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# SHIRE OF WANDERING

## Town Planning Scheme No. 3

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Updated to include AMD 7 GG 23/10/2026

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GOVERNMENT OF WESTERN AUSTRALIA

Department of **Planning, Lands and Heritage**

Original Town Planning Scheme Gazettal
30 October 2001

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# SHIRE OF WANDERING TPS 3 –TEXT AMENDMENTS

| AMD NO | GAZETTAL DATE | UPDATED | | DETAILS |
|---|---|---|---|---|
| | | WHEN | BY | |
| 4 | 01/08/17 | 09/08/17 | GM | Rezoned Lot 28352 Moramockining Road, Wandering from 'Public Purpose' to 'Rural' and amended Scheme Map 3 accordingly.<br>Table 1 – Zoning Table – inserted rural home business and roadhouse use classes.<br>Schedule 1 – Definitions – inserted rural home business and roadhouse definitions and deleted residential planning code and Act.<br>Schedule 4 – Special Use Zones – inserted new Special Uses and Conditions for Avon Locations 26562 and 22534 Albany Hwy, Bannister.<br>Deleted references to Building Code of Australia and replaced with the National Construction Code under clauses: 5.10(a), 5.10(c), 5.10(f) and Schedule 1.<br>Deleted references to Residential Planning Codes and replaced with Residential Design Codes throughout the Scheme Text.<br>Deleted references to the *Town Planning and Development Act 1928* and updated to *Planning and Development Act 2005.* |
| 5 | 04/10/19 | 09/10/19 | MLD | Schedule 1 definitions – insert the following definitions - Bed and Breakfast, Short-term accommodation and holiday house.<br><br>Schedule 2 – additional uses – insert the following –<br>Additional use 1. - Lot 189 and 190 Watts Street Wandering (shown on Scheme Map 3).<br><br>Amend the scheme maps accordingly. |
| 6 | 5/02/2021 | 14/02/2021 | MLD | Amend the zoning classification of Lot 9001 on Deposited Plan 75227, Wandering from 'Rural' to 'Industrial'.<br><br>Amend the Scheme Text to include the following sub-clause in clause 5.15 entitled 'Industrial Zone'<br><br>Amending the Scheme Map accordingly. |
| 7 | 23/10/2026 | 26/10/2026 | RW | In Schedule 1 – Definitions –<br>Delete the definitions for<br>• bed and breakfast<br>• holiday accommodation<br>• holiday house<br>• motel<br>• short term accommodation<br>Insert the general definition for cabin –<br>means a building that –<br>(a) is an individual unit other than a chalet; and<br>(b) forms part of –<br>i. tourist and visitor accommodation; or<br>ii. a caravan park; and<br>(c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period<br>Insert the general definition for chalet –<br>means a building that –<br>(a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and<br>(b) forms part of-<br>i. tourist and visitor accommodation; or<br>ii. a caravan park;<br>(c) and if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period<br>Amend the existing definition for roadhouse by deleting paragraph (d) and inserting –<br>(d) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period<br>Insert the definition for tourist and visitor accommodation –<br>(a) means a building, or a group of buildings forming a complex, that –<br>i. is wholly managed by a single person or body; and<br>ii. is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or |

periods exceeding a total of 3 months in any 12-month period; and

iii. may include on-site services and facilities for use by guests; and

iv. in the case of a single building – contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;

and

(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

(c) does not include any of the following –

i. an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);

ii. a caravan park;

iii. hosted short-term rental accommodation;

iv. a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1);

v. a park home park;

vi. a retirement village as defined in the *Retirement Villages Act 1992* section 3(1);

vii. a road house

viii. workforce accommodation;

In Table 1 – Zoning Table, insert in alphabetical order the following land uses and permissibility

| Use Classes | RESIDENTIAL | COMMERCIAL | INDUSTRIAL | RURAL RESIDENTIAL | RURAL |
|---|---|---|---|---|---|
| Hosted short-term rental accommodation | P | X | X | P | P |
| Tourist and visitor accommodation | A | D | X | X | D |
| Unhosted short-term rental accommodation | A | X | X | A | D |

In Table 1 – Zoning Table, delete all references to –

A. holiday accommodation;

B. motel;

In Schedule 2 – Additional Uses, delete Additional Use No. 1 in its entirety.

**SHIRE OF WANDERING**

**TOWN PLANNING SCHEME NO. 3**

The Wandering Shire Council, under the powers conferred by the *Planning and Development Act 2005*, hereby makes the following Town Planning Scheme.

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# PART 1 - PRELIMINARY

## 1.1 CITATION

This Town Planning Scheme may be cited as the Shire of Wandering Town Planning Scheme No. 3 hereinafter called "the Scheme" and shall come into operation on the publication of the Scheme in the *Government Gazette*.

## 1.2 REVOCATION

The Shire of Wandering Town Planning Scheme No. 2 published in the *Government Gazette* of 2 November 1993 and all amendments thereto is hereby revoked.

## 1.3 RESPONSIBLE AUTHORITY

The Shire of Wandering hereinafter called “the local government” is the responsible authority for implementing the Scheme.

## 1.4 SCHEME AREA

The Scheme applies to the whole of the land within the local government district of the Shire of Wandering hereinafter called "the Scheme area".

## 1.5 CONTENTS OF THE SCHEME

The Scheme comprises:

(a) the Scheme Text

(b) the Scheme Map (sheets numbers 1 to 3 inclusive).

The Scheme Text is to be read in conjunction with the Scheme Map.

## 1.6 PURPOSE OF THE SCHEME

The purpose of the Scheme is to:-

(a) set out the local government’s aims and intentions for the Scheme area;

(b) set aside land as reserves for public purposes;

(c) zone land within the Scheme area for the purposes defined in the Scheme;

(d) control and guide land use and development;

(e) make provision for the conservation of areas and places of heritage interest;

(f) address other matters set out in Schedule Seven of the *Planning and Development Act 2005* *AMD 4 GG 01/08/17*

## 1.7 THE AIMS OF THE SCHEME

The aims of the Scheme are:

(a) To assist the effective implementation of regional plans and policies including the State Planning Strategy.

(b) To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.

(c) To provide for housing choice and variety with a community identity and high levels of amenity.

(d) 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.

(e) To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.

(f) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.

(g) To protect and enhance the environmental values and natural resources of the Scheme area and to promote ecologically sustainable land use and development.

(h) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.

## 1.8 DEFINITIONS

1.8.1 In the Scheme, unless the context otherwise requires or unless the Scheme otherwise provides, words and expressions have the respective meanings given to them in the Act, Schedule 1 of the Scheme, and the Residential Design Codes.

1.8.2 If there is a conflict between the meanings of the words and expressions in those instruments then:

a) in the case of residential development the definitions in the Residential Design Codes shall prevail; and

b) otherwise the definition in the Act, followed by Schedule 1 of the Scheme, will prevail in that order.

1.8.3 Words and expressions used in the Scheme but not defined in the Act, Schedule 1 of the Scheme, elsewhere in the Scheme, or in the Residential Design Codes, shall have their normal and common meanings.

1.8.4 Headings of parts of the Scheme shall be used as an aid to construction of the Scheme but the table of contents, notes, headings of clauses, clauses and paragraphs are intended for reference purposes only and do not affect the construction of the Scheme.

## 1.9 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a local law, the provisions of the Scheme shall prevail.

# PART 2 - LOCAL PLANNING STRATEGY FRAMEWORK

## 2.1 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.

## 2.2 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME

2.2.1 Any Local Planning Policy prepared under this Part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

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

## 2.3 PROCEDURES FOR MAKING AND AMENDING A LOCAL PLANNING POLICY

2.3.1 A Local Planning Policy shall become operative only after the following procedures have been completed:

a) the local government having prepared and adopted a draft Policy shall advertise the draft Policy by way of a notice published once a week for 2 consecutive weeks in a newspaper circulating within the Scheme area and by such other methods as the local government may consider appropriate to ensure notice of the draft Policy, giving details of where the draft Policy may be inspected, the subject and nature of the Policy, and in what form and during what period (being not less than 21 days from the date specified in the notice) submissions may be made;

b) the local government shall carry out such other consultations as it thinks fit;

c) the local government shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy;

d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area;

e) where, in the opinion of the local government, the provisions of any Policy affects the interests of the Commission, a copy of the Policy shall be forwarded to the Commission.

