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PLANNING AND DEVELOPMENT ACT 2005

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**SHIRE OF NORTHAM**

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**LOCAL PLANNING SCHEME**  
**No. 6**



**PLANNING AND DEVELOPMENT ACT 2005**

## APPROVED LOCAL PLANNING SCHEME

*Shire of Northam*

## LOCAL PLANNING SCHEME No. 6

Ref: TPS/0245

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Northam Local Planning Scheme No. 6 on 5 August 2013, the scheme text of which is published as a schedule annexed hereto.

S. B. POLLARD, Shire President.

A. J. MIDDLETON, Acting Chief Executive Officer.

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**Preamble**

The Shire of Northam Local Planning Scheme No 6 consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies, which set out the general policies of the local government on matters within the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

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**PLANNING AND DEVELOPMENT ACT 2005**

## SHIRE OF NORTHAM

**LOCAL PLANNING SCHEME No. 6**

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**PLANNING AND DEVELOPMENT ACT 2005**

## SHIRE OF NORTHAM

**LOCAL PLANNING SCHEME No. 6****PART 1—PRELIMINARY****1.1 Citation**

1.1.1 The Shire of Northam Scheme No 6 (“**the Scheme**”) comes into operation on its Gazettal date.

1.1.2 The following Schemes are revoked—

- Shire of Northam Town Planning Scheme No. 3      20th May 2005
- Town of Northam Town Planning Scheme No. 5      31st August 2004

**1.2 Responsible Authority**

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

**1.3 Scheme Area**

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

**1.4 Contents of Scheme**

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1—17).

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

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

**1.5 Purposes of the Scheme**

The purposes of the Scheme are to—

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule 7 to the Planning Act.

**1.6 Aims of the Scheme**

The aims of the Scheme are to—

- (a) secure the amenity, health and convenience of the Scheme area and the inhabitants thereof;
- (b) ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;
- (c) provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;
- (d) encourage residential development as a component of a mixed use development where appropriate in other zones, in particular the Commercial and Mixed Use zones;
- (e) reinforce the Northam townsite’s role as a regional centre providing shopping, commercial, industrial, civic, educational, administrative and welfare services to the surrounding region;
- (f) encourage infill development within existing serviced urban areas and discourage ad hoc urban sprawl;
- (g) preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Scheme area;

- (h) promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- (i) protect, conserve and enhance the environmental values and natural resources of the Scheme area including the protection of remnant vegetation and the rehabilitation and revegetation of degraded land;
- (j) promote ecologically sustainable land use and development;
- (k) assist the effective implementation of the State Planning Strategy, State Planning Framework (SPP No. 1) and other adopted strategies and policies as these apply to the Wheatbelt Region; and
- (l) make provision for other matters necessary or incidental to town planning and development generally.

### 1.7 Definitions

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

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

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

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

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

### 1.8 Relationship with local laws

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

### 1.9 Relationship with other Schemes

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

## PART 2—LOCAL PLANNING POLICY FRAMEWORK

### 2.1 Scheme Determinations to Conform with Local Planning Strategy

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

*(A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.)*

### 2.2 Local Planning Policies

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

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the Policy.

### 2.3 Relationship of Local Planning Policies to Scheme

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

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

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

### 2.4 Procedure for making or amending a Local Planning Policy

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

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
  - (i) where the draft Policy may be inspected;
  - (ii) the subject and nature of the draft Policy; and
  - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

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

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

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

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

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

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

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

### **2.5 Revocation of a Local Planning Policy**

A Local Planning Policy may be revoked by—

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme Area.

## **PART 3—RESERVES**

### **3.1 Reserves**

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

### **3.2 Local Reserves**

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

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

### **3.3 Use and Development of Local Reserves**

3.3.1 A person must not—

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

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

3.3.2 In determining an application for planning approval the local government is to have due regard to—

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

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

## **PART 4—ZONES AND THE USE OF LAND**

### **4.1 Zones**

4.1.1 The Scheme Area is classified into the zones shown on the Scheme Map.

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

### **4.2 Objectives of the zones**

The objectives of the zones are to—

#### **4.2.1 Residential Zone**

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

#### 4.2.2 Commercial Zone

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

#### 4.2.3 Mixed Use Zone

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

#### 4.2.4 Tourist Zone

The objectives of the Tourist zone are to—

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

#### 4.2.5 Special Use Zone

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

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

#### 4.2.6 General Industry Zone

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

#### 4.2.7 Light and Service Industry Zone

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

#### 4.2.8 Rural Zone

- To provide for horticulture, extensive and intensive agriculture, agroforestry, local services and industries, extractive industries and tourist uses which ensure conservation of landscape qualities in accordance with the capability of the land.
- To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural area.
- To control the fragmentation of broad-acre farming properties through the process of subdivision.

