SHIRE OF GNOWANGERUP

Local Planning Scheme No.2

Updated to include AMD 16 GG 21/04/2026

GOVERNMENT OF WESTERN AUSTRALIA

Department of **Planning, Lands and Heritage**

Original Town Planning Scheme Gazettal
7 July 1990

Disclaimer

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

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.

Department of Planning,
Lands and Heritage

Gordon Stephenson
House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au

tel: 08 6551 9000
fax: 08 6552 4417

National Relay Service: 13 36 77
Infoline: 1800 626 477

SHIRE OF GNOWANGERUP TPS 2 – TEXT AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
Scheme	**27/03/2024**	**12/04/2024**		
3	10/9/13	29/10/13	NM	Replaced Part 6 with Part 6 – Special Control Areas.
6	26/9/14	23/3/15	MLD	Rezone portions of Lot 426 DP221136 (Reserve 12911) Garnett Road, Gnowangerup from a reserve for Public Purposes 'Water' to 'Special Use Zone No's 15 and 16'; 'Structure Plan Area No 5' and reserve for 'Recreation'. Rezone Lots 183, 184 and 185 DP224130 (Reserve 27370) Whitehead Road, Gnowangerup from a reserve for Public Purposes 'Public Utilities' to the 'Residential' zone with a density coding of 'R20'. Rezoning a portion of Lot 426 DP221136 (Reserve 12911) Garnett Road, Gnowangerup from a reserve for 'Recreation' to a reserve for Public Purposes 'Water'. Change 'Refer to Schedule 2' to 'Refer to Schedule 4' in the Special Use column of the Zoning Table.
9	25/07/17	25/07/17	AT	Rezoning Lot 3587 on Deposited Plan 121836 Gnowangerup-Tambellup Road and Lot 3913 on Deposited Plan 121838 Jordan Street, Pallinup from 'General Agriculture' to 'Rural Residential' Inserting Rural Residential Area No. 3 (RR3) into Schedule 11 - Rural Residential Zone Provisions and adding the following Special Conditions and Provisions Modifying Structure Plan Area No. 1 in Schedule 12 - Structure Plan Areas through deleting 3588, 3913 from Description of Land Area. Removing 'SPA1' from Lots 3587 and 3913 on Scheme Map. Amending the Scheme Map
10	25/07/17	27/07/17	AT	Deleting '/Tavern' in the use class 'Hotel/Tavern' in Table 1 - Zoning Table. Insert text to Table 3 - Amelup SCA Zoning Table.
11	1/9/17	12/9/17	AT	Modified Special Use No.12 in Schedule 4 Special Use Zone.
12	2/10/18	2/10/18	HB	Remove Lots 517 and /518 Carpenter/Vaux Streets, Ongerup from the Public Purposes Local Reserve. Delete the notation 'P' on the Scheme Maps for Lots 517 and 518 Carpenter/Vaux Streets, Ongerup. Include Lots 517 and 518 Carpenter/Vaux Streets, Ongerup within the Residential Zone. Apply a residential density code of 'R15' to Lots 517 and 518 Carpenter/Vaux Streets, Ongerup. Amending the Scheme Map accordingly.
13	15/06/2021	17/06/2021	GM	Rezoning Lot 30 and Pt. Lot 31 House Street, Gnowangerup from Residential R20 zone to industry zone. Rezoning Lot 1 Aylmore Street and Lot 8 Formby Street, Gnowangerup from Residential R20 zone to industry zone/Restricted Use No. 1. Amending Schedule 3 – Restricted Use by inserting a new entry No. 1 - Lot 1 Aylmore Street and Lot 8 Formby Street, Gnowangerup. Adding 'commercial vehicle' definition into Schedule 1, General Definitions as per the definition within clause 37, Part 6, Schedule 1 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. Removing the R20 density code from the lots.

<table>
<tr>
<td>14</td>
<td>25/07/2025</td>
<td>31/07/2025</td>
<td>ME</td>
<td>Rezone Lot 2387 to Deposited Plan 111237 Strathaven Road, Gnowangerup from ‘General Agriculture’ to ‘Rural Residenitial’.
Insert Rural Residential Area No. 4 (RR4) into Schedule 11 – Rural Residential Zone Provisions and adding the following Special Conditions and Provisions:

<table>
<tr><th>Map No.</th><th>Property Description</th><th>Special Conditions and Provisions</th></tr>
<tr><td>RR4</td><td>Lot 2387 Strathaven Road, Gnowangerup</td><td>1. The minimum lot size shall be 1 hectare.
2. Habitable buildings are to be set back 50m from the lot boundary adjacent to the Gnowangerup-Jerramungup Road.
3. All other site and development requirements are to be in keeping with the standards for R2, set out in Table B of the Residential Design Codes.
4. At subdivision stage, conditions are to be imposed that would prevent any direct vehicular access to the Gnowangerup-Jerramungup Road.</td></tr>
</table>

Amend the Scheme Map to designate Lot 2387 to Rural Residential and adding a ‘RR4’ label.</td>
</tr>
<tr>
<td>15</td>
<td>19/09/2025</td>
<td>25/09/2025</td>
<td>HAB</td>
<td>Rezone Lot 418 Whitehead Road, Gnowangerup from ‘Public Purposes’ (reserve) to ‘Residential’ (zone) and include within the R20 density code.</td>
</tr>
<tr>
<td>16</td>
<td>21/04/2026</td>
<td>22/04/2026</td>
<td>HAB</td>
<td>Rezone Lots 272 and 273 Quinn Street, Gnowangerup from the ‘Residential zone with a residential density code of R25’, to the ‘Residential zone with a residential density code of R35’.</td>
</tr>
</table>

Table of Contents

PART 1 - PRELIMINARY 7

1.1 CITATION 7
1.2 RESPONSIBLE AUTHORITY 7
1.3 SCHEME AREA 7
1.4 CONTENTS OF THE SCHEME 7
1.5 PURPOSES OF THE SCHEME 7
1.6 THE AIMS OF THE SCHEME 7
1.7 DEFINITIONS 8
1.8 RELATIONSHIP WITH LOCAL LAWS 8
1.9 RELATIONSHIP WITH OTHER SCHEMES 8

PART 2 - LOCAL PLANNING POLICY FRAMEWORK 9

2.1 SCHEME DETERMINATIONS TO CONFORM WITH LOCAL PLANNING STRATEGY 9
2.2 LOCAL PLANNING POLICIES 9
2.3 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME 9
2.4 PROCEDURE FOR MAKING OR AMENDING A LOCAL PLANNING POLICY 9
2.5 REVOCATION OF LOCAL PLANNING POLICY 10

PART 3 - RESERVES 11

3.1 RESERVES 11
3.2 REGIONAL RESERVES 11
3.3 LOCAL RESERVES 11
3.4 USE AND DEVELOPMENT OF LOCAL RESERVES 11

PART 4 - ZONES AND THE USE OF LAND 12

4.1 ZONES 12
4.2 OBJECTIVES OF THE ZONES 12
4.3 ZONING TABLE 12
4.4 INTERPRETATION OF THE ZONING TABLE 13
4.5 ADDITIONAL USES 13
TABLE 1 – ZONING TABLE 14
4.6 RESTRICTED USES 15
4.7 SPECIAL USE ZONES 15
4.8 NON-CONFORMING USES 16
4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE 16
4.10 DISCONTINUANCE OF A NON-CONFORMING USE 16
4.11 TERMINATION OF A NON-CONFORMING USE 16
4.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS 17

PART 5 GENERAL DEVELOPMENT REQUIREMENTS 18

5.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS 18
5.2 RESIDENTIAL DESIGN CODES 18
5.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES 18
5.4 RESTRICTIVE COVENANTS 18
5.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS 18
5.6 ENVIRONMENTAL CONDITIONS 19
5.7 SITE AND DEVELOPMENT REQUIREMENTS 19
TABLE 2 – DEVELOPMENT TABLE 20
5.8 ENVIRONMENTAL PROTECTION AND REPAIR 22
5.9 CARETAKER'S DWELLINGS 22
5.10 RURAL RESIDENTIAL ZONE 22
5.11 ADDITIONAL DWELLING(S) IN THE GENERAL AGRICULTURE ZONE 23
5.12 DEVELOPMENT WITHIN THE INDUSTRY ZONE 24
5.13 DEVELOPMENT OF LOTS WITH NO ACCESS 24
5.14 HOLIDAY ACCOMMODATION 24
5.15 BUSH FIRE MANAGEMENT 25

PART 6 SPECIAL CONTROL AREAS 26

6.1 OPERATION OF SPECIAL CONTROL AREAS 26
6.2 SCA 1 - AMELUP 26
Table 3 – Amelup SCA Zoning Table 27
6.3 SCA 2 - STRUCTURE PLANS 27
6.4 SCA 3 - GNOWANGERUP WWTP ODOUR BUFFER 35

PART 7 HERITAGE PROTECTION 37

7.1 HERITAGE LIST 37
7.2 DESIGNATION OF A HERITAGE AREA 37
7.3 HERITAGE AGREEMENTS 39
7.4 HERITAGE ASSESSMENT 39
7.5 VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE OR HERITAGE AREA 39

PART 8 DEVELOPMENT OF LAND 40

8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT 40
8.2 PERMITTED DEVELOPMENT 40
8.3 AMENDING OR REVOKING A PLANNING APPROVAL 41
8.4 UNAUTHORISED EXISTING DEVELOPMENTS 41

PART 9 APPLICATIONS FOR PLANNING APPROVAL 42

9.1 FORM OF APPLICATION 42
9.2 ACCOMPANYING MATERIAL 42
9.3 ADDITIONAL MATERIAL FOR HERITAGE MATTERS 43
9.4 ADVERTISING OF APPLICATIONS 43

PART 10 PROCEDURE FOR DEALING WITH APPLICATIONS 45

10.1 CONSULTATIONS WITH OTHER AUTHORITIES 45
10.2 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT 45
10.3 DETERMINATION OF APPLICATIONS 46
10.4 FORM AND DATE OF DETERMINATION 46
10.5 TERM OF PLANNING APPROVAL 46
10.6 TEMPORARY PLANNING APPROVAL 47
10.7 SCOPE OF PLANNING APPROVAL 47
10.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS 47
10.9 DEEMED REFUSAL 47
10.10 APPEALS 48

PART 11 ENFORCEMENT AND ADMINISTRATION 49

11.1 POWERS OF THE LOCAL GOVERNMENT 49
11.2 REMOVAL AND REPAIR OF EXISTING ADVERTISEMENTS 49
11.3 DELEGATION OF FUNCTIONS 50
11.4 PERSON MUST COMPLY WITH PROVISIONS OF SCHEME 50
11.5 COMPENSATION 50
11.6 PURCHASE OR TAKING OF LAND 51
11.7 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS 51

SCHEDULES 52

SCHEDULE 1 - DEFINITIONS 53
1. GENERAL DEFINITIONS 53
2. LAND USE DEFINITIONS 56
SCHEDULE 2 - ADDITIONAL USES 65
SCHEDULE 3 - RESTRICTED USES 66
SCHEDULE 4 – SPECIAL USE ZONE 67
SCHEDULE 5 – EXEMPTED ADVERTISEMENTS 70
SCHEDULE 6 - FORM OF APPLICATION FOR PLANNING APPROVAL 73
SCHEDULE 7 - ADDITIONAL INFORMATION FOR ADVERTISEMENTS 75
SCHEDULE 8 - NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL 76
SCHEDULE 9 - NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING PROPOSAL 77

SCHEDULE 10 – ENVIRONMENTAL CONDITIONS 78
SCHEDULE 11- RURAL RESIDENTIAL ZONE PROVISIONS 79
SCHEDULE 12 - STRUCTURE PLAN AREAS 85
ADOPTION 87

PART 1 - PRELIMINARY

1.1 Citation

1.1.1 The Shire of Gnowangerup Scheme No 2 ("the Scheme") comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked -

Name: Town Planning Scheme No. 1 Gazettal Date: 7th July 1990

1.2 Responsible Authority

The Shire of Gnowangerup 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 Maps.