2.3.2 A copy of any Policy shall be kept and made available for public inspection at the offices of the local government

2.3.3 Any amendment or addition to a Policy shall follow the procedures set out in clause 2.3.1 a)-e).

## 2.4 RESCISSION OF A LOCAL PLANNING POLICY

A Local Planning Policy may be rescinded by:

(a) the final adoption of a new Policy pursuant to clause 2.3 specifically worded to supersede an existing Policy; or

(b) publication of a formal notice of rescission by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme Area.

# PART 3 - RESERVES

## 3.1 CLASSIFICATION

Certain lands within the Scheme Area are shown on the Scheme Map and classified as Local Reserves.

## 3.2 LOCAL RESERVES

The land shown as Local Reserves on the Scheme Map, are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder:

RECREATION AND OPEN SPACE
PUBLIC PURPOSES
STATE FOREST
ROAD

## 3.3 USE AND DEVELOPMENT OF LOCAL RESERVES

3.3.1 A person shall not use, commence or carry out development on a Local Reserve without first having obtained the planning approval of the local government under Part 9 of the Scheme.

3.3.2 In determining an application for planning approval the local government shall have regard to:

a) the matters set out in clause 10.2; and

b) the ultimate purpose intended for the Local Reserve;

and the local government shall, in the case of land reserved for the purposes of a public authority, confer with that authority before giving its approval.

# PART 4 - ZONES

## 4.1 ZONES

4.1.1 The Scheme Area is classified into the following zones:

RESIDENTIAL
COMMERCIAL
INDUSTRIAL
RURAL-RESIDENTIAL
RURAL
SPECIAL USE

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

## 4.2 OBJECTIVES OF THE ZONES

The objectives of the Zones are:

### 1. Residential Zone

a) to provide for the predominant form of residential development to be single houses

b) to provide for diversity of lifestyle choice with a range of residential densities where possible.

c) to achieve a high standard of residential development having regard to the economic importance of tourism to the district.

d) to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

### 2. Commercial Zone

a) to develop the town centre as the principal place for retail, commercial, civic and administrative functions in the district.

b) to ensure development will not adversely affect local amenities.

c) to provide for the efficient and safe movement of vehicles (including trucks, buses, and caravans) and pedestrians.

d) to provide sufficient parking spaces for cars, caravans, and buses without compromising pedestrian movements.

e) to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.

f) to provide for expansion of commercial activity to meet future demands.

### 3. Industrial Zone

a) to provide for the needs of light and general industry to support the community.

b) to provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.

c) to provide appropriate buffers to the industrial area.

d) to avoid non-industry related uses establishing in the industrial area.

**4. Rural - Residential Zones**

a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats, and rural-based commercial uses that are consistent with a rural residential zone.

b) to generally select areas that are within approximately 8 kilometres of the town of Wandering to facilitate the provision of services to residents.

c) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

d) having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the local government in providing services away from the town of Wandering, the local government will generally favour Rural-Residential zones be located close to the town of Wandering and then only where the environmental impacts are manageable.

**5. Rural Zone**

a) to ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.

b) to provide for diversification and intensive agricultural uses in suitable areas.

c) to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.

d) to allow for facilities for tourists and travellers, and for recreation uses.

e) to have regard to use of adjoining land at the interface of the Rural zone with other zones to avoid adverse effects on local amenities.

## 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 use is determined by cross-reference between the list of uses 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 use is not permitted unless the local government has exercised its discretion by granting planning approval except in the following circumstances:

a) 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 the relevant development standards and requirements of the Scheme; or

b) any extension of a use within a lot which does not change the predominant use of the lot; or

c) any change in an incidental use that does not change the predominant use of the land.

## 4.4 INTERPRETATION OF THE ZONING TABLE

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

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 or class of activity of any other use the local government may:

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

b) determine that the proposed 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

*AMD 7 GG 23/10/2026*

Notwithstanding 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.

*There are no Additional Uses which apply to the Scheme.*

## 4.6 RESTRICTED USES

Notwithstanding 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.

*There are no Restricted Uses which apply to the Scheme.*

## 4.7 SPECIAL USE ZONES

Special Use Zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table. No person shall 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.

## 4.8 NON-CONFORMING USE

Except as otherwise provided in the Scheme, no provision of the Scheme shall be deemed to prevent:

a) the continued use of any land or building for the purpose for which it was being lawfully used at the gazettal date of the Scheme; or

b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or

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

## 4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

4.9.1 A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use or 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 shall 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 shall not 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 NON-CONFORMING USE

When a non-conforming use of any land or buildings has been discontinued for a period of six months or more such land or buildings shall not thereafter be used 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 and buildings, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that land, and may enter into an agreement with the owner for that purpose.

## 4.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

When a building used for a non-conforming use is destroyed to 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or 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 unless with the planning approval of the local government.

# TABLE 1 - ZONING TABLE

| USE CLASSES | RESIDENTIAL | COMMERCIAL | INDUSTRIAL | RURAL RESIDENTIAL | RURAL |
|---|---|---|---|---|---|
| abattoir | X | X | X | X | A |
| aged or dependent persons dwelling | D | X | X | X | X |
| agroforestry | X | X | X | X | P |
| ancillary accommodation | D | X | X | D | X |
| animal establishment | X | X | X | X | A |
| animal husbandry - intensive | X | X | X | X | A |
| aquaculture | X | X | D | D | P |
| caravan park | X | X | X | X | X |
| caretaker's dwelling | X | D | D | X | D |
| club premises | X | D | X | X | D |
| consulting room(s) | A | P | X | X | X |
| dwelling | P | X | X | P | P |
| education establishment | A | X | X | X | A |
| fuel depot | X | X | P | X | X |
| holiday accommodation | *REMOVED BY AMD 7 GG 23/10/26* | | | | |
| home business | D | X | X | D | D |
| home occupation | D | X | X | D | D |
| hosted short-term rental accommodation *AMD 7 GG 23/10/26* | P | X | X | P | P |
| hotel | X | D | X | X | X |
| industry - extractive | X | X | X | X | D |
| industry - general | X | X | D | X | X |
| industry - light | X | X | P | X | X |
| industry - rural | X | X | X | X | D |
| intensive agriculture | X | X | X | A | A |
| motel | *REMOVED BY AMD 7 GG 23/10/26* | | | | |
| motor vehicle, boat and caravan sales | X | D | P | X | X |
| motor vehicle repair | X | X | P | X | X |
| office | X | P | X | X | X |
| plantation | X | X | X | X | D |
| plant nursery | A | X | P | D | D |
| public amusement | X | D | D | X | X |
| public utility | D | D | D | D | D |
| residential building | D | X | X | X | D |
| Restaurant | X | D | X | X | A |
| rural home business *AMD 4 GG 01/08/17* | X | X | X | D | D |
| rural pursuit | X | X | X | A | P |
| roadhouse *AMD 4 GG 01/08/17* | X | D | X | X | D |
| service station | X | A | D | X | D |
| shop | X | D | X | X | X |
| showroom | X | D | D | X | X |
| tourist and visitor accommodation *AMD 7 GG 23/10/26* | A | D | X | X | D |
| transport depot | X | X | P | X | A |
| unhosted short-term rental accommodation *AMD 7 GG 23/10/26* | A | X | X | A | D |
| veterinary hospital | X | A | P | D | D |
| winery | X | A | X | A | D |
| workers accommodation | X | X | X | A | D |
| worship - place of | D | P | X | X | X |

# PART 5 - GENERAL DEVELOPMENT REQUIREMENTS

## 5.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with:

(a) the provisions of the Scheme; and

(b) the Residential Design Codes - in respect of development for residential purposes.

