

SHIRE OF MORAWA LOCAL PLANNING SCHEME NO. 3

Updated to Include AMD

[INSERT/DELETE AS NEEDED]

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LOCAL PLANNING SCHEME GAZETTAL DATE: [INSERT DATE]

SHIRE OF MORAWA LOCAL PLANNING SCHEME NO. 3 - AMENDMENTS

| AMD NO. | GAZETTAL DATE | UPDATED | | DETAILS |
|---------|---------------|---------|----|---------|
| | | WHEN | BY | |
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SCHEME DETAILS

SHIRE OF MORAWA

LOCAL PLANNING SCHEME NO. 3

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

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Part 1 - Preliminary

1. Citation

This local planning scheme is the Shire of Morawa Local Planning Scheme No. 3.

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

3. Scheme revoked

The following local planning scheme is revoked -

Shire of Morawa Local Planning Scheme No. 2 gazetted on 21 May 2007.

4. Notes do not form part of Scheme

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

Note:

The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The Shire of Morawa is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

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

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the ***scheme text***), this Scheme includes the following -

(a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2); and

(b) the Scheme Map (sheets 1 – 4); and

(c) the supplemental provisions to the deemed provisions contained in Schedule A of this Scheme.

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to -

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are -

- (a) provide for a range of accommodation and lifestyle choices within the Morawa townsite that meet the needs and aspirations of the community and accommodates a population of 2,500 residents;
- (b) provide opportunities for the ongoing use and potential expansion of commercial, retail, industrial, tourism and civic uses in the Morawa townsite, to service the long-term growth of the district;
- (c) support a robust and innovative economy with a range of local employment opportunities;
- (d) ensure the protection of rural hinterland by discouraging land use and developments that may detract from the principle function of the land while maintaining opportunities for innovations in agriculture to establish within the Shire;
- (e) recognise the economic and social importance of the mining industry by –
 - (i) minimising conflicts between mining activity, rural land uses and the gazetted townsites; and

- (ii) ensuring that mining-related land uses and developments such as workforce accommodation are developed within existing townsites where appropriate;
- (f) preserve places and objects of natural beauty, cultural and indigenous heritage significance, or other scientific interest; and
- (g) promote and safeguard the cultural heritage of the Shire by –
 - i. identifying, protecting and conserving those places which are of significance to Morawa’s cultural heritage;
 - ii. encouraging development that is in harmony with the cultural heritage value of heritage place or area; and
 - iii. promoting public awareness of cultural heritage generally.

10. Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. Relationship with other local planning schemes

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

12. Relationship with region planning scheme

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

Part 2 - Reserves

13. Regional Reserves

There are no Regional Reserves in the Scheme area.

14. Local reserves

(1) In this clause -

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

(2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(3) The objectives of each local reserve are as follows -

Table 1 - Reserve objectives

| Reserve name | Objectives |
|----------------------------|---|
| Public Open Space | <ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage. |
| Environmental Conservation | <ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves. |
| Civic and Community | <ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit. |
| Social Care Facilities | <ul style="list-style-type: none"> Civic and Community which specifically provide for a range of essential social care facilities. |
| Public Purposes | <ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure. |
| Medical Services | <ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential medical services. |

| | |
|--------------------------|---|
| Infrastructure Services | <ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services. |
| Education | <ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential education facilities. |
| Emergency Services | <ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential emergency services. |
| Government Services | <ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services. |
| Recreational | <ul style="list-style-type: none"> Public Purposes which specifically provide for a range of public recreational facilities. |
| Cemetery | <ul style="list-style-type: none"> To set aside land required for a cemetery. |
| Car Park | <ul style="list-style-type: none"> To set aside land required for a car park. |
| Drainage / Waterway | <ul style="list-style-type: none"> To set aside land required for significant waterways and drainage. |
| Railways | <ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services. |
| Primary Distributor Road | <ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy. |
| Local Road | <ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy. |
| Strategic infrastructure | <ul style="list-style-type: none"> To set aside land required for port or airport facilities. |

15. Additional uses for local reserves

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

Part 3 - Zones and use of land

16. Zones

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

Table 2 - Zone objectives

| Zone name | Objectives |
|-------------------|---|
| Commercial | <ul style="list-style-type: none"> • To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality. |
| Mixed Use | <ul style="list-style-type: none"> • To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. • To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. |
| Residential | <ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development. |
| General Industry | <ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone. |
| Light Industry | <ul style="list-style-type: none"> • To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity. |
| Rural Residential | <ul style="list-style-type: none"> • To provide for lot sizes in the range of 1 ha to 4 ha. • To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities |

| | |
|-------------------|--|
| | <p>will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</p> <ul style="list-style-type: none"> To set aside areas for the retention of vegetation and landform or other features which distinguish the land. |
| Rural | <ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses. |
| Rural Townsite | <ul style="list-style-type: none"> To provide for a range of land uses that would typically be found in a small country town. |
| Special Use | <ul style="list-style-type: none"> To facilitate special categories of land use which do not sit comfortably within any other zone. To enable the Council to impose specific conditions associated with the special use. |
| Urban Development | <ul style="list-style-type: none"> To provide for a range of residential densities to encourage a variety of residential accommodation. |