1.4 Contents of the Scheme

The Scheme comprises –

(a) The Scheme Text;

(b) The Scheme Maps (sheets 1 – 7)

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

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 within 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 and Development Act.

1.6 The aims of the Scheme

The aims of the Scheme are –

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- To ensure there is sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.

- To provide for housing choice and variety in neighbourhoods with a community identity and high levels of amenity.
- To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the Shire.
- To protect areas of agricultural significance from non-rural and/or incompatible uses.
- Encouraging economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices, encouraging processing and value adding industries to be located within the Shire, and promoting tourism.
- Protecting the natural environment and biodiversity while ensuring appropriate development opportunities within the local government are realised.

1.7 Definitions

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

a) in the Planning and Development Act; or

b) if they are not defined in that Act -

i) in the Dictionary of defined words and expressions in Schedule 1; or
ii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meaning of a word or 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 Gnowangerup which apply to the Scheme area.

PART 2 - LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme determinations to conform with Local Planning Strategy

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy and the Amelup Planning Strategy.

Note: The Local Planning Strategy is part of the Local Planning framework.

2.2 Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply –

(a) generally or for a particular class or classes of matters; and

(b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind a Policy so prepared.

Note: The Local Planning Policies are part of the Local Planning framework.

2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 Procedure for making or amending a Local Planning Policy

2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government –

a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of –

i) where the draft Policy may be inspected;
ii) the subject and nature of the draft Policy; and
iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;

b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government is to -

a) review the proposed Policy in the light of any submissions made; and

b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the local government resolves to adopt the Policy, the local government is to -

a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and

b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4 A policy has effect on publication of a notice under clause 2.4.3 a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by:

(a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or

(b) publication of a notice of revocation by the local government once a week for two consecutive weeks in a newspaper circulating within the Scheme area.

PART 3 - RESERVES

3.1 Reserves

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

3.2 Regional Reserves

There are no regional reserves in the Scheme area.

3.3 Local Reserves

3.3.1 "Local Reserves" are delineated and depicted on the Scheme Maps according to the legend on the Scheme Maps.

3.3.2 The parts of the Scheme Area depicted on the Scheme Maps are reserved for the following purposes:

- Public Purposes;
- Recreation;
- Road; and
- Conservation Reserve.

3.4 Use and development of Local Reserves

3.4.1 A person must not -

a) use a Local Reserve; or

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

without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government is to have due regard to –

a) the matters set out in clause 10.2; and

b) the ultimate purpose intended for the Reserve.

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

PART 4 - ZONES AND THE USE OF LAND

4.1 Zones

4.1.1 The Scheme area is classified into the zones shown on the Scheme Maps.

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

4.2 Objectives of the zones

The objectives of the zones are –

- Residential

  To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

- Town Centre zone

  To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole.

- Industry zone

  To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.

- Light and Service Industry zone

  To provide for light and service industries and associated uses which are compatible with residential uses.

- General Agriculture zone

  To provide for a range of rural uses which are compatible with the capability of the land and retain the rural character and amenity of the locality.

- Rural Residential zone

  To provide for residential use in a rural environment.

4.3 Zoning Table

4.3.1 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 uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.3.2 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 requirements of the Scheme;

`D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

`A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

`X' means a use that is not permitted by the Scheme.

4.3.3 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 planning approval;

b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or

d) the change is to an incidental use that does not change the predominant use of the land.

Notes:
1. *The planning approval of the local government is required for the development of land in addition to any approval granted for the use of /and. In normal circumstances one application is made for both the use and development of land.*
2. *The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.*
3. *In considering a D' or A' use, the local government will have regard to the matters set out in clause 10.2.*
4. *The local government must refuse to approve any 'X' use of land. Approval to an 'X' use may only proceed by way of an amendment to the Scheme.*

4.4 Interpretation of the Zoning Table

4.4.1 Where a specific use is mentioned in the Zoning Table, (Table 1) it is deemed to be excluded from the general terms used to describe any other use.

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -

a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or

c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

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

TABLE 1 – ZONING TABLE

Use Classes *Refer to Clause 4.3*	**Residential**	**Town Centre**	**Industry**	**Light & Service Industry**	**General Agriculture**	**Rural Residential**	**Special Use**
Agriculture - Extensive	X	X	X	X	P	X	Refer to Schedule 4
Agriculture - Intensive	X	X	X	X	D	X	
Agroforestry	X	X	X	X	P	X	
Amusement Parlour	X	A	X	X	X	X	
Animal Establishment	X	X	A	X	D	A	
Animal Husbandry - Intensive	X	X	X	X	D	X	
Bed and Breakfast	A	P	X	X	D	A	
Betting Agency	X	P	X	X	X	X	
Cabin	A	D	X	X	D	X	
Caravan and Camping	X	X	X	X	A	X	
Chalet	A	D	X	X	D	X	
Child Care Centre	A	P	X	X	X	X	
Cinema / theatre	X	P	X	X	X	X	
Civic Use	P	P	P	P	P	P	
Club Premises	A	D	X	X	A	X	
Consulting Rooms/Medical Centre	A	P	X	X	X		
Convenience Store	A	P	X	D	X	X	
Dwelling							
- Caretaker's Dwelling	D	D	D	D	D	X	
- Single House	P	D	X	X	P	P	
- Group Dwelling	D	D	X	X	X	X	
- Multiple Dwelling	A	D	X	X	X	X	
Educational Establishment	A	P	X	X	A		
Entertainment Centre	X	P	D	D	A	X	
Exhibition Centre	X	P	X	X	A	A	
Family Day Care	A	A	X	X	X	X	
Farm Stay	X	X	X	X	P	D	
Fast Food Outlet	X	P	A	A	X	X	
Fuel Depot	X	X	D	D	X	X	
Funeral Parlour	X	D	X	D	X	X	
Guest House	A	D	X	X	D	A	
Holiday Home	P	D	X	X	D	D	
Home Business	D	P	X	X	A	A	
Home Occupation	P	P	X	X	P	P	
Home Office	P	P	X	X	P	P	
Home Store	X	P	X	X	X	X	
Hospital	A	A	X	X	A	X	
Hotel/Tavern	X	A	X	X	X	X	
Industry - Cottage	A	D	X	X	D	A	
Industry - Extractive	X	X	X	X	A	X	
Industry - General	X	X	P	X	X	X	
Industry - Light	X	X	P	P	X	X	
Industry - Rural	X	X	P	D	D	X	
Industry - Service	X	A	P	P	X	X	
Market	X	P	D	D	X	X	

Use Classes *Refer to Clause 4.3*	**Residential**	**Town Centre**	**Industry**	**Light & Service Industry**	**General Agriculture**	**Rural Residential**	**Special use**
Motel	X	A	X	X	A	X	
Motor Vehicle, Boat & Caravan Sales	X	P	X	A	X	X	
Motor Vehicle Repair	X	D	P	P	X	X	
Motor Vehicle Wash	X	A	D	D	X	X	
Night club	X	A	X	X	X	X	
Nursery	X	P	X	A	X	X	
Office	X	P	X	X	X	X	
Park Home Park	A	X	X	X	X	X	
Place of Worship	A	D	X	X	X	X	
Plantation	X	X	X	X	D	X	
Reception Centre	X	A	X	X	X	X	
Recreation Private	A	D	A	A	D	A	
Residential Building	A	D	X	X	D	A	
Restaurant	X	P	X	X	A	X	
Rural Pursuit	X	X	X	X	P	D	
Serviced Apartments	X	A	X	X	A	X	
Service Station	X	P	A	A	X	X	
Shop	X	P	X	X	X	X	
Showroom	X	D	A	A	X	X	
Storage	X	X	P	A	A	X	
Telecommunications Infrastructure	D	D	D	D	D	D	
Tourist Resort	X	X	X	X	X	X	
Transport Depot	X	X	P	X	A	X	
Veterinary Centre	X	P	D	D	D	A	
Warehouse	X	D	D	D	X	X	
Winery	X	D	X	D	A	X	

4.6 Restricted Uses

4.6.1 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.

4.7 Special Use zones

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

4.7.2 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.

4.8 Non-conforming uses

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

a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;

b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or

c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

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

4.9 Extensions and changes to a non-conforming use

4.9.1 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 planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3 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 planning 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.

4.10 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.

4.11 Termination of a non-conforming use

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

Note: Part 11 of the Planning and Development Act 2005 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.

4.12 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 planning approval of the local government.

PART 5 GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with development standards and requirements

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

5.2 Residential Design Codes

5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

5.2.2 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.

5.2.3 The Residential Design Code 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 Maps 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.

5.3 Special application of Residential Design Codes

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

5.4 Restrictive covenants

5.4.1 Subject to clause 5.4.2, 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.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, 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 9.4.

5.5 Variations to site and development standards and requirements

5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning 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.

5.5.2 In considering an application for planning 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 subject of consideration for the variation, the local government is to:

a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and

b) have regard to any expressed views prior to making its determination to grant the variation.

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

a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and

b) The non-compliance will not have any adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.6 Environmental Conditions

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

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.

5.7 Site and development requirements

5.7.1 The Development Table (Table 2) sets out the site and development requirements for various land uses in the Scheme area. Unless the local government approves otherwise then all development shall comply with the relative provisions of Table 2.

5.7.2 The local government in determining applications for any development may require such development to comply with the standards as specified in Table 2.