## 5.2 RESIDENTIAL PLANNING CODES

5.2.1 For the purpose of the Scheme "Residential Design Codes" means the Residential Design Codes set out in Appendix 2 to Statement of Planning Policy No. 1, together with any amendments thereto (hereinafter called the "R Codes").

5.2.2 A copy of the R Codes, as amended, shall be kept and made available for public inspection at the offices of the local government.

5.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those Codes.

5.2.4 The R Code density applicable to land within the Scheme area shall be determined by reference to the R Code density number superimposed on the particular areas shown on the Scheme Map as being contained within the black line borders or, where such an area abuts another area having an R Code density, as being contained within the centre line of those borders.

## 5.3 SPECIAL APPLICATION OF RESIDENTIAL PLANNING 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 the provisions of clause 5.4.2, a restrictive covenant affecting any land in the Scheme area whereby, or the effect of which, is that the number of 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 shall not 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, notwithstanding that 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 shall:

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

b) have regard to any expressed views prior to making its decision 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 or the inhabitants of the locality or upon the likely future development of the locality.

## 5.6 ENVIRONMENTAL CONDITIONS

5.6.1 In accordance with Section 7A4 of the Act, environmental conditions imposed by the Minister for the Environment on the Scheme or amendments to the Scheme and contained in Statements under Section 48F of the *Environmental Protection Act 1986*, are incorporated into the Scheme by Schedule 10 of the Scheme.

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

5.6.3 The local government shall maintain a register of all the Statements published under Section 48F referred to in clause 5.6.1 which shall be made available for public inspection at the offices of the local government.

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

## 5.7 HOME OCCUPATION

5.7.1 An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier on the land in respect of which a home occupation approval is issued the approval is cancelled.

5.7.2 If, in the opinion of the local government, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the local government may:

a) revoke the approval; or

b) require the occupier of the land in respect of which the home occupation approval is issued to implement those measures specified by the local government and which in the opinion of the local government will remove the nuisance or annoyance.

## 5.8 PARKING REQUIREMENTS

A person shall not develop or use any land or erect use or adapt any building unless parking spaces as specified by the local government are provided and such spaces are constructed and maintained in accordance with the requirements of the local government.

## 5.9 TRANSPORTED DWELLINGS

5.9.1 A person shall not transport a building and place it on land in the Scheme Area and use it as a dwelling unless the local government has granted planning approval. The local government shall not grant planning approval if the land is within a Heritage Area designated in accordance with clause 7.2.

5.9.2 The local government shall only grant planning approval pursuant to clause 5.9.1 if the transported dwelling :

a) complies with the provisions of the Scheme, the Residential Planning Codes, and any Local Laws applicable both to the transported building and the land on which it is to be situated; and

b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the locality.

5.9.3 The planning approval which may be granted by the local government pursuant to clause 5.9.2 may include a condition requiring the applicant to enter into an agreement with, and provide a bond to, the local government. Such an agreement and bond is to provide a surety for completion of the building to a standard acceptable to the local government within such time as may be specified by the local government.

## 5.10 MINIMUM STANDARDS FOR DWELLINGS

Notwithstanding anything elsewhere contained in the Scheme the following minimum standards are required for all dwellings in the Scheme Area:

(a) dwellings shall comply in all respects with the National Construction Code;
*AMD 4 GG 01/08/17*

(b) transportable dwellings may be approved pursuant to clause 5.9 of the Scheme subject to the buildings being designed as a transportable single house (mining camp type transportable accommodation units shall not be permitted);

(c) all dwellings shall contain at least one separate bedroom, a dining/living room and kitchen with separate toilet, bathroom and laundry facility in accordance with the National Construction Code; *AMD 4 GG 01/08/17*

(d) dwellings shall be constructed as a single unit with compatible external materials;

(e) all floors shall be sealed with suitable impervious materials, and all walls and ceilings lined in a finished workmanlike manner; and

(f) all window openings are to be glazed to the requirements of the National Construction Code and fitted with effective insect screen. *AMD 4 GG 01/08/17*

## 5.11 USE OF SETBACK AREAS

5.11.1 No person shall in any zone use the land between a street alignment and the distance that buildings are required to be setback from such street alignment for any purpose other than one or more of the following:

a) a means of access;

b) the daily parking of vehicles;

c) the loading and unloading of vehicles;

d) landscaping which only in the Commercial Zone and then only with the specific approval of local government may include an awning, pergola, or similar structure and when in front of a fast food outlet or restaurant may provide for alfresco dining.

5.11.2 The setback area shall not be used for the parking of vehicles which are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste of manufacture.

## 5.12 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS

Notwithstanding anything else appearing in the Scheme planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application the local government shall either:

(a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or

(b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or

(c) require such other arrangements are made for permanent access as shall be to the satisfaction of the local government.

## 5.13 RESIDENTIAL ZONE

5.13.1 Site Requirements:

In accordance with the R Codes.

5.13.2 Development Requirements:

The local government may require preparation of an Outline Development Plan before granting and/or recommending approval to any development which involves subdivision or follows subdivision and the Outline Development Plan shall form the basis for subdivision.

a) An Outline Development Plan shall include:

(i) the topography of the area;
(ii) the location and width of proposed roads;
(iii) the location of recreation, open space, and pedestrian accessways proposed;
(iv) the layout of comprehensive drainage; and
(v) such other information as may be required by the local government.

b) When a Outline Development Plan has been prepared to the satisfaction of the local government, the local government shall advertise or require the proponent to cause the Outline Development Plan to be advertised for public inspection. This is to include notifying in writing, all owners of land and such public authorities as the local government nominates, within an area determined by the local government as likely to be affected by the Outline Development Plan, and inviting each owner and nominated public authority to make a submission to the local government.

c) The local government shall consider any submissions to the Outline Development Plan and may, if the applicant agrees, amend the Outline Development Plan after such consideration of submissions.

d) The local government may decide not to proceed with the Outline Development Plan or may adopt the Plan as the basis for subdivision within the area covered by the Plan.

e) Any departures from or alterations to an Outline Development Plan may be permitted if the local government considers that the proposed departure or alteration will not prejudice the progressive development of the area the subject of an Outline Development Plan.

f) A proponent who is dissatisfied with a decision of the local government or a requirement of a decision in respect of an Outline Development Plan, may appeal against the decision in accordance with Part V of the Act and the Rules and Regulations made pursuant to the Act.

5.13.3 Parking of Commercial Vehicles in the Residential Zone:

a) No more than 2 commercial vehicles shall be parked on a lot in the Residential zone, provided that:

(i) only 1 vehicle may exceed 10 tonnes gross weight;
(ii) the vehicles are parked on a lot containing only a single house;
(iii) the vehicles form an essential part of the occupation of an occupant of the dwelling;
(iv) no vehicle exceeds either 2.7 metres in height or 15 metres in length;
(v) any vehicles exceeding 8 metres in length are screened from view from outside the lot;
(vi) no vehicle is brought to or taken from the lot between the hours of 10.00 pm and 6.30 am;
(vii) major repairs to either of the vehicles are not undertaken on the lot; and
(viii) any minor repairs, servicing or cleaning of either of the vehicles are carried out in areas which are screened from view from outside the lot.

b) Notwithstanding the provisions of paragraph (a) of this clause, the approval of the local government is required for the parking of a commercial vehicle exceeding 10 tonnes gross weight on a lot in the Residential zone.

c) An approval of the local government granted under paragraph (b) of this clause:

(i) is personal to the person to whom it is granted;
(ii) is not capable of being transferred or assigned to any other person; and
(iii) does not run with the land in respect of which it was granted.

d) A person to whom an approval has been granted under paragraph (b) of this clause shall not park or cause to be parked such vehicle on a lot in the Residential zone other than on the lot in respect of which the approval was granted.

e) If a vehicle has been parked with the approval of the local government under paragraph b) of this clause and if in the opinion of the local government such vehicle is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the local government may rescind the approval granted by it and after such rescission, no person shall upon the land subject of a resolution for rescission, park a commercial vehicle exceeding 10 tonnes gross weight unless approval to do so shall subsequently be granted by the local government.