- To protect land from land degradation and further loss of biodiversity by—
  - (i) Minimising the clearing of remnant vegetation and encouraging the protection of existing remnant vegetation;
  - (ii) Encouraging the development of and the protection of corridors of native vegetation;
  - (iii) Encouraging the development of environmentally acceptable surface and sub-surface drainage works; and
  - (iv) Encouraging rehabilitation of salt affected land.

#### 4.2.9 Rural Residential Zone

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

#### 4.2.10 Rural Smallholding Zone

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

#### 4.2.11 Development Zone

- To designate land considered to be generally suitable for future development and to prevent such land being used or developed in a manner which could prejudice its possible future use for planned development;
- To provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services; and
- To ensure the orderly development of the land, through a requirement for the preparation and endorsement of a Structure Plan in accordance with the provisions of section 5.31 of the Scheme, as a pre-requisite to subdivision or development of the land.

### 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 use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings—

- “P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- “D” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- “A” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- “X” means a use that is not permitted by the Scheme.

4.3.3 A change in the use of land from one use to another is permitted if—

- (a) the local government has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol “P” in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

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

**Table 1: Zoning Table**  
**P—Permitted D—Discretion A—Advertising X—Not Permitted**

Landuse	Residential	Development	Commercial	Mixed Use	Tourist	General Industry	Light and Service Industry	Rural	Rural Residential	Rural Smallholding
Aged Persons Hostel	D	THE LAND MAY ONLY BE USED FOR THE PURPOSES ASSOCIATED WITH THE ZONES DELINEATED IN THE STRUCTURE PLAN ADOPTED IN ACCORDANCE WITH CLAUSE 5.31	D	D	X	X	X	X	X	X
Agriculture—Extensive	X		X	X	X	X	X	P	X	P
Agriculture—Intensive	X		X	X	X	X	X	D	X	A
Agroforestry	X		X	X	X	X	X	D	X	A
Amusement Parlour	X		D	A	D	X	X	X	X	X
Animal Establishment	X		X	X	X	A	X	D	X	A
Animal Husbandry—Intensive	X		X	X	X	X	X	D	X	X
Bed & Breakfast	A		X	D	X	X	X	D	D	D
Betting Agency	X		P	D	D	X	X	X	X	X
Boarding House	D		A	D	D	X	X	X	X	X
Brewery	X		X	X	A	X	X	D	X	X
Caravan Park	X		X	X	D	X	X	X	X	X
Caretaker's Dwelling	X		P	P	D	X	D	D	X	D
Carpark	X		D	D	A	X	D	X	X	X
Childcare Premises	A		P	P	A	X	X	X	X	X
Cinema/Theatre	X		D	A	A	X	X	X	X	X
Civic Use	A		D	D	X	A	D	X	X	X
Club Premises	X		P	D	D	X	X	A	X	X
Community Purpose	A		D	D	D	X	A	A	A	A
Consulting Rooms	A		P	P	X	X	A	X	X	X
Convenience Store	A		D	D	A	X	X	X	X	X
Corrective Institution	X		X	X	X	X	X	A	X	X
Dry Cleaning Premises	X		D	D	X	X	D	X	X	X
Educational Establishment	A		D	D	X	A	A	A	X	X
Equestrian Activity	X		X	X	A	A	X	D	X	A
Exhibition Centre	X		P	A	X	X	X	X	X	X
Family Day Care	A		X	D	X	X	X	A	A	A
Fast Food Outlet	X		P	D	X	X	X	X	X	X
Fuel Depot	X		X	X	X	D	A	X	X	X
Funeral Parlour	X		A	A	X	X	X	X	X	X
Health Studio	X		P	D	X	X	A	X	X	X
Home Business	P		D	D	X	X	X	D	D	D
Home Occupation	P		D	D	X	X	X	P	P	P
Home Office	P		P	D	X	X	X	P	P	P
Home Store	A		X	D	X	X	X	X	X	X
Hospital	X		A	A	X	X	X	X	X	X
Hotel	X		D	A	A	X	X	X	X	X
Industry—Cottage	A		D	D	D	P	P	D	D	D
Industry—Extractive	X		X	X	X	A	X	A	X	A
Industry—General	X		X	X	X	P	X	X	X	X
Industry—Light	X	X	X	X	D	P	X	X	X	
Industry—Mining	X	X	X	X	X	X	D	D	D	