5.7.3 Where a land use is not listed in Table 2 the development is to conform to the requirements for the predominant use of the zone in which it is situated as determined by the local government. Where the local government considers such requirements are inappropriate the local government may determine other requirements having due regard to streetscape, amenity and the merit of the proposal.

5.7.4 Where two or more uses are combined in a single development, the development is to conform to the requirements for each use respectively. In the case where the local government considers such requirements inappropriate, the local government may determine other requirements having due regard to streetscape, amenity and the merit of the proposal.

TABLE 2 – DEVELOPMENT TABLE

CONTROLS USE	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscaped Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Side			
Club Premises	*	*	*	0.5	*	1 for every 45m^2 of gross floor area
Consulting Rooms	*	*	*	0.4 in Res zone 0.5 other	30 in Res zone	1 for every 30m^2 of gross floor area, plus 1 for each person employed
Day Care Centre	7.5	7.5	*	*	*	1 for every employee
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the local government
Funeral Parlour	*	*	*	*	10	As determined by the local government (minimum 6)
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate
Hospital	9.0	7.5	5.0	0.4 in Res zone 0.5 other	20	1 per 4 beds and 1 per employee
Hotel/Tavern	*	*	*	*	10	1 per every bedroom plus 1 per 2m^2 of bar and lounge area
Industry — Service	7.5	7.5	*	*	10	1 per 2 employees
Industry — Light	7.5	7.5	*	*	10	1 per 2 employees
Industry — General	7.5	7.5	*	*	15	1 per 2 employees
Motel		7.5	3 per storey	1.0	30	1 per unit, plus 1 space per 25m^2 of service area
Office	*		*	*	*	1 for every 30m^2 plot ratio area
Restaurant	*	*	*	*	*	1 for every 10m^2 of gross floor area or 1 for every 4 seats provided, whichever is the greater
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site
Shop	*	*	*	*	*	1 for every 15m^2 of gross floor area
Showroom	*	*	*	*	10	1 for every 10Om^2 of gross floor area
Car Sales Premises	*	*	*	*	5	1 for every 250m^2 of sales area, plus 1 for every person employed on site

CONTROLS USE	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscaped Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Side			
Club Premises	*	*	*	0.5	*	1 for every 45m^2 of gross floor area
Consulting Rooms	*	*	*	0.4 in Res zone 0.5 other	30 in Res zone	1 for every 30m^2 of gross floor area plus 1 for each person employed
Day Care Centre	7.5	7.5	*	*	*	1 for every employee
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the local government
Funeral Parlour	*	*	*	*	10	As determined by the local government (minimum 6)
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate
Hospital	9.0	7.5	5.0	0.4 in Res zone 0.5 other	20	1 per 4 beds and 1 per employee
Hotel/Tavern	*	*	*	*	10	1 per every bedroom plus 1 per 2m^2 of bar and lounge area
Industry — Service	7.5	7.5	*	*	10	1 per 2 employees
Industry — Light	7.5	7.5	*	*	10	1 per 2 employees
Industry — General	7.5	7.5	*	*	15	1 per 2 employees
Motel		7.5	3 per storey	1.0	30	1 per unit, plus 1 space per 25m^2 of service area
Office	*		*	*	*	1 for every 30m^2 plot ratio area
Restaurant	*	*	*	*	*	1 for every 10m^2 of gross floor area or 1 for every 4 seats provided, whichever is the greater
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site
Shop	*	*	*	*	*	1 for every 15m^2 of gross floor area
Showroom	*	*	*	*	10	1 for every 10Om^2 of gross floor area
Car Sales Premises	*	*	*	*	5	1 for every 250m^2 of sales area, plus 1 for every person employed on site

Notes:

*i) * means 'to be determined by the local government' in each particular case having due regard to streetscape, amenity and the merit of the proposal.*

ii) Landscaping to be generally at street frontage.

5.8 Environmental Protection and Repair

5.8.1 The local government may:

- require as a condition of development approval; or
- recommend to the Western Australian Planning Commission the imposition of a subdivision condition seeking the protection of the environmental values of the land including flora, fauna, waterways and revegetation.

5.9 Caretaker's Dwellings

The provisions of this clause apply for all caretakers' dwellings in the Industry and Light and Service Industry Zones:

(a) a caretakers' dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;

(b) only one caretakers' dwelling is to be permitted on a lot; for the purposes of this clause "lot" excludes a strata lot or survey-strata lot created under the *Strata Titles Act 1985*;

(c) a caravan or park home is not to be permitted as a caretaker's dwelling for either permanent or temporary occupation;

(d) A caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot;

(e) A caretaker's dwelling is to contain one bedroom only with a total floor area that does not exceed 100m2 measured from the external face of walls; and

(f) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m2 referred to in paragraph (e).

5.10 Rural Residential Zone

5.10.1 Subdivision

a) Unless otherwise provided for in Schedule 11, subdivision within the Rural Residential zone shall be generally in accordance with a structure plan which has been prepared and approved pursuant to clause 6.2. (Note that the gazettal of an Amendment for a new rural residential zone with an incorporated structure plan/subdivision guide plan shall be deemed to be approved pursuant to Clause 6.2).

b) Minimum lot sizes for each Rural Residential area shall be prescribed in Schedule 11.

c) Once a lot has been subdivided pursuant to the above provisions, no further subdivision of land within the zone shall be supported.

5.10.2 Landuse and management requirements

a) No trees or substantial vegetation may be felled, removed or damaged except for:

(i) clearing associated with approved development or an approved fire management plan;
(ii) establishment of fire breaks as may be required by a Local Law or a notice issued by the local government pursuant to the Bush Fires Act;

(iii) any other use or development approved by the local government. This does not remove the need to obtain a clearing permit under the *Environmental Protection Act (1986)* where required; or

(iv) Those trees presenting an imminent danger to human health.

b) Where, in the opinion of the local government, dust nuisance, soil or land degradation is occurring or likely to occur, the local government shall require the landowner to rehabilitate or stabilise the land to the local government's satisfaction.

c) Tree and shrub planting using local native species may be required by the local government as a condition of development approval.

d) Onsite effluent disposal shall be the responsibility of the individual landowner.

e) The disposal of liquid wastes shall be carried out with an effluent disposal system approved by the local government and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into groundwater.

f) The local government may request a condition at the time of subdivision requiring the provision of underground electrical and telecommunications connections.

g) A Building Protection zone not less than 20 metres wide shall be provided and maintained around all residential buildings. Landowners shall also be responsible for maintaining other cleared areas in a low fuel condition either by annual slashing or another approved method.

h) The subdivider shall make arrangements to the satisfaction of the local government to ensure prospective purchasers are aware of the fire management guidelines of the Fire Management Plan, Home Owners Bushfire Survival Manual and the Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas".

5.10.3 Development Requirements

a) In addition to any provisions which are more generally applicable to land zoned Rural Residential, Schedule 11 sets out specific provisions for controlling land use and development within particular Rural Residential areas. No person shall use or develop land zoned Rural Residential except in accordance with the provisions set out in Schedule 11 for that specific area.

b) Not more than one dwelling per lot shall be erected.

c) Structure plans for the zone shall include defined building envelopes of a size and position approved by the local government. All development is to be contained within the local government endorsed building envelope.

5.11 Additional Dwelling(s) in the General Agriculture Zone

5.11.1 Not withstanding the Zoning Table, more than one dwelling will only be allowed on a General Agriculture zoned lot where the additional dwelling(s):

a) provide accommodation for workers employed for agricultural or intensive agricultural activities on that landholding; and

b) are clustered in one location, and all services to the dwellings from the lot boundary (including access roads) are shared, to avoid future pressure for subdivision and minimise constraints on adjoining uses.

5.12 Development within the Industry Zone

5.12.1 The impact of development within the Industry zone is to be contained within the extent of that zone in terms of odour, electrical interference, fumes, service, vapour, steam or other potentially negative outputs.

5.12.2 Subdivision within Industry zone is to be in accordance with a guide plan adopted by the local government which provides for remnant vegetation protection and waterway protection and where considered appropriate by the local government, visual amenity as viewed from Residential zones and public roads to the local government's satisfaction.

5.13 Development of Lots with no Access

5.13.1 The approval of the local government is required to use or develop land where:

- it abuts an unconstructed road reserve and no alternative means of access has been approved by the local government; or
- it has no frontage to a road reserve and no alternative means of access has been approved by the local government.

5.13.2 In considering such an application the local government may either:

- refuse the application; or
- approve the application subject to a condition requiring the construction of the road to the local government's prescribed standard; or
- approve the application subject to a condition requiring such other arrangements to be made for permanent access to the land to the satisfaction of the local government.

5.14 Holiday Accommodation

5.14.1 In considering an application for holiday accommodation uses the local government shall have regard to:-

a) the objectives of the zone;

b) the permissibility of the proposed use in the Zoning Table;

c) the likely impact upon surrounding development;

d) the scale and intensity of the development;

e) appropriate setbacks to existing or proposed agricultural uses;

f) the effect that existing or proposed agricultural uses could have on the proposal;

g) provision of services for the development including water supply, on site effluent disposal, solid waste disposal and electricity;

h) access to and from the site;

i) impact of the development upon landscape values;

j) protection of remnant vegetation; and

k) fire management.

5.14.2 In the General Agriculture zone the maximum allowable number of chalets or cabins permitted is four per allotment at a maximum density of one per ten hectares.

Note: A greater number of chalets will require the land to be rezoned.

5.15 Bush Fire Management

a) In considering applications for use or a development in the rural areas the local government will have regard to the level of potential fire hazard in the area and the potential risk to the landowner and community.

b) The local government may require as part of an application, that a bush fire hazard assessment be undertaken for the proposed site and intended development.

c) In granting approval for any use or a development within in a bush fire prone area, the local government may include such conditions as it considers necessary to appropriately manage the bush fire hazard including the preparation of a Fire Management Plan.

d) The local government may refuse an application for a use or a development, where the subject land is considered to have an 'extreme' bush fire hazard and/or the fire risk to the proposed use or development is unacceptable.

PART 6 SPECIAL CONTROL AREAS

AMD 3 GG 10/9/13

6.1 Operation of Special Control Areas

6.1.1 The following Special Control Areas are shown on the Scheme Map:

- SCA 1 – Amelup
- SCA 2 – Structure Plans
- SCA 3 – Gnowangerup WWTP Odour Buffer

6.1.2 In respect of a special control area shown on the 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.

6.2 SCA 1 - Amelup

6.2.1 Objective

The objective for the Special Control Area No. 1 is to provide for development that is in keeping with the vision statement and recommendations contained in the Amelup Planning Strategy.