17. Zoning table

The zoning table for this Scheme is as follows -

Table 3 - Zoning Table

| Use Classes | Commercial | Mixed Use | Residential | General Industry | Light Industry | Rural Residential | Rural | Rural Townsite | Urban Development |
|-------------------------|------------|-----------|-------------|------------------|----------------|-------------------|-------|----------------|-------------------|
| abattoir | X | X | X | X | X | X | A | X | X |
| agriculture - extensive | X | X | X | X | X | X | P | X | X |
| agriculture - intensive | X | X | X | X | X | X | D | X | X |

| Use Classes | Commercial | Mixed Use | Residential | General Industry | Light Industry | Rural Residential | Rural | Rural Townsite | Urban Development |
|------------------------------|------------|-----------|-------------|------------------|----------------|-------------------|-------|----------------|-------------------|
| ancillary dwelling | D | D | P | X | X | D | D | D | P |
| animal establishment | X | X | X | X | X | A | P | A | X |
| animal husbandry - intensive | X | X | X | X | X | X | A | X | X |
| bed and breakfast | D | A | A | X | X | A | D | D | A |
| betting agency | A | X | X | X | X | X | X | X | X |
| caravan park | X | X | X | X | X | X | A | A | X |
| caretaker's dwelling | I | I | X | A | I | X | I | I | X |
| child care premises | A | A | A | X | X | A | A | A | A |
| civic use | D | D | A | X | X | A | D | D | A |
| club premises | D | X | X | X | X | X | D | D | X |
| community purpose | D | D | A | X | X | X | D | D | A |
| consulting rooms | P | D | A | X | X | X | X | D | A |
| educational establishment | D | D | A | X | X | X | A | A | X |
| exhibition centre | D | D | X | X | X | X | A | A | X |
| family day care | D | A | A | X | X | A | A | A | A |
| fast food outlet | A | A | X | X | X | X | X | X | X |
| fuel depot | X | X | X | P | D | X | A | X | X |
| garden centre | D | D | X | X | P | X | A | A | X |
| grouped dwelling | D | D | P | X | X | X | X | X | D |
| holiday accommodation | D | A | A | X | X | A | A | A | A |

| Use Classes | Commercial | Mixed Use | Residential | General Industry | Light Industry | Rural Residential | Rural | Rural Townsite | Urban Development |
|-------------------------------|------------|-----------|-------------|------------------|----------------|-------------------|-------|----------------|-------------------|
| home business | D | D | D | X | X | D | D | D | D |
| home occupation | D | D | D | X | X | D | D | D | D |
| home office | P | P | P | X | X | P | P | P | P |
| hotel | A | A | X | X | X | X | X | A | X |
| industry | X | X | X | P | A | X | X | X | X |
| industry – cottage | X | X | I | X | I | I | I | I | X |
| industry – extractive | X | X | X | A | X | X | A | X | X |
| industry – light | X | X | X | D | P | X | X | X | X |
| industry – primary production | X | X | X | D | D | A | P | D | X |
| lunch bar | D | X | X | A | A | X | X | X | X |
| market | D | A | X | X | X | X | A | A | X |
| medical centre | P | A | A | X | X | X | X | A | X |
| mining operations* | D | D | D | D | D | D | D | D | D |
| motel | A | A | X | X | X | X | X | A | X |
| motor vehicle repair | A | X | X | P | D | X | X | X | X |
| multiple dwelling | D | D | A | X | X | X | X | X | A |
| office | D | D | X | I | I | X | I | D | X |
| place of worship | D | A | A | X | X | X | X | A | X |
| recreation – private | D | A | X | X | D | X | A | A | X |
| residential building | X | A | D | X | X | A | A | A | D |

| Use Classes | Commercial | Mixed Use | Residential | General Industry | Light Industry | Rural Residential | Rural | Rural Townsite | Urban Development |
|-----------------------------------|------------|-----------|-------------|------------------|----------------|-------------------|-------|----------------|-------------------|
| renewable energy facility | X | X | X | A | X | X | A | X | X |
| repurposed dwelling | A | A | A | X | X | A | A | A | A |
| residential aged care facility | D | D | P | X | X | A | A | A | P |
| resource recovery centre | X | X | X | D | A | X | A | X | X |
| restaurant/cafe | D | A | X | X | X | X | A | A | X |
| road house | A | A | X | D | D | X | A | A | X |
| rural pursuit/hobby farm | X | X | X | X | X | D | P | A | X |
| second hand dwelling | D | D | D | X | X | D | D | D | D |
| service station | D | X | X | D | D | X | A | A | X |
| shop | P | D | X | X | X | X | I | A | X |
| single house | D | D | P | X | X | P | P | D | P |
| tavern | A | A | X | X | X | X | A | A | X |
| telecommunications infrastructure | A | A | A | D | A | A | A | A | A |
| tourist development | D | A | A | X | X | X | A | A | A |
| trade display | D | A | X | P | D | X | A | A | X |
| trade supplies | A | X | X | D | D | X | X | X | X |
| transport depot | X | X | X | D | D | X | X | X | X |
| tree farm | X | X | X | X | X | X | A | X | X |
| veterinary centre | A | X | X | A | D | A | A | A | X |
| warehouse/storage | X | X | X | P | P | X | I | I | X |

