Pithara Road shall not have any direct access. 10. For the portion of the site potentially affected by existing and future airport operations (within 1000m from the northern end and 500m from the western side of the runway): <ol style="list-style-type: none"> (a) A maximum of six lots or six dwellings may be permitted within this area; (b) All dwellings on these lots are to be constructed in accordance with Australian Standard 2021.2000 Acoustics - Aircraft noise intrusion - building siting and construction; (c) At subdivision stage, restrictive covenants are to be placed on titles to implement the required construction standards.
RR27.	Lots 100 (5200) and 101 (5196) Great Eastern Highway, Clackline	<ol style="list-style-type: none"> 1. Minimum lot sizes shall be 1.0 hectares. 2. Landscape buffers are to be provided and maintained along Great Eastern Highway to preserve the rural amenity to the satisfaction of the Local Government. 3. The permissibility of uses shall be: <ol style="list-style-type: none"> (a) Single House (P); (b) Home Occupation (D); (c) Rural Pursuit (D); (e) Ancillary Dwelling (D); (f) Family Day Care (A); and (g) All other uses are not permitted. 4. Second hand transportable dwellings shall not be permitted. 5. A covenant to be included on titles to ensure that purchasers are aware that all lots abutting Great Eastern Highway shall not have any direct access to the highway. 6. Stormwater drainage shall be contained onsite to the satisfaction and specification of the local government, the stormwater management system should be designed in accordance with the guidelines contained in the 'Stormwater Management Manual of Western Australia' (Department of Conservation and Environment 2004). 7. The applicant being advised that the local government will request that a condition of subdivision be imposed that requires the construction of a road reserve from Lockyer Road along the northern boundary of Lot 98 through the site to the western boundary of Lot 501 Great Eastern Highway. 8. The applicant is to identify any areas of unexploded/explored ordnance within the site prior to subdivision. 9. A notification is to be placed on titles to ensure that purchasers are aware of the agricultural activities that occur on surrounding properties that can cause noise and dust at seasonal times of the year.
RR28	DELETED BY AMD 6 GG 29/12/17	

No.	Description of land	Conditions
RR29		DELETED BY AMD 15 GG 24/01/2020
RR30	Part Lot 4396 Great Eastern Highway, Part Lot 31 Oyston Road and Lot 8 Gumley Road Bakers Hill (zoned "Rural Residential")	<ol style="list-style-type: none"> 1. Any application for a rural pursuit that involves the stabling and keeping of stock (including horses) is to be accompanied by a Stock Management Plan to the satisfaction and approval of the local government. The Stock Management Plan shall require all native vegetation and any area recognised for protection or rehabilitation in the Environmental Management Plan to be fenced. 2. All buildings and on-site effluent treatment and disposal are to be confined to the building envelope for each lot. All building envelopes shall be:- <ol style="list-style-type: none"> (a) Shown on the endorsed Subdivision Guide Plan; (b) Located to avoid as far as practicable, the removal of any vegetation protection area identified on the Subdivision Guide Plan or the Environmental Management Plan; (c) Located to exclude areas identified as low or very low capability for rural smallholdings in the land use capability assessment; and (d) 2,000sqm in size unless otherwise approved by the local government. 3. A Restrictive Covenant is to be lodged against the titles of lots identified in the land capability assessment as being susceptible to waterlogging and pollution, stating that ATUs are to be utilised for effluent disposal. 4. A Restrictive Covenant is to be lodged against the titles of lots situated within 300m of the Great Eastern Highway/Oyston Road intersection, stating that direct access will not be permitted via Oyston Road. 5. Subdivision shall provide for the western extension of Gumley Road as part of the public road network, in accordance with the Fire Management Plan. 6. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre-development levels and shall be to the satisfaction and specifications of the local government. Drainage systems shall be designed and constructed consistent with the <i>Stormwater Management Manual for Western Australia</i>. 7. A landscape buffer is to be provided and maintained along Great Eastern Highway to preserve the rural amenity to the satisfaction of the Local Government. 8. Notification pursuant to Section 70A of the Land Administration Act to be included on titles to ensure that purchasers are aware that remnant vegetation and any revegetated areas are to be managed, in accordance with the approved Environmental Management Plan. 9. Contributions toward upgrading of the Great Eastern Highway/Oyston Road intersection and the section of Oyston Road adjacent to the property shall be provided at the time of subdivision, to the satisfaction of the local government and Main Roads WA. 10. The subdivision guide plan is to reflect a 10 metre setback from the boundary of Great Eastern Highway where no development is permitted, in order to allow for future road widening to occur.

SCHEDULE 8 — RURAL SMALLHOLDING ZONES

[cl. 5.30]