6.2.2 Provisions

The uses set out in the following table (Table 3) will be allowed in SCA No. 1 additional to those uses listed in the Zoning Table of this Local Planning Scheme -

6.2.3 Where a discrepancy exists between Table 3 and the Zoning Table of this Local Planning Scheme, the use permissibility in Table 3 shall apply -

6.2.4 The subdivision of land and development of uses within Special Control Area No. 1 shall comply with the relevant provisions of the Amelup Planning Strategy.

TABLE 3 – AMELUP SCA ZONING TABLE

	Use	Use Class
1	Art and Craft Gallery—As an ancillary component to other uses.	D
2	Art and Craft Gallery—As a separate use.	A
3	Caravan and Camping—Not including chalets or cabins.	D
4	Caravan and Camping—Including chalets, cabins or other facilities.	A
5	Chalets and Cabins—Up to 4 chalets	D
6	Chalets and Cabins—Not in accordance with 5	A
7	Combined Developments—As determined by the local government but would be expected to apply the development measures that applies to the more intensive use.	A
8	Commercial Land Ground	D
9	Private Landing Ground—Where the use is incidental to the rural use of the land and used solely by the owner of the land.	A
10	Farmstay - Accommodating up to 6 persons.	P
11	Farmstay - Accommodating more than 6 persons.	A
12	Guesthouse - Accommodating up to 20 persons, with facilities for patrons only.	A
13	Holiday Home	D
14	Hotel/Motel	A
15	Restaurant - As an ancillary component to other uses.	D
16	Restaurant - As a separate use.	A
17	Roadhouse/Service Station - Only permitted within the Tourist Activity Node.	A
18	Serviced Apartments - Up to 4 serviced apartments.	D
19	Serviced Apartments - Not in accordance with 18.	A
20	Tearooms - Accommodate up to 40 persons.	D
21	Tearooms - Accommodating more than 40 persons.	A
22	Tourist Resort	A
23	Tavern	D

6.3 SCA 2 - Structure Plans

6.3.1 Interpretation

6.3.1.1 In Clause 6.2, unless the context otherwise requires—

- "owner" means an owner or owners of land in the Development Area; and
- "structure plan" means a structure plan that has come into effect in accordance with clause 6.2.12.

6.3.2 Purpose of Structure Plans

6.3.2.1 The purpose of the Structure Plans is to co-ordinate subdivision and development in areas requiring comprehensive planning.

6.3.2.2 The local government may require a structure plan for any other zoned or reserve areas in the Scheme where it is of the opinion that comprehensive planning is required, and the relevant provisions of clause 6.2 will apply. Areas requiring Structure Planning may also be identified within a 'Structure Plan Area' on the Scheme map. Structure Plans in these areas will need to address, to the satisfaction of the local government, the applicable land use expectations, matters to be addressed and associated provisions contained in Schedule 12, in addition to the matters specified in clause 6.2.6.1.

6.3.3 Subdivision and Development

6.3.3.1 The subdivision and development of land is to generally be in accordance with any structure plan that applies to that land.

6.3.4 Structure Plan Required

6.3.4.1 The local government is not to -

(a) consider recommending subdivision; or

(b) approve development

of land which requires a structure plan unless there is a structure plan for the relevant part of that land.

6.3.4.2 Notwithstanding clause 6.3.4.1, a local government may recommend subdivision or approve the development of land which requires a structure plan prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the land.

6.3.5 Preparation of Structure Plans

6.3.5.1 A proposed structure plan may be prepared by -

(a) the local government; or

(b) an owner.

6.3.5.2 A proposed structure plan may be prepared for all, or part of, an area.

6.3.6 Details of Proposed Structure Plan

6.3.6.1 A proposed structure plan is to contain the following details -

(a) A map showing the area to which the proposed structure plan is to apply;

(b) A site analysis map showing the characteristics of the site including -

i. landform, topography and land capability;
ii. conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
iii. hydrogeological conditions, including approximate depth to water table;

iv. sites and features of Aboriginal and European heritage value.

(c) A context analysis map of the immediate surrounds to the site including -

i. The pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
ii. transport routes, including arterial routes and neighbourhood connector alignments, public transport routes and bus stops (if applicable) and strategic cycle routes;
iii. existing and future land uses.

(d) For Local structure plans a map showing proposals for -

<u>neighbourhoods around proposed neighbourhoods and town centres -</u>

i. existing and proposed commercial centres;
ii. natural features to be retained;
iii. street block layouts;
iv. the street network including street types;
v. transportation corridors, public transport network (if applicable), and cycle and pedestrian networks;
vi. land uses including residential densities and estimates of population;
vii. school(s) and community facilities;
viii. public parklands; and
ix. urban water management areas.

(e) A written report to explain the mapping and to address the following -

i. the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
ii. the site analysis including reference to the matters listed in Clause 6.3.6.1 (b) above, and in particular, the significance of the conservation, environmental and heritage values of the site;
iii. the context analysis including reference to the matters listed in Clause 6.3.6.1 (c) above;
iv. how planning for the structure plan area is to be integrated with the surrounding land;
v. the design rationale for the proposed pattern of subdivision, land use and development;
vi. traffic management and safety;
vii. parkland provision and management;
viii. proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
ix. the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.

6.3.6.2 The maps referred to in Clause 6.3.6.1 are to -

(a) be drawn to a scale that clearly illustrates the details referred to in Clause 6.3.6.1; and

(b) include a north point, visual bar scale, key street names and a drawing title and number.

6.3.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land.

6.3.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

6.3.7 Submission to Local Government and Commission

6.3.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

6.3.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.

6.3.7.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

6.3.7.4 The Commission is to provide its comments to the local government as soon as practicable after receiving the structure plan.

6.3.8 Advertising of Structure Plan

6.3.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with Clause 6.3.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to -

(a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways -

i. notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
ii. a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and

(b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to -

i. all owners whose land is included in the proposed structure plan;

ii. all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
iii. such public authorities and other persons as the local government nominates.

6.3.8.2 The advertisement and notice are to -

(a) Explain the scope and purpose of the proposed structure plan;

(b) Specify when and where the proposed structure plan may be inspected; and

(c) Invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

6.3.9 Adoption of Proposed Structure Plan

6.3.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to -

(a) Adopt the proposed structure plan, with or without modifications; or

(b) Refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

6.3.9.2 (a) In making a determination under Clause 6.3.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

(b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under Clause 6.3.9.1.

6.3.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may -

(a) readvertise the proposed structure plan; or

(b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in Clause 6.3.8.1 onwards are to apply.

6.3.9.4 If within the period referred to in Clause 6.3.9.1, or such further time as may be agreed in writing between the local government and the owner who submitted the proposed structure plan, the local government has not made a determination under Clause 6.3.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

6.3.10 Endorsement by Commission

6.3.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under Clause 6.3.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

6.3.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

6.3.10.3 The Commission is to notify the local government of its determination under Clause 6.3.10.2.

6.3.11 Notification of Structure Plan

6.3.11.1 As soon as practicable after adopting a proposed structure plan under Clause 6.3.9.1 and if Clause 6.3.10 applies, as soon as practicable after being notified of the Commission's decision under Clause 6.3.10.3, the local government is to forward a copy of the structure plan to -

(a) any public authority or person that the local government thinks fit; and

(b) where the structure plan was submitted by an owner, to the owner.

6.3.12 Operation of Structure Plan

6.3.12.1 A structure plan comes into effect -

(a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to Clause 6.3.10.2; or

(b) on the day on which it is adopted by the local government under Clause 6.3.9.1 in all other cases.

6.3.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

6.3.13 Inspection of Structure Plan

6.3.13.1 The structure plan and the Commission's notification under Clause 6.3.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

6.3.14 Variation to Structure Plan

6.3.14.1 The local government may vary a structure plan -

(a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;

(b) otherwise, in accordance with the procedures set out in Clause 6.3.6 onwards.

6.3.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

6.3.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

6.3.14.4 As soon as practicable after receiving the copy of the variation referred to in Clause 6.3.14.3, the Commission is to determine whether to endorse the proposed variation.

6.3.14.5 The Commission is to notify the local government of its determination under Clause 6.3.14.4.

6.3.14.6 A variation to a structure plan by resolution comes into effect -

(a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to Clause 6.3.14.1; or

(b) on the day on which the local government resolves to make the variation under Clause 6.3.14.1 (a).

6.3.15 Detailed Area Plan

6.3.15.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by -

(a) the local government; or

(b) an owner.

6.3.15.2 A detailed area plan may include details as to -

(a) building envelopes;

(b) distribution of land uses within a lot;

(c) private open space;

(d) services;

(e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;

(f) the location, orientation and design of buildings and the space between buildings;

(g) advertising signs, lighting and fencing;

(h) landscaping, finished site levels and drainage;

(i) protection of sites of heritage, conservation or environmental significance;

(j) special development controls and guidelines; and

(k) such other information considered relevant by the local government.

6.3.15.3 When a proposed detailed area plan is prepared under clause 6.3.15.1, the local government is to -

(a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways -

i. notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
ii. a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies;

(b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to -

i. all owners whose land is included in the proposed detailed area plan;
ii. All owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;
iii. such public authorities and other persons as the local government nominates.

6.3.15.4 The advertisement and notice are to -

(a) explain the scope and purpose of the proposed detailed area plan;

(b) specify when and where the proposed detailed plan may be inspected; and

(c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

6.3.15.5 The local government is to consider all submissions received and -

(a) approve the detailed area plan with or without conditions; or

(b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.

6.3.15.6 If within 60 days of receiving a detailed area plan prepared under clause 6.3.15.1(b), or such longer period as may be agreed in writing between the local government and the owner, the local government has not made one of the determinations referred to in clause 6.3.15.5, the local government is deemed to have refused to approve the detailed area plan.

6.3.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.

6.3.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 6.3.15 onwards provided such variations do not prejudice the intention of any related structure plan.

6.3.16 Appeals

6.3.16.1 An owner who has submitted a proposed structure plan under clause 6.3.7.1 may appeal, under Part V of the Planning and Development Act 2005 -

(a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 6.3.8.1;

(b) any determination of the local government -

i. to refuse to adopt a proposed structure plan (including a deemed refusal); or
ii. to require modifications to a proposed structure plan that is unacceptable to the owner.

6.3.16.2 An owner who has submitted a detailed area plan in accordance with clause 6.3.15 may appeal, in accordance with Part V of the Planning and Development Act 2005, any discretionary decision made by the local government under clause 6.3.15.

6.4 SCA 3 - Gnowangerup WWTP Odour Buffer

6.4.1 Objective

To ensure that land uses within the SCA 3 Gnowangerup WWTP Odour Buffer are compatible with the ongoing operations of the treatment plant.