## 5.14 COMMERCIAL ZONE

5.14.1 Site Requirements:

At the discretion of the local government.

5.14.2 Development Requirements

a) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government shall have regard to the following:

(i) the colour and texture of external building materials; the local government may require the building facade and side walls to a building depth of 3m to be constructed in masonry;
(ii) building size, height, bulk, roof pitch;
(iii) setback and location of the building on its lot;
(iv) architectural style and design details of the building;
(v) function of the building;
(vi) relationship to surrounding development; and
(vii) other characteristics considered by the local government to be relevant.

b) Landscaping shall be provided to complement the appearance of the proposed development and it's setting.

## 5.15 INDUSTRIAL ZONE

5.15.1 Site Requirements

a) The minimum lot size should be 2500 square metres to provide for building, on-site effluent disposal, landscaping, and manoeuvring area for all vehicles to enter and leave the lot in a forward gear.

b) The minimum building setbacks shall be:

| | | |
|---|---|---|
| Front | : | 7.5m |
| Rear | : | 7.5m |
| Side | : | 0 |

5.15.2 Development Requirements:

The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.

5.15.3 Servicing Requirements

(a) Any development application relating to land classified Industrial zone and not serviced by a reticulated water supply must demonstrate a fit-for-purpose water supply commensurate with the intended development. The local government may impose conditions to ensure the development is capable of being serviced by a fit-for-purpose water supply; and

(b) In considering any development application for land classified Industrial zone not served by reticulated sewerage disposal infrastructure, the local government shall consider the total volume of effluent disposal likely to be generated by any proposed use on a daily basis and whether this can be suitably accommodated on any given lot. The local government may impose conditions to limit the total volume of effluent / wastewater permitted to be generated and the methods of disposal.

## 5.16 RURAL-RESIDENTIAL ZONES

5.16.1 Site Requirements:

The minimum building setbacks shall be:

Front : 30.0m
Rear : 10.0m
Side : 10.0m

5.16.2 General Provisions:

The provisions for controlling subdivision and development in Rural-Residential Zones shall include the requirements in Schedule 11 and future subdivision will generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer and approved by the Commission and such plan of subdivision shall show the minimum lot size for subdivision.

5.16.3 Development Requirements:

Development in a Rural-Residential Zone shall comply with the requirements of the following:

a) Planning approval is required for all development including a single house and such application shall be made in accordance with the Scheme.

b) Not more than one dwelling per lot shall be erected but the local government may, at its discretion, approve ancillary accommodation.

c) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the local government.

d) In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the local government.

e) Any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.

f) With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural-Residential zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.

g) The local government may require provision to be made for bush fire control in accordance with a Local Planning Policy adopted by the local government.

5.16.4 Development Standards:

So as to achieve a high standard of development within a Rural-Residential zone, and to minimise the visual impacts of development the local government in considering an application for planning approval will have regard to clause 10.2 and the following:

a) the colour and texture of external building materials;

b) building size, height, bulk, roof pitch;

c) setback and location of the building on its lot;

d) architectural style and design details of the building;

e) relationship to surrounding development; and

f) other characteristics considered by the local government to be relevant.

## 5.17 RURAL ZONE

5.17.1 Site Requirements:

The minimum building setbacks shall be:

Front : 20.0m
Rear : 20.0m
Side : 20.0m

5.17.2 Development of Agroforestry and Plantations

a) Applications for the development of agroforestry and plantations shall be determined by the local government having regard to:

(i) the Code of Practice for Timber Plantations in Western Australia 1997 as amended from time to time ('Code of Practice').
(ii) submission of a plantation management plan in accordance with the protocol in the Code of Practice.
(iii) the need to encourage the commercial production of trees which is of significance to the national, regional and local economy.
(iv) the benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.
(v) the role of agroforestry and plantations in protecting water quality and preventing adverse effects on groundwater recharge.
(vi) the location of the land in relation to land zoned for residential, industrial, commercial uses.
(vii) the suitability of the current and future road systems.

b) In determining applications for agroforestry and plantations the local government may impose conditions relating to the following matters:

(i) the application of fire management measures and the provision of internal and boundary fire breaks and water supplies in accordance with the Guidelines for Plantation Fire Protection 1998, (Bush Fire Service of WA/CALM).
(ii) compliance with the Code of Practice for Timber Plantations in WA 1997 as amended from time to time.

5.17.3 General Development Requirements

In considering an application for planning approval the local government will have due regard for the following, in addition to the provisions of the Scheme:

a) any sensitive or incompatible uses which may require buffer separation from the proposed use;

b) evidence of a sustainable water supply that does not rely on catchment

outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;

c) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics;

d) proposals for treatment and disposal of waste products.

5.17.4 Subdivision

When preparing recommendations to the Commission in response to referral of applications for subdivision the local government will have due regard for the following, in addition to the provisions of the Scheme:

a) the potential impact on continuation of existing uses on adjoining lots;

b) evidence of a sustainable water supply that does not rely on catchment outside the proposed lot or lots, or the damming of a stream that will impact on the water availability for another lot or lots;

c) whether effluent disposal systems be set back 100 metres (conventional septic system or 50 metres (alternative system) from any stream. (The buffer distances may be reduced depending on the size and nature of the stream and the soil types).

# PART 6 - SPECIAL CONTROL AREAS

## 6.1 OPERATION OF SPECIAL CONTROL AREAS

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

*There are no Special Control Areas which apply to the Scheme.*

6.1.2 In respect of the Special Control Area(s) shown on the Scheme Map, the provisions of the Special Control Area apply in addition to the provisions of the underlying zone(s), reserve(s) and any general provisions of the Scheme.

# PART 7 - HERITAGE PROTECTION

## 7.1 HERITAGE LIST

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

7.1.2 In the preparation of the Heritage List the local government shall have regard to the Municipal Inventory prepared by the local government pursuant to Section 45 of the *Heritage of Western Australia Act 1990* and will include on the List such of those entries on the Inventory it considers to be appropriate.

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

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

b) invite submission on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice;

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.

7.1.4 Where a place is included on the Heritage List, the local government shall 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 A copy of the Heritage List shall be kept and made available for public inspection at the offices of the local government.

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, declare that area to be a Heritage Area.

7.2.2 The local government shall adopt for each Heritage Area a Local Planning Policy which shall comprise:

a) a map showing the boundaries of the Area;

b) places of heritage significance; and

c) objectives and guidelines for the conservation of the Heritage Area;

and a copy of the Local Planning Policy for any designated Heritage Area shall be kept and made available for public inspection at the offices of the local government.

7.2.3 The procedure to be followed by the local government in designating a Heritage Area shall be as follows:

a) the local government shall notify in writing each owner of land affected by the proposed designation and shall provide them with a copy of its Local Planning Policy for the Heritage Area;

b) the local government shall advertise the proposal by way of a notice published once a week for 2 consecutive weeks in a newspaper circulating with the Scheme area, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the local government considers necessary to ensure widespread notice of the proposal;

c) the form of notice shall describe the area subject of the proposed designation, where the Local Planning Policy which applies to the Heritage Area may be inspected and in what form and during what period (being not less than 21 days from the date specified in the notice) submissions may be made;

d) the local government shall carry out such other consultations as it thinks fit;

e) the local government shall consider any submissions made and resolve to designate the Heritage Area with or without modification or reject the proposal after consideration of submissions and the local government shall adopt such part or parts of the Local Planning Policy as is appropriate in respect of the Heritage Area;

f) the local government shall forward notice of its decision to the Heritage Council of WA, the Commission, and each owner of land affected by the designation.

7.2.4 The local government may modify or may cancel a Heritage Area or any Local Planning Policy which relates to it by following the procedure set out in clause 7.2.3.

## 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 in so far as the interest of that owner or occupier permits.

## 7.4 HERITAGE ASSESSMENT

Notwithstanding 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 included on the Heritage List.

## 7.5 VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE AND HERITAGE AREA

7.5.1 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;

b) enhance or preserve heritage values in a Heritage Area declared under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Planning Codes, by following the procedures set out in clause 5.5.2 of the Scheme.