| Use Classes | Commercial | Mixed Use | Residential | General Industry | Light Industry | Rural Residential | Rural | Rural Townsite | Urban Development |
|-------------------------|------------|-----------|-------------|------------------|----------------|-------------------|-------|----------------|-------------------|
| workforce accommodation | A | A | A | X | X | X | A | A | A |

* Mining operations covered by the *Mining Act 1978* are exempt from the requirement for planning approval and will be determined in accordance with the *Mining Act 1978*.

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings —
 - P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Note:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.
2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless —
 - (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
 - (a) a structure plan;
 - (b) an activity centre plan;
 - (c) a local development plan;

19. Additional uses

- (1) Table 4 sets out —
 - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that additional use.

Table 4 — Specified additional uses for zoned land in Scheme area

| No. | Description of land | Additional use | Conditions |
|-----|--|-------------------------|--|
| 1. | Lot 500 (No.44) Valentine Street, Morawa | Transport Depot | As determined by the local government. |
| 2. | Lot 428 (No.10) Evans Street, Morawa | Workforce Accommodation | As determined by the local government. |

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

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

- (1) Table 5 sets out —
- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
 - (b) the classes of special use that are permissible in that zone; and
 - (c) the conditions that apply in respect of the special uses.

Table 5 — Special use zones in Scheme area

| No. | Description of land | Special use | Conditions |
|-----|--|---|---------------------------------------|
| 1. | Lot 511 (Reserve 33537) White Avenue, Morawa | <ul style="list-style-type: none"> • Caravan Park • Workforce Accommodation | As determined by the local government |
| 2. | Lot 557 (Reserve 52057) Caulfield Road, Morawa | <ul style="list-style-type: none"> • Residential aged care facility • Caretakers Dwelling • Residential Building • Workforce Accommodation • Holiday accommodation • Bed and Breakfast • Grouped Dwelling • Multiple Dwelling | As determined by the local government |

| | | | |
|----|------------------------|--|---------------------------------------|
| 3. | Lot 10781 on DP 210111 | <ul style="list-style-type: none"> • Recreation - private | As determined by the local government |
|----|------------------------|--|---------------------------------------|

- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note:

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

22. Non-conforming uses

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

23. Changes to non-conforming use

- (1) A person must not, without development approval —
- (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or

- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
 - (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use —
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following —
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government —
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 — General development requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government —
 - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. Modification of R-Codes

- (1) Residential development in the Commercial and Mixed Use zones shall comply with the R40 code.
- (2) With the exception of site area, residential development in the Rural Residential, shall comply with the R2 code.
- (3) In areas coded R10/30, the development standards of the R10 code shall apply, except that the local government may permit development to the density and standards of the R30 code where reticulated sewerage is to be provided or an onsite effluent disposal system is to be installed, in accordance with State policy.
- (4) In areas shown on the Scheme Map with a density code of R10/30, R30 and R40, an R60 residential coding may be supported for workforce accommodation or a residential aged care facility where reticulated sewerage is to be provided or an onsite effluent disposal system is to be installed, in accordance with State policy.

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

- (1) *State Planning Policy 3.6 - Development Contributions for Infrastructure*, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government —

- (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

- (1) The State planning policies set out in Table 6, modified as set out in clause 30, are to be read as part of this Scheme.

Table 6 - State planning policies to be read as part of Scheme

| State planning policies to be read as part of Scheme |
|---|
| <i>State Planning Policy 2.5 – Rural planning</i> |

- (2) The local government —
 - (a) must make a copy of each State planning policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of each of those State planning policies on the website of the local government.

30. Modification of State planning policies

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

31. Environmental conditions

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

32. Additional site and development requirements

- (1) Schedules 1 and 2 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

(1) In this clause —

additional site and development requirements means requirements set out in clauses 32 and 33.

(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.

(3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.

(4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —

(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and

(b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

(5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —

(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and

(b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

(1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

- (2) If subclause (1) operates to extinguish or vary a restrictive covenant
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

Part 5 — Special control areas

36. Special control areas

There are no special control areas which apply to this Scheme.