Landuse	Residential	Development	Commercial	Mixed Use	Tourist	General Industry	Light and Service Industry	Rural	Rural Residential	Rural Smallholding
Tourist Accommodation	X		D	D	P	X	X	A	X	A
Tourist Development	X		D	D	P	X	X	A	X	A
Trade Display	X		D	D	X	D	D	X	X	X
Transport Depot	X		X	X	X	P	D	D	X	X
Vehicle Recovery & Towing	X		X	X	X	P	P	A	X	X
Veterinary centre	X		A	A	X	X	D	D	X	D
Warehouse	X		X	A	X	P	P	X	X	X
Winery	X		X	X	A	X	X	D	X	A
Workers Accommodation	X		D	D	A	X	X	D	X	X

#### 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, class or genus of activity of any other use category the local government may—

- determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

#### 4.5 Additional Uses

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

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

#### 4.6 Restricted Uses

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

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

#### 4.7 Special Use zones

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

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

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

#### 4.8 Non-Conforming Uses

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

- the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

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

#### **4.9 Extensions and Changes to a Non-Conforming Use**

4.9.1 A person must not—

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

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

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

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

#### **4.10 Discontinuance of a Non-Conforming Use**

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

#### **4.11 Termination of a Non-Conforming Use**

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

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

#### **4.12 Destruction of Non-Conforming Use Buildings**

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

### **PART 5—GENERAL DEVELOPMENT REQUIREMENTS**

*Note: This part sets out the general requirements which apply to land use and development within the Scheme Area and the specific requirements which apply to particular uses and forms of development, such as site requirements, access, parking, building design, setbacks and landscaping, for residential, commercial, industrial, rural and other uses. See Part 4 for the zoning table and objectives of the zones, this Part 5 and Part 6 Special Control Areas and the Schedules for other development requirements.*

#### **5.1 Compliance with Development Standards and Requirements**

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

#### **5.2 Residential Design Codes**

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

5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

5.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

#### **5.3 Special Application of Residential Design Codes**

5.3.1 Where a lot has dual Residential Design Codes density coding, the local government may approve residential development at the higher coding if it is connected to reticulated sewerage and is generally consistent with the design criteria contained in any Local Planning Policy relating to the design of higher density residential uses in established residential areas.

5.3.2 The local government may, at its discretion, approve residential development to a maximum density of R30 on all lots with frontage to two constructed roads with a density coding of R15 or greater provided it is able to be connected to a reticulated sewerage system and after complying with the requirements of sub-clauses 9.4.3 to 9.4.6 inclusive.

5.3.3 The provisions of clauses 5.3.1 and 5.3.2 do not apply to any residential development within the Avon/Mortlock Rivers Special Control Area.

5.3.4 Where an application for subdivision or development is received for land along Gordon Street, the higher code may be considered where the application is consistent with the Gordon Street Local Planning Policy's character protection guidelines.

#### **5.4 Restrictive covenants**

5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to

the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

### 5.5 Site and development standards and requirements

5.5.1 Table 2 sets out the site and development requirements for each of the zones which may be varied and/or supplemented by the local government at its discretion to suit any specific requirements.

5.5.2 The local government in determining applications for any development may require such development to comply generally with the standards required for the relevant zone as stipulated in Table 2 to ensure that the scale, nature, design, general appearance and impact of any proposed use/s is compatible with the objectives of the zone in which the development is proposed and the general purposes and aims of the Scheme.

**Table 2: Site and Development Requirements Table**

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

#### NOTES—

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

# Front Setback applies to all sides of a property that adjoin a road reserve, see Clause 5.18.

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

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

### 5.6 Variations to Site and Development Standards and Requirements

5.6.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.6.2 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 the subject of consideration for the variation, the local government is to—

- consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- have regard to any expressed views prior to making its determination to grant the variation.

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

- approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

### 5.7 Environmental Conditions

5.7.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, incorporated into the Scheme by Schedule 10 of the Scheme.

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

5.7.3 The local government is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
- (b) make the statements available for public inspection at the offices of the local government.

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

### **5.8 Outdoor Storage Areas**

5.8.1 Open air displays, industrial hire services, storage facilities, depots, lay-down areas and any other open area shall be sealed, paved and/or landscaped to the satisfaction of the local government and maintained in good condition.