7.5.2 In granting variations under clause 7.5.1 the local government may require a formal agreement with an owner who is to benefit from the variation for any of the purposes prescribed for a Heritage Agreement by S29 of the *Heritage of Western Australia Act 1990.*

# PART 8 - DEVELOPMENT OF LAND

## 8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. No person shall commence or carry out any development without first having applied for and obtained the planning approval of the local government pursuant to the provisions of Part 9 of the Scheme.

## 8.2 PERMITTED DEVELOPMENT

For the purpose of the Scheme, the following development does not require the planning approval of the local government:

(a) the carrying out of any building or works which affect only the interior of a building and which do not materially affect the external appearance of the building unless the building is:

(i) located in a place that has been registered 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;

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

(i) necessitates the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes;
(ii) is located in a Heritage Area designated under the Scheme;
(iii) is for land in a Rural Residential Zone under the Scheme;
(iv) is for development of a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road.

(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 the Scheme;
(iv) located within a Heritage Area designated under the Scheme;

(d) a home office carried out solely within a dwelling by a resident of the dwelling;

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

(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.

## 8.3 AMENDING OR REVOKING A PLANNING APPROVAL

The local government may, on application in writing 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, providing the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced shall not be 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 always have been lawful development upon the grant of planning approval.

# PART 9 - APPLICATION FOR PLANNING APPROVAL

## 9.1 FORM OF APPLICATION

9.1.1 Every 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 'P' use which does not comply with all the relevant development standards and requirements of the Scheme under clause 4.3.2;

c) commencement of a 'D' use or an 'A' use under clause 4.3;

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

e) commencement of development under clause 8.1;

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

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

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

i) alteration or extension of a non-conforming use under clause 4.9.1;

j) changing a non-conforming use under clause 4.9.3;

k) continuing to use a non-conforming use under clause 4.12; and

l) subject to clause 9.1.2, the erection, placement or display of an advertisement;

shall be made in the form prescribed in Schedule 6 to the Scheme as an application for planning approval and shall be signed by the owner, and accompanied by such plans and other information as is required by the Scheme.

9.1.2 Applications for the erection, placement or display of an advertisement shall be accompanied by the additional information set out in the form at Schedule 7 to the Scheme.

## 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 number(s), 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; and

(d) 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

Where an application relates to a place entered on the Heritage List or within a Heritage Area, the local government may require an applicant to provide one or more of the following to assist the local government in 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 under clause 4.3.2; or;

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

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

9.4.2 Notwithstanding the provisions of clause 9.4.1, where an application is made for planning approval for any other purpose, the local government may require that notice is first given in accordance with the provisions of 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 specified in the notice;

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 specified in the notice;

c) sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for the specified period from the date of publication of the notice referred to in paragraph b) of this clause.

9.4.4 The notice referred to in clause 9.4.3 a) and b) shall be in the form contained in Schedule 8 with such modifications as 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 shall 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 shall consult that authority before making its determination.

## 10.2 MATTERS TO BE CONSIDERED BY THE LOCAL GOVERNMENT

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

(a) the aims and provisions of the Scheme and any other relevant town planning scheme operating within the Scheme Area;

(b) the requirements of orderly and proper planning including any relevant proposed new town 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 or any relevant planning policy adopted by the Government of the State of Western Australia;

(f) any local planning policy adopted by the local government under the provisions of clause 2.3 or clause 7.2.2 of the Scheme, or any other plan or guideline adopted by the local government under the provisions of 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 registered in the Register of Places under the *Heritage of Western Australia Act 1990*, or which is subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1 of the Scheme, and the effect of the proposal on the character or appearance of a Heritage Area;

(i) the compatibility of a use or development within 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) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the 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, manoeuvring 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;

(za) 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 decision in relation to the application, the local government shall convey its decision to the applicant in the form prescribed in Schedule 9 to the Scheme and the date of determination shall 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, that approval:

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

b) 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 a).

## 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.

## 10.7 SCOPE OF PLANNING APPROVAL

Planning approval may be granted:

(a) for use or the 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;

(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 beginning with the date 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 shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of it 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 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of it by the local government, or within such further time as agreed in writing between the applicant and the local government.

10.9.3 Notwithstanding that an application for planning approval may be deemed to have been refused, the local government may issue a decision in respect of the application at any time after the expiry of the 60 day or 90 day period specified in clauses 10.9.1 and 10.9.2, respectively, and that decision shall be effective as from the date of determination.

## 10.10 APPEALS

An applicant aggrieved by a decision of the local government is respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations pursuant to the Act.

# PART 11 - ENFORCEMENT AND ADMINISTRATION

## 11.1 ADDITIONAL POWERS OF THE LOCAL GOVERNMENT

11.1.1 The local government in implementing the Scheme has, in addition to all other powers vested in it, the following powers:

a) the local government may 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) the local government may acquire any land or buildings within the Scheme Area pursuant to the provisions of the Scheme or the Act.

c) the local government may deal with or dispose of any land which it has acquired pursuant to the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An officer 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 existing advertisements at, or at any time after the coming into force of the Scheme, in the opinion of the local government, conflict with the amenity of a locality, the local government may by notice in writing (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 been permitted to deteriorate to a point where it conflicts 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 notice in writing 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 shall be served upon the advertiser and shall specify:

a) the advertisement(s) 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, not being less than 60 days from the date of the local government's decision, within which the action specified shall be completed by the advertiser.

## 11.3 DELEGATION OF POWERS

11.3.1 The local government may, either generally or in a particular case or particular class of case or cases, by resolution passed by an absolute majority of the local government, delegate any power conferred or duly imposed on the local government under the Scheme.

11.3.2 A delegation of authority under clause 11.3.1 shall be made pursuant to the provisions of the *Local Government Act 1995*.

## 11.4 OFFENCES

11.4.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme area;

a) otherwise than in accordance with the provisions of the Scheme;

b) unless all approvals required by the Scheme have been granted and issued;

c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with; and

d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the local government pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

11.4.2 Any person or advertiser who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by Section 10 of the Act.

## 11.5 COMPENSATION

11.5.1 A claim for compensation for injurious affection can be made pursuant to Section 11 of the Act when the Scheme:

a) permits development on land for no purpose other than a public purpose;

b) prohibits wholly or partially the continuance of any non-conforming use according to the terms of the Act.

11.5.2 The time limit for the making of claims for compensation for injurious affection pursuant to Section 11(l) of the Act resultant from the making of, or the making of an amendment to, the Scheme, is 6 months from the date of publication of the Scheme or Scheme Amendment in the Government Gazette.

11.5.3 In addition to the compensation provisions of the Act and clause 11.5.1 of the Scheme, where, in respect of any application for planning approval to commence or carry out development on land reserved under the Scheme, the local government, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may claim compensation from the local government for injurious affection.

11.5.4 The time limit for the making of claims for compensation pursuant to clause 11.5.3 is not later than 6 months after the date of the decision of the local government or appellate body.

## 11.6 ELECTION TO PURCHASE AND VALUATION

11.6.1 Where compensation for injurious affection is claimed pursuant to clauses 11.5.1 or 11.5.3, the local government may, at its option, elect to acquire the land so affected instead of paying compensation.

11.6.2 Where the local government elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the local government shall give notice of that election to the claimant by notice in writing within 3 months of the claim for compensation being made.

11.6.3 Where the local government elects to acquire land as provided in clause 11.6.1, if the local government and the owner of the land are unable to agree as to the price to be paid for the land by the local government, the price at which the land may be acquired by the local government shall be the value of the land as determined in accordance with clause 11.6.4.

11.6.4 The value of the land referred to in clause 11.6.3 shall be the value thereof on the date that the local government elects to acquire the land and that value shall be determined:

a) by arbitration in accordance with the *Commercial Arbitration Act 1985*; or

b) by some other method agreed upon by the local government and the owner of the land;

and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to the Scheme.

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

## 11.7 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

11.7.1 Pursuant to Section 10 of the Act, 28 days written notice is hereby prescribed as the notice to be given for the removal of certain buildings.