Part 6 — Terms referred to in Scheme

Division 1 — General definitions used in Scheme

37. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows —

| | |
|---------------------------|--|
| building envelope | means the area of land within which all buildings and effluent disposal facilities on a lot must be contained. |
| building height | in relation to a building — (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes. |
| cabin | means a dwelling forming part of a tourist development or caravan park that is — (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests. |
| chalet | means a dwelling forming part of a tourist development or caravan park that is — (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests. |
| commencement day | means the day this Scheme comes into effect under section 87(4) of the Act. |
| commercial vehicle | means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including — (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a). |
| floor area | has meaning given in the Building Code. |
| frontage | in relation to a building — (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces. |
| incidental use | means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use |
| minerals | has the meaning given in the <i>Mining Act 1978</i> section 8(1). |

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| net lettable area or nla | means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas — (a) stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building. |
| non-conforming use | has the meaning given in the <i>Planning and Development Act 2005</i> section 172. |
| plot ratio | means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located. |
| precinct | means a definable area where particular planning policies, guidelines or standards apply. |
| predominant use | means the primary use of premises to which all other uses carried out on the premises are incidental. |
| retail | means the sale or hire of goods or services to the public. |
| short-term accommodation | means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period. |
| wall height | in relation to a wall of a building — (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet. |
| wholesale | means the sale of goods or materials to be sold by others. |

- (2) A word or expression that is not defined in this Scheme —
- (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes.

Division 2 — Land use terms used in Scheme

38. Land use terms used

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

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| abattoir | means premises used commercially for the slaughtering of animals for the purposes of consumption as food products. |
| agriculture - extensive | means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry - intensive. |
| agriculture - intensive | means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following — (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture. |
| 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) or other livestock in feedlots, sheds or rotational pens. |
| bed and breakfast | means a dwelling — (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms. |
| betting agency | means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> . |
| caravan park | means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1). |
| caretaker's dwelling | means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant. |
| child care premises | means premises where — (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> Section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided. |
| civic use | means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes. |

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| club premises | means premises used by a legally constituted club or association or other body of persons united by a common interest. |
| community purpose | means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit. |
| consulting rooms | means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care. |
| educational establishment | means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution. |
| exhibition centre | means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum. |
| family day care | means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided. |
| fast food outlet/ lunch bar | means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten — (a) without further preparation; and (b) primarily off the premises. |
| fuel depot | means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used - (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle. |
| garden centre | means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens. |
| holiday accommodation | means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot. |

home business

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

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

home occupation

means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

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

home office

means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

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

hotel

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

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| industry | means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes — <ul style="list-style-type: none"> (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes. |
| industry - cottage | means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which - <ul style="list-style-type: none"> (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put; (d) does not occupy an area in excess of 50 m²; and (e) does not display a sign exceeding 0.2 m² in area. |
| industry - extractive | means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes — <ul style="list-style-type: none"> (a) the processing of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration. |
| industry - light | means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed. |
| industry - primary production | means premises used — <ul style="list-style-type: none"> (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses. |
| liquor store - large | means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300 m ² . |
| liquor store - small | means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m ² . |
| market | means premises used for the display and sale of goods from stalls by independent vendors. |
| medical centre | means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care. |

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| mining operations | means premises where mining operations, as that term is defined in the Mining Act 1978 section 8(1) is carried out. |
| motel | means premises, which may be licensed under the <i>Liquor Control Act 1988</i> — (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles. |
| motor vehicle repair | means premises used for or in connection with — (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres. |
| office | means premises used for administration, clerical, technical, professional or similar business activities. |
| place of worship | means premises used for religious activities such as a chapel, church, mosque, synagogue or temple. |
| recreation - private | means premises that are — (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge. |
| renewable energy facility | means premises used to generate energy from a renewable energy source predominantly for use offsite and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced (i.e. solar farms as opposed to solar panels). |
| repurposed dwelling | means a building or structure not previously used as a single house which has been repurposed for use as a dwelling. |
| residential aged care facility | means a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. This may consist of multiple components that include residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, but does not include a hospital, rehabilitation or psychiatric facility. |
| resource recovery centre | means premises other than a waste disposal facility used for the recovery of resources from waste. |
| restaurant/cafe | means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> . |

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| road house | means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services — (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies. |
| rural pursuit/hobby farm | means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household — (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises. |
| second hand dwelling | means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular home or transportable dwelling. |
| service station | means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for — (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles. |
| shop | means premises other than a bulky goods showroom, a liquor store - large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services. |
| tavern | means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> . |
| telecommunications infrastructure | means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network. |
| tourist development | means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide — (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development. |
| trade display | means premises used for the display of trade goods and equipment for the purpose of advertisement. |
| trade supplies | means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises — |

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| | <ul style="list-style-type: none"> (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government. |
| transport depot | <p>means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —</p> <ul style="list-style-type: none"> (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another. |
| tree farm | <p>means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5.</p> |
| veterinary centre | <p>means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.</p> |
| warehouse/ storage | <p>means premises including indoor or outdoor facilities used for —</p> <ul style="list-style-type: none"> (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods. |
| workforce accommodation | <p>means premises, which may include modular or relocatable buildings, used —</p> <ul style="list-style-type: none"> (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors. |