6.4.2 Provisions

6.4.2.1 Land shown on the Scheme Map as being located within (or partially within) SCA 3 Gnowangerup WWTP Odour Buffer shall not be developed for any purpose other than the following uses, with the land use permissibility being as per Table 1 - Zoning Table, within the -

General Agriculture zone -

- Agriculture-Extensive
- Agriculture-Intensive
- Agroforestry
- Animal Establishment
- Animal Husbandry-Intensive
- Civic Use
- Industry-Cottage
- Industry-Extractive
- Industry-Rural
- Plantation
- Recreation Private
- Rural Pursuit
- Storage
- Telecommunications infrastructure
- Transport Depot
- Veterinary Centre
- Winery

- A use not listed pursuant to Clause 4.4.2

Residential zone -

- Civic Use
- Caretakers Dwelling
- Single House
- Holiday Home
- Home Business
- Home Occupation
- Home Office
- Industry-Cottage
- Recreation Private
- Telecommunications Infrastructure
- A use not listed pursuant to Clause 4.4.2

6.4.2.2 Any application for planning consent for a use listed as either 'D' or 'A' in relation to land within SCA 3 shall be referred to the Water Corporation for advice, which shall be taken into account in the determination of the application.

6.4.2.3 Any application for planning consent on land within SCA 3 for a use that is not listed pursuant to Clause 4.4.2 shall be referred to the Water Corporation for consideration and advice and shall not be approved unless consistent with the objective of SCA 3.

6.4.2.4 Where the Water Corporation, pursuant to Clause 6.4.2.3, advises that a proposed development is not consistent with the objective of SCA 3, the Council shall refuse the application unless advice is received from appropriately qualified, experienced, independent technical experts engaged by the Council, at the applicant's expense, advising that the proposed development is consistent with the objective of SCA 3.

6.4.2.5 Council shall not support the further subdivision of land within the Special Control Area, where following subdivision, sensitive uses may be established (on the land) in the Special Control Area.

PART 7 HERITAGE PROTECTION

7.1 Heritage List

7.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme Area which are of cultural heritage significance and worthy of conservation under the provisions of this Scheme, together with a description of each place and the reasons for its entry.

Note: The purpose and intent of the heritage provisions are:

a) to facilitate the conservation of places of heritage value; and
b) to ensure as far as possible that development occurs with due regard to heritage values.

7.1.2 In the preparation of the Heritage List the local government is to:

a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990;* and

b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List the local government is to:

a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;

b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the date the notice is served;

c) carry out such other consultations as it thinks fit; and

d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

Note: A "place" is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5 The local government is to keep copies of the Heritage List with the Scheme documents for public inspection.

7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

7.2 Designation of a Heritage Area

7.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

7.2.2 The local government is to:

a) adopt for each heritage area a Local Planning Policy which is to comprise:

i. a map showing the boundaries of the heritage area;
ii. a record of places of heritage significance; and
iii. objectives and guidelines for the conservation of the heritage area;

b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents.

c) for public inspection.

7.2.3 If a local government proposes to designate an area as a heritage area, the local government is to:

a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;

b) advertise the proposal by:

- publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
- erect a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
- such other methods as the local government considers appropriate to ensure widespread notice of the proposal; and

c) carry out such other consultation as the local government considers appropriate.

7.2.4 Notice of a proposal under clause 7.2.3 b) is to specify:

a) the area subject of the proposed designation;

b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and

c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.5 After the expiry of the period within which submissions may be made, the local government is to:

a) review the proposed designation in the light of any submissions made; and

b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7 The local government may modify or revoke a designation of a heritage area.

7.2.8 Clauses 7.2.3 to 7.2.6 apply, with any necessary changes to the amendment of a designation of a heritage area.

7.3 Heritage Agreements

The local government may, in accordance with the *Heritage of Western Australia Act 1990,* enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Note:

1. *A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.*
2. *Detailed provisions relating to heritage agreements are set out in the Heritage of Western Australia Act 1990.*

7.4 Heritage Assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5 Variations to Scheme Provisions for a Heritage Place or Heritage Area

Where desirable to:

(a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or

(b) enhance or preserve heritage values in a heritage area designation under clause 7.2.1; or

(c) the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.5.2.

PART 8 DEVELOPMENT OF LAND

8.1 Requirement for Approval to Commence Development

Subject to clause 82, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

Note:
1. *The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).*
2. *Development includes the erection, placement and display of any advertisements.*

8.2 Permitted Development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government:

(a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building unless the building 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,* or

  iii. included on the Heritage List under clause 7.1 of the Scheme;

(b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where –

  i. the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or

  ii. the development will be located in a Heritage Area designated under the Scheme;

(c) the demolition of any building or structure except where the building or structure is –

  i. located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990,*

  ii. the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990,*

  iii. included on the Heritage List under clause 7.1 of the Scheme; or

  iv. located within a Heritage Area designated under the Scheme;

(d) a home office;

(e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;

(f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a Heritage Area;

(g) Development on Reserved land owned or vested in a public authority if the land is used -

i. For the purpose for which is reserved under the Scheme;

ii. For any purpose for which it was lawfully used before the coming into force of the Scheme;

iii. For any purpose for which the land may be lawfully used by the public authority including -

- Works for the purpose of or in connection with the supply of water
- electricity, gas, or the drainage treatment of waste, water or sewerage; and
- Works on land reserved for Railway Purposes or in connection with a railway.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under Section 157 Planning and Development Act 2005.

8.3 Amending or Revoking a Planning Approval

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.4 Unauthorised Existing Developments

8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced shall be deemed to be lawful upon the grant of planning approval.

Note:

1. Applications for approval to an existing development are made under Part 9.

2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

PART 9 APPLICATIONS FOR PLANNING APPROVAL

9.1 Form of application

9.1.1 An application for approval for one or more of the following:

a) use or commencement of development on a Local Reserve under clause 3.4;

b) commencement of a 'P' use which does not comply with all the relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;

c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;

d) commencement of a use not listed in the Zoning Table under clause 4.4.2 b);

e) alteration or extension of a non-conforming use under clause 4.9;

f) a change of a non-conforming use under clause 4.9;

g) continuation of a non-conforming use under clause 4.12;

h) variation of a site or development requirement under clause 5.5;

i) commencement of development under clause 8.1;

j) continuation of development already commenced or carried out under clause 8.4;

k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and

l) I) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2 An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

9.2 Accompanying Material

Unless the local government waives any particular requirement every application for planning approval shall be accompanied by:

(a) a plan or plans to a scale of not less than 1:500 showing:

i) the location of the site including street names, lot numbers, north point and the dimensions of the site;

ii) the existing and proposed ground levels over the whole of the land subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;

iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;

iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;

v) the location, number, dimensions and layout of all car parking spaces intended to be provided;

vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;

vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and

viii) the nature and extent of any open space and landscaping proposed for the site.

(b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;

(c) any specialist studies that the local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

(d) information on the natural features of the site including vegetation, known fauna habitats, waterways and water bodies;

(e) any other plan or information that the local government may require to enable the application to be determined.

9.3 Additional Material for Heritage Matters

its determination of the application -

(a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;

(b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4 Advertising of Applications

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is -

a) an 'A' use as referred to in clause 43.2; or

b) a use not listed in the Zoning Table,

the local government shall not grant approval to that application unless notice is given in accordance with the provisions of clause 9.4.3.

9.4.2 Despite Clause 9.4.1, where an application is made for a purpose other than a purpose referred to in that Clause, the local government may require notice to be given in accordance with Clause 9.4.3.

9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways -

a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval stating that submissions may be made to the local government by a specified date being not less than 14 days from the date the notice is served;

b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified date being not less than 14 days from the date the notice is published;

c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4 The notice referred to in clause 9.4.3 a) and b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

9.4.5 Any person may inspect the application for planning approval referred to in the notice and material accompanying that application at the offices of the local government.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

PART 10 PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultations with Other Authorities

10.1.1 In considering any application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.2 Matters to be Considered by Local Government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application:

(a) the aims and provisions of this Scheme;

(b) the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, which has been granted consent for public submissions to be sought;

(c) any approved statement of planning policy of the Commission;

(d) any approved environmental protection policy under the *Environmental Protection Act 1986;*

(e) any relevant policy or strategy of the Commission and any relevant planning policy adopted by the Government of the State;

(f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;

(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;

(h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990,* or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;

(i) the compatibility of a use or development with its setting;

(j) any social issues that have an effect on the amenity of the locality;

(k) the cultural significance of any place or area affected by the development;

l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;

m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;

n) the preservation of the amenity of the locality;

o) and appearance of the proposal;

p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, maneuvering and parking of vehicles;

q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;

s) whether public utility services are available and adequate for the proposal;

t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);

u) whether adequate provision has been made for access by disabled persons;

v) whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;

w) whether the proposal is likely to cause soil erosion or land degradation;

x) the potential loss of any community service or benefit resulting from the planning approval;

y) any relevant submissions received on the application;

z) the comments or submissions received from any authority consulted under clause 10.1.1;

aa) any other planning consideration the local government considers relevant.

10.3 Determination of Applications

In determining an application for planning approval the local government may:

(a) grant its approval with or without conditions; or

(b) refuse to grant its approval.

10.4 Form and Date of Determination

10.4.1 As soon as practicable after making a determination in relation to the application, the local government shall convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's decision.

10.4.2 Where the local government refuses an application for planning approval the local government shall give reasons for its refusal.

10.5 Term of Planning Approval

10.5.1 Where the local government grants planning approval for the development of land:

a) the development approval is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of determination; and

b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1

10.6 Temporary Planning Approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

10.7 Scope of Planning Approval

Planning approval may be granted:

(a) for the use or development for which the approval is sought;

(b) for that use or development, except for a specified part or aspect of that use or development; or

(c) for a specified part or aspect of that use or development.

10.8 Approval Subject to Later Approval of Details

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, or such other matters as the local government thinks fit.

10.8.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

10.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than the expiration of 2 years after the date of the determination of the first approval, or such other period as specified in the approval.

10.9 Deemed Refusal

10.9.1 Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as agreed in writing between the applicant and the local government.

10.9.2 An application for planning approval which is subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as agreed in writing between the applicant and the local government.

10.9.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10 Appeals

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may appeal under Part 14 of the Planning and Development Act.

PART 11 ENFORCEMENT AND ADMINISTRATION

11.1 Powers of the Local Government

11.1.1 The local government in implementing the Scheme has power to:

a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;

b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the *Planning and Development Act 2005*; and

c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Planning and Development Act 2005 in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2 Removal and Repair of Existing Advertisements

11.2.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt, or otherwise modify the advertisement.

11.2.2 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to:

a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or

b) remove the advertisement.

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify:

a) the advertisement the subject of the notice;

b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and

c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may appeal under Part 14 of the Planning and Development Act against the determination of the local government.

11.3 Delegation of functions

11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.