11.7.2 The local government may recover expenses under Section 10(2) of the Act in a Court of competent jurisdiction.

# SCHEDULES

## SCHEDULE 1 - DEFINITIONS

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| **abattoir:** | means premises used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products. |
| **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. |
| **agriculture:** | means premises used for the raising of stock or crops but excludes intensive agriculture, and animal husbandry. |
| **agroforestry:** | means land used commercially for both tree production and agriculture where trees are planted in blocks of more than 1 hectare. |
| **amenity:** | means all of those factors which combine to form the character of an area and shall include the present and likely future amenity. |
| **amusement machine:** | means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation. |
| **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 two amusement machines operating within the premises. |
| **ancillary use:** | means a use which is incidental to the predominant use of land and buildings. |
| **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. |
| **aquaculture:** | shall have the same meaning as given to the term in and for the purposes of the *Fish Resources Management Act 1994.* |
| **battle-axe lot:** | means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot. |
| **bed and breakfast:**<br><br>*AMD 5 GG 4/10/19* | *DELETED BY AMD 7 GG 23/10/2026* |
| **building:** | means any structure or appurtenance thereto whether fixed or movable, temporary or permanent, placed or erected upon land, and the term shall include dwellings and buildings appurtenant to dwellings such as carports, garages, verandahs, and retaining walls, but shall exclude a boundary fence, pergolas, garden sheds and the |

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| | like, and swimming pools where no part is more than 600 mm above surrounding ground level. |
| **Building Code of Australia:** | means the National Construction Code. |
| **building envelope:** | means an area of land within a lot marked on a plan approved by the local government within which all buildings and effluent disposal facilities on the lot must be contained. |
| **builder's storage yard:** | means premises used for the storage of building materials, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use. |
| **cabin:**<br><br>*AMD 7 GG 23/10/2026* | means a building that –<br><br>(a) is an individual unit other than a chalet; and<br>(b) forms part of –<br>i. tourist and visitor accommodation; or<br>ii. a caravan park; and<br>(c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 moths in any 12-month period |
| **camping area:** | means land used for the lodging of persons in tents. |
| **caravan park:** | shall have the same meaning as given to the term in the *Caravan 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. |
| **chalet:**<br><br>*AMD 7 GG 23/10/2026* | means a building that –<br><br>(a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and<br>(b) forms part of –<br>i. tourist and visitor accommodation; or<br>ii. a caravan park;<br>(c) and if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period |
| **civic use:** | means premises used by a Government Department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes. |
| **club premises:** | means premises used by a legally constituted club or association or other body of persons united by a common interest. |
| **commercial vehicle:** | means a vehicle whether licensed or not which is used or designed for use for business, trade, commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other |

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| | thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes. |
| **Commission:** | means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985.* |
| **conservation:** | has the same meaning given to the term in the *Heritage of Western Australia Act 1990.* |
| **constructed road:** | means a track which has been graded and stabilised within a dedicated road reserve. |
| **consulting room(s):** | means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care. |
| **contractor's yard:** | means premises used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials. |
| **convenience store:** | means premises used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens, and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 $m^2$ nett lettable area. |
| **cultural heritage significance:** | has the same meaning given to the term in the *Heritage of Western Australia Act 1990.* |
| **development:** | shall have the same meaning given to the term in the Act. |
| **district:** | means the Municipal District of the Shire of Wandering. |
| **dwelling:** | has the same meaning given to the term in the Residential Design Codes. |
| **education establishment:** | means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre. |
| **farm supply centre:** | means premises used for the sale of farm supplies including vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment. |
| **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. |
| **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 user of such fuel from the premises. |
| **gazettal date**: | means the date on which the Scheme came into force, being the date on which notice of the Minister's approval of the Scheme is |

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| | published in the *Government Gazette*. |
| **grouped dwelling:** | shall have the same meaning given to the term in the Residential Design Codes. |
| **hobby farm:** | means premises used for the keeping of farm animals or the growing of vegetables, fruit or flowers for non-commercial purposes or sale. |
| **holiday accommodation:** | *DELETED BY AMD 7 GG 23/10/2026* |
| **holiday house:**<br><br>*AMD 5 GG 4/10/19* | *DELETED BY AMD 7 GG 23/10/2026* |
| **home business:** | means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –<br><br>(a) does not employ more than 2 people not members of the occupier's household;<br><br>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;<br>(c) does not occupy an area greater than 50 square metres, except that for land in the Rural zone under the Scheme the local government may permit an area up to 200 square metres;<br>(d) does not involve the retail sale, display or hire of goods of any nature;<br>(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, except that for land in the Rural zone under the Scheme the local government may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight; and<br>(f) does not involve the use of an essential service of greater capacity than normally required in the zone. |
| **home occupation:** | means an occupation carried out in a dwelling or on land around a dwelling by a resident of the dwelling which:<br><br>(a) does not employ a person not a member of the occupier's household;<br>(b) will not cause injury to or prejudicially affect the amenity of the neighbourhood;<br>(c) does not occupy an area greater than 20m2;<br>(d) does not display a sign exceeding 0.2 m2 in area;<br>(e) does not entail the retail sale, display or hire of goods of any nature;<br>(f) in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single house or an increase in traffic volumes 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<br>(g) does not entail 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 |

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| | within a dwelling by a resident of the dwelling but which:<br><br>(a) does not entail clients or customers travelling to and from the dwelling;<br>(b) does not involve any advertising signs on the premises; and<br>(c) does not require any external changes to the appearance of the dwelling. |
| **hotel:** | means premises providing accommodation the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act 1988* and may include a betting agency operated in accordance with the *Totalisator Agency Board Betting Act 1960*, but does not include a tavern the subject of a tavern licence or a motel. |
| **incidental use:** | means a use of premises which is ancillary and subordinate to the predominant or primary use. |
| **industry:** | means premises used for the manufacture, dismantling, processing, assembly, testing, servicing, maintenance and repairing of goods and products, and, if on the same land as any of these operations, the storage of goods, the work of administration or accounting, the selling of goods by wholesale or retail, and the provision of amenities for employees, where incidental to the industrial operations carried out on the land. |
| **Industry - cottage:** | means a trade or light industry producing arts and crafts goods which cannot be carried out under the provisions relating to a home occupation and which:<br><br>(a) does not cause injury to or adversely affect the amenity of the neighbourhood;<br>(b) where operated in a Residential zone, does not employ any person other than a member of the occupier's household;<br>(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;<br>(d) does not occupy an area in excess of 50m2;<br>(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, hazardous, light, mining, noxious, rural, or service industry. |
| **industry-hazardous:** | means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural, or service industries. |

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| **industry - light:** | means an industry:<br><br>(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality; and<br>(b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, electricity, sewerage facilities, or any other like services. |
| **Industry - mining:** | means land used commercially to extract minerals from the land. |
| **industry - rural:** | means an industry handling, treating, processing, or packing rural products and a workshop servicing plant or equipment used for rural purposes. |
| **industry - service:** | means 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 premises having a retail shop front and used as a depot for receiving goods to be serviced. |
| **intensive agriculture:** | means premises used for trade or commercial purposes for the following:<br><br>(a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts; or<br>(b) the establishment and operation of plant and fruit nurseries; or<br>(c) the development of land for irrigated fodder production and irrigated pasture (including turf farms. |
| **land:** | shall have the same meaning given to the term in the Act. |
| **local government:** | shall have the same meaning given to the term in the *Local Government Act 1995.* |
| **lot:** | shall have the same meaning given to the term in the Act but shall not include a strata or survey-strata lot. |
| **market:** | means premises used for the display and sale of goods from stalls by independent vendors. |
| **medical centre:** | means premises 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). |
| **minerals:** | has the same meaning given to the term in the *Mining Act 1978.* |
| **motel:** | *DELETED BY AMD 7 GG 23/10/2026* |
| **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 electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not include recapping or retreading |