Schedule 1 – Additional site and development requirements for zones

[cl.32]

| Clause | Zone name | Requirement |
|--------|---|--|
| 1. | Commercial Zone | <p>(a) The local government shall generally only support a residential use within the Commercial zone where it is combined with a commercial use e.g. hotel, or where the residential use is to occupy a floor level or portion of the site where it is impracticable or inappropriate to establish a commercial use such as a shop or office.</p> <p>(b) In considering an application for development approval within the Commercial zone, the local government shall have regard to the Town Centre Design Guidelines as adopted by the local government.</p> |
| 2. | Mixed Use zone | <p>(a) In considering an application for development approval within the Mixed Use zone, the local government shall have regard to the Town Centre Design Guidelines as adopted.</p> |
| 3. | Light Industry and General Industry zone | <p>(a) The development of industry within the General Industrial zone shall be subject to the following requirements –</p> <ul style="list-style-type: none"> (i) Screening of work and service areas shall be subject to the discretion of the local government. (ii) All unloading and loading of materials, parking and the operation of all business associated with industry shall take place within the boundaries of the site. (iii) Minimum fencing standards shall be in accordance with the <i>Fencing Local Law 2018</i> (as amended). (iv) Development proposed adjacent to the Residential Zone shall be compatible in scale, materials and appearance with the residential development and will not affect the amenity of the adjacent Residential Zone by reason of the emission of light noise, electrical interface, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products. <p>(b) In the Light Industry and General Industry zones, all development shall provide at least one (1) refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping by no less than 1.8 metres in height.</p> |

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| | | <p>(c) In the Light Industry and General Industry zones, the external facades of buildings shall be painted, clad or finished with a suitable alternative to the satisfaction of the local government, to ensure that the amenity of surrounding land is maintained.</p> |
| 4. | Rural Residential zone | <p>(a) Prior to subdivision within the Rural Residential zone, approval of a structure plan may be required to demonstrate the acceptability of the proposed number and layout of lots, land use capability, bushfire hazard level assessment and/or any other matters addressed by a structure plan.</p> <p>(b) Land use and development provisions applicable to each Rural Residential zone are provided for in Schedule 4.</p> <p>(c) The local government may, at its discretion, permit an ancillary dwelling in addition to a single house.</p> <p>(d) In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover, the local government may require as a condition of any approval the planting of such trees and/or groups of trees and species as specified by the local government.</p> <p>(e) The keeping of horses, sheep, goats and other grazing animals in the Rural Residential zone requires development approval and they shall be kept within appropriately fenced areas as approved by the local government.</p> |
| 5. | Rural zone | <p>(a) Local government shall have regard to the WAPC's Development Control Policy 3.4 Subdivision of Rural Land, in its consideration of applications for subdivision within the Rural zone.</p> <p>(b) Table 3 of the Scheme provides for a range of non-rural uses in the Rural zone, in exercising its discretion to determine non-rural proposals, the local government, in addition to the requirements of the scheme, will have regard to:</p> <ul style="list-style-type: none"> (i) management of anticipated traffic movement and volume; (ii) impact on the environment including water resources, noise, amenity and air quality; (iii) the ability of the proposal to manage impacts within the property boundary, or otherwise to not affect nearby sensitive land uses; |

| | | |
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| | | <ul style="list-style-type: none"> (iv) visual impacts and effect on rural character; and (v) essential services being provided commensurate with the intended land use. <p>(c) In determining the development of Agriculture – Intensive and Industry – Extractive uses within the Rural zone the local government shall require the following:</p> <ul style="list-style-type: none"> (i) that environmental and landscape qualities of the locality are not detrimentally affected; (ii) that adequate provision is made for any intensive use of rural roads; (iii) that there is sufficient capacity within the existing services, facilities and infrastructure to support the proposed activities; (iv) that there is no conflict with existing rural activities and adjacent land uses operating in the area; (v) a management plan to manage the impact of the development. |
| 6. | Rural Townsite zone | <ul style="list-style-type: none"> (a) No further subdivision will be supported in the Rural Townsite zone that will result in an increase in the number of lots. (b) No further development of existing lots will be supported within the Rural Townsite, except where lots are adequately serviced in accordance with <i>Development Control Policy 1.1 – Subdivision of land (general principles)</i> (as amended) and clause 29 of the Scheme. (c) Industry – primary production land use may only be permitted within a Rural Townsite zone to the extent that it supports grain receival operations. |
| 7. | Urban development | <ul style="list-style-type: none"> (a) Prior to subdivision or development within the Urban Development zone, approval of a structure plan may be required to demonstrate the acceptability of the proposed number and layout of lots, land use capability, bushfire hazard level assessment and/or any other matters addressed by a structure plan. (b) The local government can approve development without the requirement of a structure plan where it is satisfied |

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| | | that development will not impact the future development or subdivision of the land. |
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Schedule 2 – Additional site and development requirements for land uses

1. General development requirements

- (1) The minimum general development requirements for development in this Scheme are outlined in Table 7.
- (2) Where development is proposed on a lot which has more than one street frontage the local government shall decide which street, if any, is the primary street frontage for the purposes of Table 7 and the other provisions of the Scheme.
- (3) The landscaping requirement referred to in Table 7 means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the local government, natural bushland, swimming pools and areas under covered ways may be included within the landscaped area.