11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995.*

11.3.4 Sections 5.45 and 5.46 of the *Local Government Act 1995 and* the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

11.4 Person must comply with provisions of Scheme

11.4.1 A person must not:

a) contravene or fail to comply with the provisions of the Scheme;

b) use any land or commence or continue to carry out any development within the Scheme area:

i. otherwise than in accordance with the Scheme;
ii. unless all approvals required by the Scheme have been granted and issued;
iii. otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
iv. otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Note: Section 218 of the Planning and Development Act provides that a person who –

a) contravenes or fails to comply with the provisions of a planning scheme; or
b) commences or continues to carry out any development which is required to comply with a local planning scheme otherwise than in accordance with that planning scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under the scheme,

is guilty of an offence.

Penalty: $50 000, and a daily penalty of $5 000.

11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under Section 173 of the Planning and Development Act 2005:

a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 196Z:* or

b) where the land has been reserved for a public purpose and:

i) an application made under the Scheme for approval to carry out the development on the land is refused; or
ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose, or
iii) not later than 6 months after the application is refused or the permission granted.

Note: A claim for compensation under section 173 of the Planning and Development Act 2005 may be made in the Form No. 7 in Appendix A of the Town Planning Regulations 1967.

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1.

11.6 Purchase or taking of land

11.6.1 If, where compensation for injurious affection is claimed under the Planning and Development Act 2005, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.6.2 The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Section 187 of the Planning and Development Act 2005 empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

11.7 Notice for removal of certain buildings

11.7.1 Under section 214 of the Planning and Development Act, 60 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.7.2 The local government may recover expenses under section 215(2) of the *Planning and Development Act* in a court of competent jurisdiction.

SCHEDULES

SCHEDULE 1 – DEFINITIONS

1. General Definitions
2. Land Use Definitions

SCHEDULE 2 – ADDITIONAL USES

SCHEDULE 3 – RESTRICTED USES

SCHEDULE 4 – SPECIAL USE ZONE

SCHEDULE 5 – EXEMPTED ADVERTISEMENTS

SCHEDULE 6 – FORM OF APPLICATION FOR PLANNING APPROVAL

SCHEDULE 7 – ADDITIONAL INFORMATION FOR ADVERTISEMENTS

SCHEDULE 8 – NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

SCHEDULE 9 – NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING PROPOSAL

SCHEDULE 10 – ENVIRONMENTAL CONDITIONS

SCHEDULE 11 – RURAL RESIDENTIAL ZONE PROVISIONS

SCHEDULE 12 – STRUCTURE PLAN AREAS

SCHEDULE 1 - DEFINITIONS

1. GENERAL DEFINITIONS

In the Scheme –

"Absolute Majority"	has the same meaning given to the term in the *Local Government Act 1995*;
"Advertisement"	means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;
"Amenity"	means all those factors which combine to form the character of an area and shall include the present and likely future amenity;
"Building Code of Australia"	means the Building Code of Australia 1996;
"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" *AMD 13 GG 15/06/2021*	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);
"Commission"	means the Western Australian Planning Commission constituted under the *Commission Act 1985*;
"Commission Act"	means the *Western Australian Planning Commission Act 1985*;
"Conservation"	has the same meaning given as in the *Heritage of Western Australia Act 1990*;
"Cultural Heritage Significance"	has the same meaning as in the *Heritage of Western Australian Act 1990;*
"Development"	has the same meaning given to the term in the *Planning and Development Act 2005;*
"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(3) of the Planning and Development Act;
"Height"	when used in relation to a building that is used for – (a) residential purposes, has the same meaning as in the Residential Design Codes; or (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;
"Incidental Use"	means a use of premises which is ancillary and subordinate to the predominant use;
"Land"	has the same meaning given to the term in the *Planning and Development Act 2005*;
"Local Government"	means the Shire of Gnowangerup;
"Local Planning Strategy"	means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the Town Planning Regulations 1967and amended from time to time;
"Lot"	has the same meaning as in the *Planning and Development Act 2005* but does not include a strata or survey strata lot;
"Minerals"	has the same meaning as in the *Mining Act 1978*;
"Minister"	means the Minister for Planning;
"Net Lettable Area (NIA)"	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 12(2)(a) of the *Planning and Development Act 2005*;

"Owner"	in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity – (a) is entitled to the land for an estate in fee simple in possession; (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land; (c) is a lessor or licensee from the Crown; or (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as a beneficial owner, trustee, mortgagee in possession or otherwise;
"Place"	in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;
"Planning and Development Act"	means the *Planning and Development Act 2005*;
"Plot Ratio"	in the case of residential dwellings has the same meaning as in the Residential Design Codes;
"Precinct"	means a definable area where particular planning policies, guidelines or standards apply;
"Predominant Use"	means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
"Premises"	means land or buildings;
"Public Authority"	shall have the same meaning given to term in the *Planning and Development Act 2005*;
"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;
"Substantially Commenced"	means that work or development the subject of a planning approval has been begun by the performance of some substantial part of that work or development;
"Wholesale"	means the sale of goods or materials to be sold by others;
"Zone"	means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

.

2. LAND USE DEFINITIONS

In the Scheme –

"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 and native plants, or fruit or nuts; (b) the establishment and operation of plant and fruit nurseries; (c) the development of land for irrigated fodder production and 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 1 hectare;
"Amusement Parlour"	means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
"Animal Establishment"	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre;
"Animal Husbandry – Intensive"	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
"Bed and Breakfast"	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
"Betting Agency"	means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960;*
"Cabin"	means self-contained premises similar to chalet but may lack ensuite facilities and may comprise only one room and is designed for short stay guests where occupation by any person is limited to a maximum of three months in any 12-month period;
"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;
"Chalet"	means self-contained premises usually comprising cooking facilities, ensuite, living area and one or more bedrooms used to accommodate short stay guests and where occupation by any person is limited to a maximum of three months in any twelve month period;
"Child Care Centre"	means child care premises or family day care centre;
"Child Care Premises"	has the same meaning as in the *Community Services (Child Care) Regulations 1988;*
"Cinema/Theatre"	means premises where the public may view a motion picture or theatrical production;
"Civic Use"	means premises used by 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;
"Community Purpose"	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
"Consulting Rooms"	means premises used by no more than two 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 and newsagents, or the retail sale of petrol and those convenience goods; (b) operate 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 and other type of detention facility;
"Dwelling"	has the same meaning given to the term in the Residential Design Codes;
"Educational Establishment"	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

"Entertainment Centre"	means land and buildings used for the amusement and entertainment of the public and includes amusement parlour, club premises, cinema/theatre, and reception centre;
"Exhibition Centre"	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
"Family Day Care"	means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1980*;
"Farm Stay"	means a residential building, bed and breakfast, chalet or similar used to accommodate short-stay guests on a farm or rural property and where occupation by any person is limited to a maximum of three months in any 12 month period;
"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;
"Guesthouse"	means integrated premises for short-stay guests comprising serviced accommodation units and on-site tourist facilities such as reception, centralised dining, and management and where occupation by any person is limited to a maximum of three months in any 12 month period;
"Grouped Dwelling"	has the same meaning given to the term in the Residential Design Codes;
"Holiday Accommodation"	means land and buildings providing facilities for tourist and travellers, including chalets, cabins, farm stay, bed and breakfast, camping grounds, caravan parks and motels, none of which is occupied by the tenant for a period of more than three months in any one calendar year;
"Home Business"	means a business, service or profession carried out in a dwelling or on land or in buildings 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, except that for land in the General Agriculture zone the local government may permit an area up to 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, will 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 except that for land in the General Agriculture Zone the local government may permit the presence and use of up to 3 vehicles of more than 3 tonnes tare weight; and (f) does not involve the use of an essential service of greater capacity than normally required in the zone;
"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 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 20m2; (d) does not display a sign exceeding 0.2m2; (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 100m2 attached to a dwelling and which is operated by a person resident in the dwelling;
"Hospital"	means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

"Hotel"	means premises providing accommodation the subject of a hotel 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 and 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 within 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 50m2; and (e) does not display a sign exceeding 0.2m2 in area;
"Industry-Extractive"	means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials 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-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;
"Lodge"	see "guesthouse";
"Lunch Bar"	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
"Marina"	means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;
"Marine Filling Station"	means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
"Market"	means premises used for the display and sale of goods from stalls by independent vendors;
"Medical Centre"	means premises, other than a hospital, used by 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 licenced 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; (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;

"Multiple Dwelling"	has the same meaning given to the term in the Residential Design Codes;
"Night Club"	means premises – (a) used for entertainment with or without eating facilities; and (b) licensed under the *Liquor Control Act 1988*;
"Nursery"	means any land or building used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities;
"Office"	means premises used for administration, clerical, technical, professional or other like business activities;
"Park Home Park"	shall have the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;
"Place of Worship"	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
"Plantation"	has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia (1997)* published by the Department of Conservation and Land Management and the Australian Forest Growers;
"Reception Centre"	means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
"Recreation-Private"	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
"Residential Building"	has the same meaning as in the Residential Design Codes;
"Restaurant"	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor 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, Film 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;

"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; (d) the sale of produce grown solely on the lot; but does not include agriculture-extensive or agriculture-intensive;
"Serviced Apartment"	means a complex where all units or apartments provide for self-contained accommodation for short stay guests and where integrated reception and recreation facilities may be provided and where occupation by any person is limited to a maximum of 3 months in any 12-month period;
"Service Station"	means premises used for – (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles; but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
"Shop"	means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) but does not include a showroom or fast food outlet;
"Showroom"	means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;
"Single House"	means a dwelling standing wholly on its own green title or survey-strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property;
"Storage"	means premises used for the storage of goods, equipment, plant or materials;
"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 Resort"	means integrated, purpose-built luxury or experiential premises for short-stay guests comprising accommodation units and on-site tourist facilities such as reception, restaurant and leisure facilities such as swimming pool, gymnasium, tennis courts and where occupation by any person is limited to a maximum of 3 months in any 12-month period;
"Trade Display"	means premises used for the display of trade goods and equipment for the purpose of advertisement;
"Transport Depot"	means land or a building or buildings used for the parking or garaging of motor vehicles which are used or intended to be used for the carriage of passengers or goods on a communal basis, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and included the maintenance and repair of such 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"	means premises used to store or display goods and may include sale by wholesale;
"Winery"	means premises used for the production of viticultural produce and may include sale of the produce.

SCHEDULE 2 - ADDITIONAL USES

No.	Description of land	Additional use	Conditions
1.	Lot 417 Corbett Street, Gnowangerup	Caravan Park	All use and development requires Planning Approval.
2.	Lot 233 Lamont Street, Ongerup	Motor Vehicle Repair	All use and development requires Planning Approval.