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| | of tyres, panel beating, spray painting or chassis reshaping. |
| **motor vehicle wrecking:** | means premises used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts. |
| **museum:** | means premises used to exhibit cultural or historical artefacts. |
| **nett lettable area (NLA):** | means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas:<br><br>(a) all stairs, toilets, cleaners' cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;<br>(b) lobbies between lifts facing other lifts serving the same floor;<br>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;<br>(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 given to the term in the Act. |
| **office:** | means premises used for administration, clerical, technical, professional or other like business activities. |
| **open air display:** | means the use of a site external to a building for the display and/or sale of goods and equipment. |
| **owner:** | in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:<br><br>(a) is entitled to the land for an estate in fee simple in possession; or<br>(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or<br>(c) is a lessor or licensee from the Crown; or<br>(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 thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise. |
| **park home:** | shall have the same meaning given to the term in the *Caravan Parks and Camping Grounds Act 1996.* |
| **park home park*:*** | shall have the same meaning given to the term in the *Caravan Parks and Camping Grounds Regulations 1996*. |
| **place:** | for the purposes of Part 7 dealing with places of cultural heritage significance, has the same meaning given to the term in the *Heritage of Western Australia Act 1990.* |
| **plantation:** | has the same meaning given to the term in the Code of Practice for Timber Plantations in Western Australia (1997). |
| **precinct:** | is 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. |

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| **premises:** | means land or buildings. |
| **plant nursery:** | means premises used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden activities. |
| **potable water:** | means water in which levels of physical, chemical and microbiological constituents do not exceed to guideline values set out in the National Health and Medical Research Council publication *Australian Drinking Water Guidelines 1996*. |
| **private recreation:** | means premises used for indoor and outdoor leisure, recreation and sport which are not normally open to the public without charge. |
| **produce store:** | means premises wherein fodders, fertilisers and grain are displayed and offered for sale. |
| **public amusement:** | means premises used for the amusement or entertainment of the public, with or without charge. |
| **public authority:** | shall have the same meaning given to the term in the Act. |
| **public recreation:** | means premises used for a public park, public gardens, playground or other grounds for recreation which are normally open to the public without charge. |
| **public utility:** | means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services. |
| **residential building:** | has the same meaning given to the term 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 the term shall include a licensed restaurant. |
| **restoration:** | means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions. |
| **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:<br><br>(a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902; or<br>(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. |
| **retail:** | means the sale or hire of goods or services to the public. |
| **roadhouse**:<br><br>*AMD 4 GG 01/08/17* | means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities |

| | |
|---|---|
| *AMD 7 GG 23/10/2026* | or services -<br><br>(a) a full range of automotive repair services;<br>(b) wrecking, panel beating and spray painting services;<br>(c) transport depot facilities;<br>(d) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.<br>(e) facilities for being a muster point in response to accidents, natural disasters and other emergencies. |
| **rural home business*:***<br><br>*AMD 4 GG 01/08/17* | means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation –<br><br>(a) does not involve employing more than 2 people who are not members of the occupier's household; and<br>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and<br>(c) does not occupy an area greater than 200m2; and<br>(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only be means of the Internet; and<br>(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and<br>(f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight. |
| **rural pursuit:** | means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:<br><br>(a) the rearing or agistment of animals;<br>(b) the stabling, agistment or training of horses;<br>(c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial, or industrial gardens;<br>(d) the sale of produce grown solely on the lot;<br><br>but does not include intensive agriculture. |
| **salvage yard:** | means premises used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats. |
| **sawmill:** | means premises where logs or large pieces of timber are sawn. |
| **schedule:** | means a schedule to the Scheme. |
| **service station:** | means premises used for the retail sale of petroleum products and motor vehicle accessories and goods of an incidental convenience retail nature, and for carrying out greasing, tyre repairs or minor mechanical repairs to motor vehicles and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include 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. |

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| **Short-term accommodation:**<br><br>*AMD 5 GG 4/10/19* | *DELETED BY AMD 7 GG 23/10/2026* |
| **showroom:** | means premises used for displaying or offering for sale by wholesale or retail, 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. |
| **special facility:** | means a facility established for purposes in section 46(5) of the *Liquor Licensing Act 1988* or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a special facility licence within the meaning of the *Liquor Licensing Act*. |
| **stable:** | means premises used for the housing, keeping and feeding of horses, assess and mules and associated incidental activities. |
| **stock yards:** | means premises used for the holding and/or sale of animal stock. |
| **storage yard:** | means premises used for the storage of goods, equipment, plant or materials related to a particular trade. |
| **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. |
| **tavern:** | means premises wherein the primary use is the consumption of beverages and may include a restaurant or facilities for entertainment and to which a licence may have been granted under the provisions of the *Liquor Licensing Act 1988*. |
| **telecommunications infrastructure:** | means any part of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, or in connection with a telecommunications network. |
| **tourist and visitor accommodation:**<br><br>*AMD 7 GG 23/10/2026* | (a) means a building, or a group of buildings forming a complex, that –<br>i. is wholly managed by a single person or body; and<br>ii. is used to provide accommodation for guests, on a commercial basis, with no individual guestm accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and<br>iii. may include on-site services and facilities for use by guests; and<br>iv. in the case of a single building – contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;<br>and<br>(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner of manager; but<br>(c) does not include any of the following –<br>i. an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);<br>ii. a caravan park;<br>iii. hosted short-term rental accommodation;<br>iv. a lodging-house as defined in the *Health (Miscellaneous* |

| | |
|---|---|
| | *Provisions) Act 1911* section 3(1);<br>v. a park home park<br>vi. a retirement village as defined in the R*etirement Villages Act 1992* section 3(1);<br>vii. a road house<br>viii. workforce accommodation; |
| **transport depot:** | means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers. |
| **veterinary centre:** | means premises used to diagnose animal diseases or disorders, to surgically and medically treat animals, or for the prevention of animal diseases or disorders. |
| **warehouse:** | means premises used to store or display goods and which may include sale by wholesale. |
| **winery:** | means premises used for the production of viticultural produce and which may include the sale of produce. |
| **wholesale:** | means the sale of any goods or materials to be sold by others. |
| **workers accommodation:** | means premises used for accommodation by a person or persons and the spouse and dependents of that person or persons engaged in agriculture, intensive agriculture, animal husbandry, piggeries or poultry farm on the same land and the term shall include both permanent dwellings and temporary accommodation for seasonal workers. |
| **worship, place of:** | means premises used for religious activities such as a church, chapel, mosque, synagogue and temple. |
| **zone:** | means a portion of the Scheme Area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include a reserve or special control area. |
| **zoological gardens:** | means premises used for the keeping, breeding or display of animals and the term includes zoo but does not include a dog kennel or a cattery, animal husbandry or animal keeping. |

## SCHEDULE 2 - ADDITIONAL USES

| NO. | DESCRIPTION OF LAND | ADDITIONAL USE | CONDITIONS |
|---|---|---|---|
| 1 | *DELETED BY AMD 7 GG 23/10/2026* | | |
| | | | |

## SCHEDULE 3 - RESTRICTED USES

| NO. | DESCRIPTION OF LAND | RESTRICTED USE | CONDITIONS |
|---|---|---|---|
| | | | |

# SCHEDULE 4 - SPECIAL USE ZONES

| NO. | DESCRIPTION OF LAND | SPECIAL USE | CONDITIONS |
|---|---|---|---|
| 1 | Avon Location 26562 Albany Highway, North Bannister<br><br>*AMD 4 GG 01/08/17* | Road house, traveller's facilities and supporting tourist facilities including retail, shop, and short stay accommodation, subject to planning approval and consideration by Main Roads Western Australia | Development standards as determined by the local government and in liaison with Main Roads Western Australia |
| 2 | Avon Location 22534 Albany Highway, Bannister<br><br>*AMD 4 GG 01/08/17* | Road house, traveller's facilities and supporting tourist facilities including retail, shop, and short stay accommodation, subject to planning approval and consideration by Main Roads Western Australia | Development standards as determined by the local government and in liaison with Main Roads Western Australia |
| 3 | Ptn Location 1181 Moramockining Road, Cheetanning Street, Wandering | Caravan Park | Development standards as determined by the local government |
| 4 | Part Lot 990 Wandering Road North, Wandering | Tourist facilities including short-stay accommodation subject to planning approval | Development standards as determined by the local government |