Table 7 – General development requirements

| Zone | Minimum setback (m) | | | Minimum landscaping requirement |
|--------------------|--|---------------------------------------|------|--|
| | Front | Rear | Side | |
| Commercial | In accordance with Town Centre Design Guidelines | | | 1. Canopy shade trees at the rate of 1 tree for every 4 open air parking bays. 2. Screen landscaping as required by local government. 3. Additional landscaping as required by local government. |
| Mixed Use | In accordance with Town Centre Design Guidelines | | | 1. Canopy shade trees at the rate of 1 tree for every 4 open air parking bays. 2. Screen landscaping as required by local government. 3. Additional landscaping as required by local government. |
| Residential | As per the R-Codes | | | |
| General Industrial | 10 | Subject to Building Code of Australia | | 3 metre landscape strip abutting all streets. |
| Light Industrial | 7.5 | Subject to Building Code of Australia | | 3 metre landscape strip abutting all streets. |

| | | | | |
|-------------------|--|----|----|--|
| Rural-Residential | 10 | 5 | 5 | At the discretion of local government. |
| Rural | 20 | 10 | 10 | At the discretion of local government. |
| Rural Townsite | At the discretion of local government. | | | |

2. Access

- (1) In considering an application for development approval on land abutting an undedicated and/or unconstructed road or a lot which does not have direct frontage to a dedicated and/or constructed road, the local government shall:
 - (a) refuse the application for development approval until the road has been dedicated and/or constructed or access by means of a dedicated and constructed road is provided as the case may be; or
 - (b) grant approval subject to a condition requiring the applicant to contribute to the full or partial cost of constructing the road as determined by the local government and impose any other conditions it considers necessary; or
 - (a) require such other arrangements to be made for permanent legal access to the satisfaction of the local government.
- (2) Vehicle access and manoeuvrability areas for development, within the Commercial, Light Industry and General Industry zones, shall be designed and constructed so as to permit all vehicles of a type that may be reasonably expected to visit the site on a regular basis, to enter and exit the site in a forward gear.

3. Car parking and servicing

- (1) In considering an application for development approval for a purpose specified in Table 8, the local government shall require arrangements for the provision of car parking spaces not less than the number specified in Table 8.
- (2) Where a calculation made in accordance with Table 8 results in a number which is not a whole number, the number of parking spaces required shall be the next highest whole number.
- (3) Where a development application is made in respect to the development or use of land referred to in Table 3 - Zoning Table for which no provision is made in respect of Table 8, or where the local government considers a reduced number of parking spaces appropriate, the car parking spaces required for the use shall be as determined by the local government, having due regard to:
 - (a) the nature of the proposed development;

- (b) the number of employees or others likely to be employed or engaged in the use of the land;
 - (c) the anticipated demand for visitor parking; and
 - (d) the orderly, proper and sustainable planning of the area.
- (4) The size of car parking spaces and the vehicular driveways providing entry to, or exit from, a parking area shall be in accordance with Table 9.

Table 8 - Parking requirements

| Land use | Minimum number of car parking spaces required |
|---|--|
| Residential uses | |
| bed and breakfast | 1 per lettable room |
| caretaker's dwelling | 1 per dwelling |
| All other residential uses | As per R-Codes |
| Civic, cultural and community uses | |
| civic use | 1 per 4m ² of eating, drinking or lounge area, plus 1 per 4m ² of public assembly and/or seating area, with other uses as determined by the local government |
| club premises | |
| community purpose | |
| exhibition centre | |
| place of worship | |
| recreation – private | |
| Commercial uses | |
| consulting rooms | 4 spaces for per practitioner |
| educational establishment | Primary school site – 1.25 spaces per classroom Secondary school site – 2 spaces per classroom |
| medical centre | 4 spaces per practitioner |
| office | 1 space per 40 m ² Gross Lessable Area (GLA) with a minimum of 2 spaces for each office unit |
| shop | 1 space per 20 m ² GLA |
| tavern | 1 space per 5 m ² public area |
| trade display | 1 space per 60 m ² GLA |
| trade supplies | 1 space per 60 m ² GLA |
| veterinary centre | 5 spaces per practitioner |
| Retail uses | |
| fast food outlet | 1 space per 5 m ² GLA |
| Restaurant/cafe | 1 space per 4 persons accommodated |
| lunch bar | 1 space per 4 persons accommodated |
| Industrial uses | |
| industry – cottage | 1 space per 50 m ² GLA |
| industry | |
| industry – light | |
| industry – extractive | At the discretion of the local government |
| industry – rural | 1 space per employee |

| | |
|---------------------|---|
| service station | 1.5 spaces per service bay plus 1 space per employee |
| transport depot | 1 space per employee |
| Warehouse/storage | 1 space per 100 m ² GLA |
| Tourism uses | |
| hotel | 1 space per bedroom plus 1 space per 5m ² public area |
| motel | 1 space per unit plus 1 space per 10m ² dining room area |
| Other uses | |
| roadhouse | 1.5 spaces per service bay plus 1 space per employee plus 1 space per 5m ² public area |