SCHEDULE 3 - RESTRICTED USES

No.	Description of land	Restricted use	Conditions
1.	Lot 1 Aylmore Street and Lot 8 Formby Street, Gnowangerup *AMD 13 GG 15/06/2021*	All land uses permissible in the industry zone shall be 'x' uses, with the exception of the following: • Caretaker's Dwelling (D) • Industry Light (P) • Industry Service (P) • Motor Vehicle Repair (A) • Showroom (A) • Storage (A) • Telecommunications (D) • Warehouse (D)	1.1 Development shall be generally in accordance with an approved Local Development Plan for Lots 1 and 30 Aylmore Street, Lot 8 and 103 Formby Street, Lot 31 House Street Gnowangerup. 1.2 The Local Development Plan to address the following: • an acoustic assessment prepared in accordance with *Environmental Protection (Noise)Regulations 1997* which identifies noise mitigation measures; • commercial vehicle access; • prescribed operational hours; • landscaping and screen fencing required along the full extent of the adjoining boundaries to the Residential zone; • development of appropriate setback from adjoining boundaries to the Residential zone.

SCHEDULE 4 – SPECIAL USE ZONE

No.	Description of land	Special use	Conditions
1.	Reserve 24135 Stone Street & Chester Pass Road, Borden.	Place of Public Worship, Church.	
2.	Reserve 27876 Jaekel & John Streets, Ongerup.	Place of Public Worship, Church.	
3.	Reserve 28148 Walker & Buncle Streets, Ongerup.	Caravan Park & Ancillary Uses.	All use and development requires planning approval.
4.	Lots 44 & 45 McDonald Street, Gnowangerup.	Place of Public Worship, Church.	
5.	Pt Lot 326 Quinn & Corbett Streets, Gnowangerup.	Place of Public Worship, Church.	
6.	The Lily, Loc 3004 Chester Pass Road.	Agriculture - Extensive, Agriculture - Intensive, Animal Establishment, Bed & Breakfast, Caretakers Dwelling/s, Employee Accommodation, Holiday Accommodation - Maximum of 10 units, Industry - Cottage, Industry - Rural, Owners/Managers Dwelling, Reception Centre, Recreation - Private, Restaurant - Maximum of 160 seats, Winery, Other incidental or non-defined uses considered appropriate by the local government having regard to the theme, nature and existing services and facilities provided on the site.	• All use and development requires planning approval. • Buildings and structures to be sympathetic to the Dutch Village and cultural heritage theme of the site. • The local government shall determine setback, access, landscaping, carparking and other development requirements as a component of planning approval.
7.	Lot 32 Eldridge Street, Ongerup.	Place of Public Worship, Church.	
8.	Lots 17 & 18 Davies Street, Gnowangerup	Place of Public Worship, Church	
9.	Lots 2 & 3 Chester Pass Road, Amelup Road House	Service station, Restaurant	All use and development requires planning approval.

No.	Description of land	Special use	Conditions
10.	Lots 1, 2, 3 & Pt Lot 1296 Yougenup Road, Gnowangerup	Aged Care Facilities, Public Purpose, Rural Residential, Recreation - Private, Agriculture - Extensive, Holiday Accommodation, Bed & Breakfast, Rural Pursuit, Park Home Park. Other uses considered consistent by the local government with the above use.	• Prior to the development of the site a structure plan is required to be approved in accordance with Clause 6.2. • All use and development requires planning approval. • The local government shall determine setback, access, • landscaping, carparking and other development requirements as a component of planning approval. • The local government may require development to incorporate features and design to address the areas prominent location and adjoining uses including the swimming pool, the mineral springs, rural land and the hospital. • The local government shall require the preparation of a land capability and suitability assessment prior to approving development on the land. • The local government may require creekline protection and replanting as a component of development approval. • At the time of subdivision approval, the local government may request the Commission impose conditions covering road construction, land capability, land suitability creekline protection, lot size and servicing, presentation and visual impact.
11.	Lots 168 & 169 Yougenup	Place of Public Worship - Church	
12.	Lots 25, 26 & 27 Whitehead Road and Aylmore Street, Gnowangerup	Place of public worship - church Community purpose	All use and development requires development approval.
13.	Lot 63 McDonald and Alymore Streets, Gnowangerup	Place of Public Worship - Church	
14.	Lot 45 John St, Borden	Caravan Park & Ancillary Uses.	All use and development requires Planning Approval.

No.	Description of land	Special use	Conditions
15.	Northern Portion of Lot 426 DP221136 Stutley and Youngenup Roads	Industry - Light; Industry - Rural; Industry - Service; Motor Vehicle, Boat and Caravan Sales; Showroom; Storage; Transport Depot	1. All use and development requires Planning Approval. 2. Prior to any use commencing on the site a development plan shall be submitted and approved by the Local Government. This plan shall show: (a) the items required in Clause 9.2; (b) corner truncation of Stutley and Yougenup Roads; (c) on site stormwater disposal and bio retention measures; (d) a minimum building setback of 30m from the south eastern boundary; (e) details of proposed fencing and signage. 3. Development shall occur in accordance with the approved plan. 4. The design of any building is to include specific measures to ensure any noise that occurs within the development has minimal impact on the neighbouring properties. 5. The Council may limit the hours of operation of any business on the site.
16.	Southern Portion of Lot 426 DP221136 Youngenup Road	As determined in any approved structure plan for the site.	1. All use and development requires Planning Approval. 2. Prior to any use commencing on the site a structure plan shall be prepared and approved by Council and the Western Australian Planning Commission in accordance with Clause 6.3. It shall also address the matters cited in Schedule 12.

SCHEDULE 5 – EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.5m^2
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m^2
Place of Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	2.0m^2
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m^2.
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	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 15m. Maximum permissible total area shall not exceed 10m^2 and individual advertisement signs shall not exceed 6m^2.
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or a local government, and c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A N/A N/A

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed $2m^2$ in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	$0.2m^2$
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:		
a) Dwellings.	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	$2m^2$
b) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (i) above	$5m^2$
c) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above One additional sign showing the name of the project builder.	$10m^2$ $5m^2$
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	$2m^2$
Home Open and Garage Sale Signs Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:	Maximum 2 portable signs per dwelling or sale. Signs may be erected on the day of the opening or sale only and must be removed before sunset the same day.	$0.25m^2$

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
a) Dwellings	One sign per street frontage for each property relating to the sale, leading or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of $2m^2$.
b) Multiple Dwellings, Shops, Commercial and Industrial Properties.	One sign as for (a) above	Each sign shall not exceed an area of $5m^2$.
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of $10m^2$.
Display Homes Advertisement signs displayed for 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.	$2m^2$. $5m^2$.
Community Signs and Banners	Maximum 2 signs to advertise a forthcoming event. Signs must be erected within the locality of the event only. May be displayed no more than 2 weeks prior to the event and must be removed the day following the event. The local government's Executive Manager Technical Services may approve signs within the road verge or on local government land where there exists public liability insurance no less than $5,000,000 indemnifying the local government.	
Flags	One National or State Flag	N/A
Other than 'Home Open' and 'Garage Sale' signs all signs must be located within the property boundary.		

SCHEDULE 6 - FORM OF APPLICATION FOR PLANNING APPROVAL

Owner details		
Name:		
Address: Postcode:		
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person:		
Signature:		Date:
Signature:		Date:
The signature of the owner(s) is required on all applications This application will not proceed without that signature.		

Applicant details		
Name:		
Address: Postcode:		
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person for correspondence:		
Signature:		Date:

Property details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g easements, restrictive covenants):		
Street name:	Suburb:	
Nearest street intersection:		

Existing building/land use:
Description of proposed development and/or use:
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

OFFICE USE ONLY

Acceptance Officer's initials: Date received:

Local government reference no:

SCHEDULE 7 - ADDITIONAL INFORMATION FOR ADVERTISEMENTS

There is no additional information for Advertisements in the Scheme

SCHEDULE 8 - NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

Planning and Development Act 2005

Shire of Gnowangerup

Notice of public advertisement of planning proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.
Lot No.: Street: Suburb
Proposal:

Details of the proposal are available for inspection at the local government officer. Comments on the proposal may be submitted to the local government in writing on or before the …… day of the ……
Signed: Dated:
…….. ……
For and on behalf of the Shire of Gnowangerup

SCHEDULE 9 - NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING PROPOSAL

Planning and Development Act 2005

Shire of Gnowangerup

Determination on application for planning approval

Location:

Lot: Plan/Diagram:

Vol. No: Folio No.:

Application date: Received on:

Description of proposed development: .....

……

The application for planning approval is:

- ❑ Granted subject to the following conditions:
- ❑ Refused for the following reasons(s):

Conditions/reasons for refusal:

……
……
……

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of determination, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without further approval of the having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal under part 14 of the *Planning and Development Act 2005.* An appeal must be lodged within 28 days of the determination.

Signed: Dated:

…… ……

For and on behalf of the Shire of Gnowangerup

SCHEDULE 10 – ENVIRONMENTAL CONDITIONS

Scheme or Amendment No	Gazettal Date	Environmental Conditions

SCHEDULE 11- RURAL RESIDENTIAL ZONE PROVISIONS

Map Ref Number	Property Description	Special Conditions and Provisions
RR1	Loc 3538 Strathaven Road	1. <u>Subdivision</u> a) Subdivision and development of Rural Residential zone Area No. 1 shall be generally in accordance with a Subdivision Guide Plan endorsed by the local government and signed by the Chief Executive Officer and shall be subject to the provisions contained in Section 5.10 of Town Planning Scheme No. 2 in addition to the specific provisions contained in this Schedule. b) Unless advice is received from the Western Australian Planning Commission to the contrary, no lot shall be less than 4ha except if supplied with reticulated water when the minimum lot size shall be 1ha. 2. <u>Building Envelopes</u> a) Any building on a lot must be erected within a building envelope as generally identified on the Subdivision Guide Plan. b) Notwithstanding this requirement, the local government may permit a variation to the Building Envelope if it is shown to the satisfaction of the local government that the proposed location of the Building Envelope will not be detrimental to the landscape or the environment. c) In order to limit the destruction of natural vegetation and allow ease of access for fauna and emergency vehicles, fencing is to be restricted to existing cleared areas. The materials used in fencing shall be to the satisfaction of the local government. d) Within the requirements of (a) and (b) above, no building or structure shall be erected closer than 20m to a street frontage or 10m of any other boundary. 3. <u>Tree Planting</u> a) At the time of subdivision, the local government may request that the Commission impose a condition requiring that the subdivider plant and maintain, for a period of at least 2 years, trees and shrubs of a species and density of planting to local government specifications. b) Within any designated Public Open space or Buffer area on the Subdivision Guide Plan, the local government shall require that the subdivider plant and maintain, for a period of at least 2 years, trees and shrubs of species and of a density of planting approved by the local government.