# SCHEDULE 5 - EXEMPTED ADVERTISEMENTS

| LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT | EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated) | MAXIMUM AREA OF EXEMPTED SIGN |
|---|---|---|
| Dwellings | One professional name-plate as appropriate. | 0.2m² |
| Home Occupation | One advertisement describing the nature of the home occupation. | 0.2m² |
| Places of Worship, Meeting Halls and Places of Public Assembly | One advertisement detailing the function and/or the activities of the institution concerned. | 0.2m² |
| 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 5m² |
| 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 Local Laws. | Not Applicable |
| Industrial and Warehouse Premises | A maximum of four 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 and excluding signs which are connected to a pole, wall, or other building.<br><br>A maximum of two free-standing advertisement signs not exceeding 5 metres in height above ground level. | Total area of such advertisements shall not exceed $15m^2$<br><br>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m². |
| Showroom, racecourses, 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. | Not Applicable |
| 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<br><br>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 | Not Applicable<br><br>Not Applicable |

| LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT | EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated) | MAXIMUM AREA OF EXEMPTED SIGN |
|---|---|---|
| | 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. | Not Applicable |
| Railway Property and Reserves | Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station. | No sign shall exceed 2m² in area. |
| Advertisements within Buildings | All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings. | Not Applicable |
| 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. | 0.2m² |
| **TEMPORARY SIGNS** | **EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)** | **MAXIMUM AREA OF EXEMPTED SIGN** |
| 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. | 2m² |
| b) Multiple dwellings, shops, commercial and industrial properties | One sign as for a) above. | 5m² |
| c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height | One sign as for a) above<br><br>One additional sign showing the name of the project builder. | 10m²<br><br>5m² |
| Sales of goods or livestock | One sign per lot displayed for a period not exceeding three (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. | 2m² |
| Property transactions<br>Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows: | | |
| a) Dwellings | One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. | Each sign shall not exceed an area of 2m² |

| TEMPORARY SIGNS | EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated) | MAXIMUM AREA OF EXEMPTED SIGN |
|---|---|---|
| b) Multiple dwellings, shops, commercial and industrial properties | One sign as for a) above. | Each sign shall not exceed an area of 5m² |
| c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares. | One sign as for a) above | Each sign shall not exceed an area of 10m² |
| Display Homes<br><br>Advertisement signs displayed for the period over which homes are on display for public inspection | a) One sign for each dwelling on display.<br><br>b) In addition to a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display. | 2m²<br><br>5m² |

# SCHEDULE 6 - APPLICATION FOR PLANNING APPROVAL

**OWNER DETAILS:**

Name.....

Address.....Post Code.....

Phone (work).....(home)..... Fax.....E-Mail.....

Contact Person.....

Signature ..... Date.....

Signature .....Date.....

***The signature of the landowner(s) is required on all applications. This application will not proceed without that signature.***

---

**APPLICANT DETAILS:**

Name.....

Address.....Post Code.....

Phone (work).....(home)..... Fax.....E-Mail.....

Contact Person for correspondence.....

Signature .....Date.....

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**PROPERTY DETAILS:**

Lot No ..... House/Street No. ..... Location No. .....

Diagram or Plan No. ..... Certificate of Title No. ..... Folio .....

Diagram or Plan No. ..... Certificate of Title No. ..... Folio .....

Title Encumbrances (eg, 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

ADDITIONAL INFORMATION FOR ADVERTISEMENTS
**(NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM)**

1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

   .....

   .....

2. Details of Proposed Sign:

   (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):

   .....

   (b) Height .....Width:.....Depth: .....

   (c) Colours to be used: .....

   (d) Height above ground level - (to top of advertisement): .....

   - (to the underside): .....

   (e) Materials to be used.....

   Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

   .....

3. Period of time for which advertisement is required: .....

4. Details of signs (if any) to be removed if this application is approved:

   .....

   .....

   .....

   .....

   Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of Advertiser(s): .....
(if different from landowners)

.....
Date:

# SCHEDULE 8 - NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

**SHIRE OF WANDERING**

**TOWN PLANNING SCHEME NO. 3**

**NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL**

It is HEREBY NOTIFIED for public information and comment that the local government has received an application to develop land for the purpose described hereunder.

**LAND DESCRIPTION**

LOT NO. ..... STREET .....
.....
PROPOSAL .....
.....

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the ..... day of .....

.....
CHIEF EXECUTIVE OFFICER

.....
DATE

# SCHEDULE 9 - DECISION ON APPLICATION FOR PLANNING APPROVAL

**SHIRE OF WANDERING**

**TOWN PLANNING SCHEME NO. 3**

**DECISION 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 reason(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 the decision, 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 the further approval of the local government having first been sought and obtained.**

**Note 3: If an applicant is aggrieved by this decision there is a right of appeal pursuant to the provisions of Part V of the Town Planning Act. An appeal must be lodged within 60 days of the local government's decision.**

.....
CHIEF EXECUTIVE OFFICER

.....
DATE

## SCHEDULE 10 - ENVIRONMENTAL CONDITIONS

| SCHEME OR AMENDMENT NO. | GAZETTAL DATE | ENVIRONMENTAL CONDITIONS |
|---|---|---|
| | | |

# SCHEDULE 11 - RURAL-RESIDENTIAL ZONES

| NO. | PARTICULARS OF LAND | REQUIREMENTS |
|---|---|---|
| 1. | Avon Locations 12507, 18768, 5308, 8512, 2807, 21120, and Portion Avon Location 18773 generally bounded by Westwood Road, White Road, Bannister Road, and North Bannister - Wandering Road. | 1. All lots of less than 2 ha. shall be connected to a reticulated public water supply as a condition of subdivision. |
| 2. | Avon Locations 25878, 23756, 17695, and 23746 Moramockining Road, Wandering | 1. Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission. The minimum lot size should be no less than 4 hectares.<br>2. No clearing of vegetation shall occur within any lot except for the following:<br>a) clearing to comply with the requirements of the *Bush Fires Act 1954.*<br>b) with the approval of the local government, clearing within a building envelope of 1600 square metres containing the dwelling, as may be reasonably required to construct an approved building and curtilage thereto.<br>c) clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the local government.<br>3. Building envelopes shall be located at a minimum distance of 50 metres from Moramockining Road, and 30 metres from the common boundary of a lot with State Forest and any watercourse or drainage line.<br>4. Low fuel areas (area clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 metres or such greater distance as the local government may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.<br>5. As a condition of planning approval for a lot the local government may require the planting and maintenance for a period of 2 years of 50 trees capable of growing to at least 3 metres in height.<br>6. Livestock may be kept on all lots subject to all remnant vegetation being protected by suitable fencing to the satisfaction of the local government. The numbers of livestock on any lot shall not exceed standards of good animal husbandry to the satisfaction of the local government.<br>7. Any fence, other than a fence which may be required by the local government to be erected around a swimming pool, shall comprise non-electrified stock proof wire or ring-lock fencing to a minimum height of 1.2 metres above the natural surface of the land, with posts being split jarrah or treated pine or similar.<br>8. No dam or artificial lake shall be developed on any lot without the prior planning approval of the local government. |

## ADOPTION

Adopted by Resolution of the local government of the Shire of Wandering at the meeting of the local government held on the 16th day of December 1999.

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

**FINAL APPROVAL**

Adopted by Resolution of the local government of the Shire of Wandering at the meeting of the local government held on the 20th day of September 2001and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

The Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.5 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

**RECOMMENDED/SUBMITTED FOR FINAL APPROVAL**

.....

FOR CHAIRPERSON OF THE WESTERN AUSTRALIAN PLANNING COMMISSION

.....
DATE

**FINAL APPROVAL GRANTED**

.....
MINISTER FOR PLANNING AND INFRASTRUCTURE

.....
17/10/2001 DATE