Table 9 - Parking dimensions

| Parking angle | Width of bay (m) | Length of bay (m) | Depth of bay (m) | Minimum manoeuvring depth (m) | Minimum total depth (m) |
|---------------------------|------------------|-------------------|------------------|-------------------------------|-------------------------|
| (a) One-way access | | | | | |
| 90° | 2.6 | 5.5 | 5.0 | 5.9 | 11.4 |
| 75° | 2.6 | 5.5 | 6.0 | 5.3 | 11.3 |
| 60° | 2.6 | 5.5 | 6.1 | 5.0 | 11.1 |
| 45° | 2.6 | 5.5 | 6.1 | 3.6 | 9.7 |
| 30° | 2.6 | 5.5 | 4.8 | 3.3 | 8.1 |
| 00° (parallel parking) | 3.0 | 6.7 | 3.0 | 3.0 | 6.0 |
| (b) Two-way access | | | | | |
| 90° | 2.6 | 5.5 | 5.5 | 6.0 | 11.5 |
| 75° | 2.6 | 5.5 | 6.0 | 6.0 | 12.0 |
| 60° | 2.6 | 5.5 | 6.1 | 6.0 | 12.1 |
| 45° | 2.6 | 5.5 | 6.1 | 6.0 | 12.1 |
| 30° | 2.6 | 5.5 | 4.4 | 6.0 | 10.4 |
| 00° (parallel parking) | 3.0 | 6.7 | 3.0 | 6.0 | 9.0 |

4. Caretaker's dwellings

- (1) Caretaker's dwellings:
 - (a) are limited to one caretaker's dwelling per lot; and
 - (b) shall be limited in internal floor area to a maximum of 100m².
- (2) Development approval for a caretaker's dwelling shall not be granted until the predominant use has been constructed and/or is operational.
- (3) The use of a caravan as a caretaker's dwelling is not permitted except in the conjunction with an approved caravan park.

- (4) A caretaker's dwelling shall be occupied by the owner, manager or an employee of the use that is established on the land.
- (5) A caretaker's dwelling should be carefully sited and constructed so that potential site (or estate) impacts from noise, dust, odour or amenity are minimised.
- (6) A caretaker's dwelling shall only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the lawfully established or approved land use.
- (7) The local government will not support the caretaker's dwelling to be sold separately from the predominant use of the land.
- (8) Subdivision of the caretaker's dwelling from the parent lot will not be permitted.

5. Repurposed and Second-Hand dwellings

- (1) In zones where the local government has the discretion to approve the erection of a repurposed dwelling and/or second-hand dwelling on a lot, it will be subject to the dwelling being compatible with its setting in terms of height, bulk, scale, orientation and appearance, and will not adversely detract from the character and amenity of the area.

6. Environmental protection

- (1) Unless approved by the local government, no clearing or destruction of remnant vegetation or revegetation shall be permitted. The following clearing does not require the approval of the local government:
 - a) clearing to comply with the requirements of the *Bush Fires Act 1954* (as amended), the Local Governments Bushfire Notice and/or any bushfire management plan approved by the local government, and the *Environment Protection (Clearing of Native Vegetation) Regulations 2004*;
 - b) clearing as may reasonably be required to accommodate an approved building and curtilage, access, and/or other land use/s approved by the local government;
 - c) trees that are diseased, dangerous or have been assessed as a significant bushfire risk;
 - d) clearing of vegetation that is not native to the locality; and
 - e) clearing of remnant vegetation where required for 'agriculture – extensive' in the Rural zone, where in accordance with the *Environmental Protection Act 1986* or *Environment Protection and Biodiversity Conservation Act*

1999 (as amended) and *Environment Protection (Clearing of Native Vegetation) Regulations 2004*.

7. Requirement for consultation to commence mining

- (1) In considering proposals to commercially extract minerals, the local government may exercise its discretion to inform the Minister for Mines and Minister for Planning in writing that the granting of a mining tenement is contrary to the provisions of the Scheme and the Local Planning Strategy.

Schedule 3 - Signage and advertisements for which development approval is not required

| Land Use and/or Development | Exempted Sign Type and Number | Maximum Area |
|--|--|---|
| Dwellings | One professional nameplate as appropriate | 0.2m ² |
| Home Business or Home Occupation | One advertisement describing the nature of the home business or home occupation | 0.2m ² |
| Places of Worship, Meeting Halls and Places of Public Assembly | One advertisement detailing the function and/or the activities of the institution concerned. | 0.2m ² |
| Shops, Showrooms, Office and other commercial uses | All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 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: (a) 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the | (a) Total area of such advertisements are not to exceed 15m ² . (b) Maximum permissible total area is not to exceed |