Map Ref Number	Property Description	Special Conditions and Provisions
RR1 (Cont'd)		4. <u>Servicing Requirements</u> a) No dwelling shall be constructed or approved for construction unless a stable water supply and an approved method of effluent disposal has been incorporated unto the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating. b) The local government shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual method of effluent disposal. c) Reference should be made to Department of Agriculture guidelines relating to water storage, tank size and area of roof catchment. 5. <u>General Amenity</u> When considering any development within this Rural Residential No 1 the local government will have regard to its proximity to the regional sporting and local government facilities, the cemetery and other uses to ensuring development is tailored to blend in with the environment. This may include restriction of clearing, sensitive design and location of infrastructure and services. 6. <u>Fire Management</u> A Fire management Plan shall be prepared and implemented to the satisfaction of the local government and the Fire and Emergency Services of Western Australia. 7. <u>Road Design and Construction</u> The local road network should be highly interconnected to reduce travel distances and to promote walking, cycling, and a strong sense of community. Consideration should be given to the use of road networks as strategic firebreaks and to avoid the use of long cul-de-sacs. As far as practicable direct access from individual to major roads should not be permitted. 8. <u>Purchaser Notification</u> The subdivider shall undertake measures to the satisfaction of the local government to ensure that prospective purchasers are advised of the special conditions relating to the subdivision, including the standard of services. These measures may include (nut no necessarily be restricted to) the following:- • A notification placed on the Certificates of Title, pursuant to Section 70A of the Transfer of Land Act 1893 (as amended); • An information brochure included with any Contract

Map Ref Number	Property Description	Special Conditions and Provisions
		of Sale; or • An information sign erected at the entrance of the Estate.
RR2	Loc 2925 Walsh Street, Gnowangerup	1. <u>Subdivision</u> a) Subdivision and development of Rural residential zone Area No. 2 shall be generally in accordance with a Subdivision Guide Plan endorsed by the local government and signed by the Chief Executive Officer and shall be subject to the provisions contained in Section 5.10 of Town Planning Scheme No. 2 in addition to the specific provisions contained in this Schedule. b) Unless advice is received from the Western Australian Planning Commission to the contrary, no lot shall be less than 4ha except if supplied with a reticulated water when the minimum lot size shall be 1ha. 2. <u>Building Envelopes</u> a) Any building on a lot must be erected within a building envelope as generally identified on the Subdivision Guide Plan. b) Notwithstanding this requirement, the local government may permit a variation to the Building Envelope if it is shown to the satisfaction of the local government that the proposed location of the Building Envelope will not be detrimental to the landscape or the environment. c) In order to limit the destruction of natural vegetation, and allow ease of access for fauna and emergency vehicles, fencing is to be restricted to existing cleared areas. The materials used in fencing shall be to the satisfaction of the local government. d) Within the requirements of (a) and (b) above, no building or structure shall be erected closer than 20m to a street frontage or 10m of any other boundary. 3. <u>Tree Planting</u> a) At the time of subdivision, the local government may request that the Commission impose a condition requiring that the subdivider plant and maintain, for a period of at least 2 years, trees and shrubs of a species and density of planting to local government specifications. b) Within any designated Public Open Space or Buffer area on the Subdivision Guide Plan, the local government shall require that the subdivider plant and maintain, for a period of at least 2 years, trees and shrubs of species and of a density of planting approved by the local government.

Map Ref Number	Property Description	Special Conditions and Provisions
RR2 (Cont'd)		4. <u>Servicing Requirements</u> a) No dwelling shall be constructed or approved for construction unless a potable water supply and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating. b) The local government shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual method of effluent disposal. c) Reference should be made to Department of Agriculture guidelines relating to water storage, tank size and area of roof catchment. 5. <u>General Amenity</u> When considering any development within this Rural Residential Zone No 1 the local government will have regard to its proximity to the regional sporting and local government facilities, the cemetery and other uses to ensuring development is tailored to blend in with the environment. This may include restriction of clearing, sensitive design and location of infrastructure and services. 6. <u>Fire Management</u> A Fire Management Plan shall be prepared and implemented to the satisfaction of the local government and the Fire and Emergency Services of Western Australia. 7. <u>Road Design and Construction</u> The local road network should be highly interconnected to reduce travel distances and to promote walking, cycling, and a strong sense of community. Consideration should be given to the use of road networks as strategic firebreaks and to avoid the use of long cul-de-sacs. As far as practicable direct access from individual to major roads should not be permitted. 8. <u>Purchaser Notification</u> The subdivider shall undertake measures to the satisfaction of the local government to ensure that prospective purchasers are advised of the special conditions relating to the subdivision including the standard of services. These measures may include (but not necessarily be restricted to) the following:- • A notification placed on the Certificates of Title, pursuant to Section 70A of the Transfer of Land Act 1893 (as amended); • An information brochure included with any Contract

Map Ref Number	Property Description	Special Conditions and Provisions
		of Sale; or • An information sign erected at the entrance of the Estate.
RR3	Lot 3587 Gnowangerup-Tambellup Road and Lot 3913 Jordan Street, Pallinup	1. <u>Subdivision</u> a) Subdivision shall generally be in accordance with the Structure Plan endorsed by the local government and the Western Australian Planning Commission. b) The minimum lot size shall be 4000m^2. c) The local government may recommend that the Western Australian Planning Commission approve minor variations to the Structure Plan. 2. <u>Development and Land Use</u> Development in Rural Residential Zone Area No. 3 shall be generally in accordance with the endorsed Structure Plan and shall be subject to Scheme provisions including clause 5.10 Rural Residential Zone and Table 1 - Zoning Table relating to the Rural Residential Zone. 3. <u>Building Envelopes</u> a) Any building must be contained within an indicative building envelope as identified on the Structure Plan. b) Notwithstanding special condition 3a, the local government may permit a variation to the building envelope if it is shown to the satisfaction of the local government that the proposed location of the building envelope will not be detrimental to the landscape or the environment. c) No buildings are permitted within the Building Exclusion Area as identified on the Structure Plan. 4. <u>Tree Planting</u> At the time of subdivision, the local government may request that the Commission impose a condition requiring that the subdivider plant and maintain, for a period of at least 2 years, trees and shrubs of a species and density of planting to local government specifications within the area identified as 'Revegetation' on the Structure Plan. 5. <u>Servicing Requirements</u> a) All lots are to be connected to reticulated water.

Map Ref Number	Property Description	Special Conditions and Provisions
RR3 (Cont'd)		b) No dwelling shall be constructed or approved for construction unless an approved on-site method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such method of effluent disposal has been installed and is operating. 6. <u>Bush Fire Management</u> At subdivision stage, a Bush Fire Management Plan shall be prepared and implemented to the satisfaction of the local government and the Department of Fire and Emergency Services. 7. <u>Purchaser Notification</u> a) At subdivision stage, a notification shall be placed on each certificate of title of all new lots created, advising landowners of the close proximity of rural land uses and the potential impact on amenity. b) The subdivider shall undertake measures to the satisfaction of the local government to ensure that prospective purchasers are advised in writing of the special conditions and provisions relating to the subdivision including the Bush Fire Management Plan and the standard of services.
RR4	Lot 2387 Strathaven Road, Gnowangerup	1. The minimum lot size shall be 1 hectare. 2. Habitable buildings are to be set back 50m from the lot boundary adjacent to the Gnowangerup-Jerramungup Road. 3. All other site and development requirements are to be in keeping with the standards for R2, set out in Table B of the Residential Design Codes. 4. At subdivision stage, conditions are to be imposed that would prevent any direct vehicular access to the Gnowangerup-Jerramungup Road. *AMD 14 GG 25/07/2025*

SCHEDULE 12 - STRUCTURE PLAN AREAS

Area number in the Table below relate to Structure Plan Areas (SPA) shown on the Scheme Map. (e.g. SPA 1)

Area No. (SPA)	Description of Land Area	Land Use Expectation	in Addressed be to Matters Structure Plans (in addition to clause 6.2.6	Associated Provisions
SPA 1	Lots 3374 & 3588 Jordan Street	Rural Residential	• Ensuring that the vegetation on the road reserve on the southern boundary is protected and the plan does not provide direct road access through this area. • Appropriate buffers from the nearby Water Corporation reserve for water supply.	
SPA 2	Lot 2925 Tambellup Rd.	Rural Residential	• Appropriate buffer to the railway line.	
SPA 3	Lots 1, 2, 3 & Pt Lot 1296 Yougenup Road, Gnowangerup	• Public purposes (Hospital, Aged care and associated development) • Rural Residential. • Parks and Recreation. • Tourist Based Landuses.	• Promote development on the southern portion of the land. • Landscape issues on townsite entrance. • Rehabilitation of creek lines.	
SPA 4	Lots 1, 2, 3, 6, 49, 50 & 1920 Chester Pass Road	Amelup tourist activity node (tourist and Commercial activities).	• Traffic safety and access along Chester Pass Road; • Heritage and cultural landscape values of the area.	
SPA 5	Southern Portion of Lot 426 DP221136 Youngenup Road	• Land use will be as defined in the structure plan and shall recognise the strategic location of the site at the entrance to the Gnowangerup townsite and the proximity of the Water Corporation dam.	1. Defining the principal land uses. 2. Proposed subdivision design. 3. Management of the interface to Special Use Zone No 10. 4. Provision of suitable buffers to any residential components and/or to surrounding residential development including the hospital. 5. Water management and stormwater discharge, particularly in relation to runoff to the adjacent water supply dam. 6. Access to Yougenup Road.	1. Service commercial, mixed business or service industrial uses must be compatible with sensitive land uses and incorporate appropriate setbacks and landscaping 2. Uses that may present a contamination risk to the adjacent water supply dam will not be permitted

Area No. (SPA)	Description of Land Area	Land Use Expectation	in Addressed be to Matters Structure Plans (in addition to clause 6.2.6	Associated Provisions
SPA 5	(Cont'd)		7. The protection of water quality and function of the adjacent water supply dam through the restriction of inappropriate land uses.	

ADOPTION

Adopted by resolution of the Council of the Shire of Gnowangerup at the Meeting of the Council held on the 21st February 2001

_____

K STONE
SHIRE PRESIDENT

_____

A COOK
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Gnowangerup at the Meeting of the Council held on the twenty sixth day of August 2009 and the Common Seal of the Shire of Gnowangerup was hereunto affixed by the authority of a resolution of the Council in the presence of:

_____

K STONE
SHIRE PRESIDENT

_____

A COOK
CHIEF EXECUTIVE OFFICER

Recommended/submitted for final approval

_____

C MEEGHAN

DELEGATED UNDER S.16 OF *PLANNING AND DEVELOPMENT ACT 2005*

DATED 6TH JANUARY 2010

Final approval granted

_____

JOHN DAY

MINISTER FOR PLANNING

DATED 18TH FEBRUARY 2010