No.	Description of land	Conditions
RSH 1.	Pt Lot 2 Foundry Place, Bakers Hill <i>AMD 6 GG 29/12/17</i>	<ol style="list-style-type: none"> 1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are: <ul style="list-style-type: none"> - Single House (P) - Home Occupation (D) - Rural Pursuit (D) - Ancillary Dwelling (D) - Family Day Care (A) 2. All lots shall be provided with a reticulated potable water supply. 3. Prior to the local government's adoption of any proposed structure plan, a flora and fauna survey shall be undertaken to the specifications and satisfaction of the local government and the Department of Environment and Conservation. 4. The northern half of Lot 2 may be subdivided into a maximum of two (2) lots only. 5. The southern half of Lot 2 may be subdivided to a minimum lot size of 3ha. 6. Egress should be provided to surrounding land east of Lot 2 to assist in management of fire risk. 7. As a condition of subdivision, notifications pursuant to section 70A of the Transfer of Land Act 1893 shall be registered on the Certificates of Titles of all new lots to advise that the use and enjoyment of the land could be affected by future mining and land rehabilitation works that may occur in the area.
RSH 2.	Lot 2 (4479), Lot 3 (4475), Lot 7 (4442) Great Eastern Highway, Lot 5 (80) and Lot 1 (50) Martin Street and Lot 6 (26) Gumley Road, Bakers Hill	<ol style="list-style-type: none"> 1. Any future subdivision must be undertaken in accordance with an approved structure plan, Fire Management Plan, Local Water Management Strategy, Environmental Management Strategy and be served by a reticulated potable water supply. 2. Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the orderly and proper planning principles expressed in WAPC policy. 3. There shall be no direct access to or from any lot abutting Great Eastern Highway.
RSH 3.	Lot 1 (41), Lot 166, Lot 65 (42) and Loc 10766 (Lot 63) Lukin Road, Lot 62 (289) Railway Road and Loc 19370 (201) Clackline-Toodyay Road, Clackline	No further subdivision permitted.
RSH 4.	Loc 10583 (309) Refractory Road, Bakers Hill <i>AMD 6 GG 29/12/17</i>	<ol style="list-style-type: none"> 1. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre-development levels and shall be to the satisfaction and specifications of the local government. The stormwater management systems should be designed in accordance with the guidelines contained within the 'Stormwater Management Manual of WA' (Department of Water 2004). 2. The permissibility of uses shall be - <ol style="list-style-type: none"> (a) Dwelling (Single) (P) (b) Home Occupation (P) (c) Agriculture Extensive (P) (d) Animal establishment (A) (e) Caretakers Dwelling (D)

RSH 4. Cont		<p>(f) Home Office (P)</p> <p>(g) Rural Pursuit (P) - Must comply with Environmental Management Plan.</p> <p>(h) All other uses that comply with the Local Planning Scheme in force at the time of any application with the exception of the following uses—</p> <ul style="list-style-type: none"> - Dog Kennels - Animal Husbandry- Intensive. <p>3. Landscape buffers are to be provided and maintained along Chitty Road to preserve the rural amenity to the satisfaction of the local government.</p> <p>4. Lot sizes should be a minimum of 4 hectares.</p>
RSH 5.	<p>Lots 21 and 22 Chitty Road and Lot 23 on DP 400656, Bakers Hill.</p> <p><i>AMD 15 GG 24/01/2020</i></p>	<p>1. Lot size shall be a minimum of 10 hectares.</p> <p>2. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre-development levels and shall be to the satisfaction and specifications of the local government. Stormwater management systems should be designed in accordance with the guidelines contained within the Stormwater Management Manual for WA (Department of Water, 2004).</p> <p>3. Landscape buffers are to be provided and maintained along Chitty Road to preserve the rural amenity to the satisfaction of the local government.</p>

SCHEDULE 9 — COMMUNITY INFRASTRUCTURE DEVELOPMENT CONTRIBUTION PLANS FOR DEVELOPMENT CONTRIBUTION AREAS

[cl. 6.6]

The first amendment for a development contribution plan will create a table that accords with State Planning Policy 3.6 - Development Contributions for Infrastructure.

SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

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

Clause 61(1):

- (k) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990 Part 6*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
 - (vi) the development is proposed on a lot which does not have access to a dedicated and/or constructed road;
 - (vii) the development is within 50 metres of a major and/or Regional Road reserve where the reserve/s abut land classified Rural zone, Rural Smallholding zone and Rural Residential zone;
 - (viii) the development is within view of a Major and/or Regional Road reserve; or
 - (ix) reticulated water supply is not available in the Rural Residential zone
- (l) the demolition of any building or structure except where the building or structure is –
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 8 for the deemed provisions; or
 - (iv) located within a heritage area designated under the Scheme
- (m) any of the exempted classes of advertisements listed in schedule 5 except where in respect of a place included in the Heritage List or in a heritage area; and
- (n) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for the particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

AMD 6 GG 29/12/17

- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.

Clause 61(2):

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

Clause 67(2):

- (j) The use of the land in the General Industry zone for "warehouse/storage" including as an incidental use that –
 - (i) if outdoor, is in a clearly defined area screened from public view by a building, bund, closed wall or fence no less than 1.8 metres in height, or by screen landscaping of a minimum of 10 metres in width approved by the local government;
 - (ii) is not located within the setbacks for the zone;
 - (iii) does not detract from the amenity of the area; and
 - (iv) provides sufficient access for loading and unloading vehicles, including an approved crossover.

ADOPTION

Adopted by resolution of the Council of the Shire of Northam at the meeting of the Council held on the 6th day of October 2010.

Date: 6th October 2010

.....
Shire President

Date: 6th October 2010

.....
Chief Executive Officer

Final Approval

1. Adopted for final approval by resolution of the Council of the Shire of Northam at the meeting of the Council held on the 17th day of April 2013 and the seal of the Municipality was pursuant to that resolution affixed in the presence of:

Date: 17th April 2013

.....

Shire President

Date: 17th April 2013

.....

Chief Executive Officer

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

.....2013
Delegated under S.16 of the PD Act 2005 Date

3. Final approval granted

.....2013
Minister for Planning Date