| | | |
|---|---|---|
| | <p>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.</p> <p>(b) two freestanding advertisement signs not exceeding 5 metres in height above ground level.</p> | <p>10m² and individual advertisement signs are not to exceed 6m².</p> |
| <p>Sporting clubs, ovals and sporting complexes</p> | <p>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.</p> | <p>Not applicable.</p> |
| <p>Public Places and Reserves</p> | <p>Advertisement signs (illuminated and non-illuminated):</p> <p>(a) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>(b) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government, and</p> <p>(c) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained</p> | <p>Not applicable.</p> <p>Not applicable.</p> |

| | | |
|---|---|---|
| | 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 is to exceed 2m ² in area. |
| Advertisements within Buildings | All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings. | 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. | 0.2m ² |
| Temporary Signs | EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated) | Maximum Area |
| Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows: (a) Dwellings. (b) Multiple dwellings, shops, commercial and industrial properties. | (a) One advertisement per street frontage details of the project and the contractors undertaking the construction work. (b) One sign as for (a) above. | (a) 2m ² (b) 5m ² |
| Sales of goods or livestock | One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods (or livestock) upon any land within any building upon which the sign is | 2m ² |

| | | |
|--|---|---|
| | exhibited provided that the land is not normally used for that purpose. | |
| Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows: (a) Dwellings (b) Multiple Dwellings, shops, commercial and industrial properties (c) Large rural properties in excess of five (5) hectares. | (a) One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. (b) One sign as for (a) above. (c) One sign as for (a) above. | (a) Each sign is not to exceed an area of 2m ² . (b) Each sign is not to exceed an area of 5m ² . (c) Each sign not to exceed an area of 10m ² . |
| Advertisement signs displayed for the period over which homes are on display for public inspection | (a) One sign for each dwelling on display. (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. | (a) 2m ² (b) 5m ² |

Schedule 4 — Rural Residential zone requirements

| Map Reference | Locality Description | Special Requirements |
|---------------|---|---|
| RR1 | Lots 137, 138, 139, 140, 141 and 400 Neagle Street | <ul style="list-style-type: none"> a) With the intention of preventing overstocking or other practices detrimental to the amenity of the zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of the local government. b) Notwithstanding anything else contained in the Scheme, the local government may take appropriate action necessary to reduce or eliminate adverse effects on the environment caused solely or partly by stocking of animals or development on any lot. Proposals for the keeping of stock must be accompanied by a statement of the measures proposed to be introduced to maintain soil stability. |
| RR2 | Portion of Lot 1 on Diagram 54446, Waddilove Road (as shown on the Scheme Map). | <ul style="list-style-type: none"> a) The minimum lot size shall be 2 hectares. b) Following subdivision of land within RR2, further subdivision shall be at the discretion of the local government. c) With the intention of preventing overstocking or other practices detrimental to the amenity of the zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of the local government. d) Notwithstanding anything else contained in the Scheme, the local government may take appropriate action necessary to reduce or eliminate adverse affects on the environment caused solely or partly by stocking animals or development on any lot. Proposals for the keeping of stock must be accompanied by a statement of the measures proposed to be introduced to maintain soil stability. e) Prior to commencement of any development on any lot, the local government may require each lot owner to prepare a tree planting and maintenance program with the intent of rehabilitating and revegetating the land |

| | | |
|--|--|--|
| | | <p>without restricting approved activities/operations.</p> <p>f) All trees and remnant native vegetation shall be protected from grazing stock, and the local government may require fencing to ensure protection is maintained.</p> <p>g) No building shall be constructed in such a manner of such materials that it would, in the opinion of the local government, impact adversely on the rural amenity of the area.</p> <p>h) No development or land use activity shall impede in the way of the natural and existing drainage pattern of the land.</p> <p>i) All contour banks shall be protected from any development or land use activity, and In considering an application for development approval, the local government may require fencing and/or other methods as determined by the local government to ensure contour banks shall be protected from any development or land use activity.</p> |
|--|--|--|

Schedule A — Supplemental provisions to the deemed provisions

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

- Clause 61(1)(k) the erection or extension of a single house on a lot if a single house is a permitted (P) use in the zone where the R-Codes do not apply, in which that lot is located and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - (ii) the subject of an order under the *Heritage Act 2018* Part 4; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90;
- Clause 61(1)(l) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (P) in the zone where the R-Codes do not apply and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - (ii) the subject of an order under the *Heritage Act 2018* Part 4; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90;
- Clause 61(1)(m) the signage and advertisements contained in Schedule 3 of this Scheme do not require development approval.

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the **Shire of Morawa** at the **Ordinary** Meeting of Council held on the **18 May 2017**

CHIEF EXECUTIVE OFFICER

PRESIDENT/ MAYOR

COUNCIL RESOLUTION TO SUPPORT / NOT SUPPORT* SCHEME FOR APPROVAL

Council resolved to **support / not support** approval of the draft Scheme of the **Shire of Morawa** at the **Ordinary** Meeting of Council held on the **[DATE]**

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

CHIEF EXECUTIVE OFFICER

PRESIDENT

WAPC Recommended for Approval

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

Date: _____

Approval Granted

MINISTER FOR PLANNING

Date: _____