5.8.2 Any open storage area, utilitarian area or any other space used in connection with a commercial or industrial use which, by virtue of its location and use is likely to detract from the visual amenity of the surrounding area, shall be screened from public view by a closed wall or fence no less than 1.8 metres in height, or screen landscaping approved by the local government.

### **5.9 Building Facades**

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

### **5.10 Maximum Building Height**

5.10.1 Unless provided for elsewhere in the Scheme or the Residential Design Codes, no site shall be developed or building constructed to contain more than 2 storeys or exceed 9 metres in height measured to the highest proportion of the building from mean natural ground level, or such other ground level, as may reasonably be determined by the local government.

5.10.2 The local government may vary the requirements of clause 5.10.1 if it is satisfied that the development can comply with the relevant development standards and—

- (a) will not restrict light, sunshine and natural ventilation enjoyed by surrounding properties;
- (b) will not intrude upon the privacy enjoyed by surrounding properties by virtue of overview;
- (c) will not diminish views or outlook available from surrounding properties; and
- (d) is sympathetic with the scale, townscape and character of the surrounding built environment.

### **5.11 Retaining Walls**

5.11.1 No retaining wall or the filling of property shall alter the contours of the natural surface by more than 0.5 metres without the prior planning approval of the local government and the local government in granting such planning approval is satisfied that the proposal will not adversely impact on the amenity of surrounding land and developments, occupants or the streetscape.

5.11.2 In granting planning approval for a retaining wall or the filling of property the local government may impose such conditions as it thinks appropriate to address matters including (but not limited to)—

- (a) the engineering design;
- (b) materials;
- (c) shape;
- (d) colours;
- (e) location;
- (f) height; and
- (g) use of land retained.

### **5.12 Landscaping**

5.12.1 The local government may require an application for planning approval to be accompanied by landscaping plans. Prior to the occupation of premises for the purposes of the planning approval, landscaping is to be planted and is thereafter to be maintained to the satisfaction of the local government in accordance with the landscaping plan approved by the local government.

5.12.2 The local government may require landowners to plant and maintain landscaping to its satisfaction on adjacent road verges as a condition of planning approval.

5.12.3 With the exception of areas around which authorised screen walls have been erected, landscaping shall be planted and maintained by the owners, to the satisfaction of the local government, on all portions of lots that are not covered by approved buildings, storage areas, access ways or parking spaces.

5.12.4 In the Residential, Rural Residential and Rural Smallholding zones, the local government may, as a condition of any approval, require lot owners to plant and maintain to its satisfaction, mature native trees and shrubs to promote the natural landscape values of the area.

### **5.13 Car Parking**

5.13.1 A person shall not develop or use any land or erect, use or adapt any building unless a suitable number of car parking spaces are provided on site and in accordance with the car parking requirements for particular developments and land uses as listed in "Table 3: Car Parking Guidelines" or as varied by the provisions of this Scheme.

5.13.2 The dimensions of parking spaces required under the provisions of the Scheme, shall be as per the Australian Standards.

5.13.3 For open car parking facilities with 20 or more parking spaces, a minimum area equivalent to 1 parking space shall be provided in suitable locations for every 20 parking spaces for garden and planting of native plants and trees to provide visual relief and, so long as these garden and planting areas are maintained in good order, those areas provided for this purpose shall be included in calculations as landscaping and not as car parking.

5.13.4 The car parking layouts on any lot within the Commercial, Mixed Use or Tourist zones shall be designed in conjunction with layouts on adjoining lots so that the total area may ultimately function as an integrated car parking area.

5.13.5 Where an applicant for planning approval can demonstrate that other off-street parking facilities are available to be shared with other land uses operating at different times, the local government may approve a development with less than the required number of on-site car bays provided—

- (a) the local government is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
- (b) landowners who request sharing of parking facilities enter into a legal agreement to the local government's satisfaction for reciprocal access to parking facilities.

5.13.6 Where the owner can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in the "Table 3: Car Parking Guidelines", landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping, provided that the local government may from time to time require that additional parking spaces be provided by the owner.

5.13.7 In the Commercial Zone, where a developer can satisfy the local government that the minimum car parking requirements cannot be provided on the site, the local government may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this clause—

- (a) A "cash-in lieu" payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the scheme, plus the value as estimated by the Valuer General, or by a licensed valuer appointed by local government of that area of the applicant's land which would have been occupied by the parking spaces.
- (b) Before the local government agrees to accept a cash payment "in lieu" of the provision of parking spaces, the local government must either have already provided public car parking nearby, or must have firm proposals to provide public car parking nearby within a period of not more than 18 months from the time of agreeing to accept the cash payment.
- (c) Payments made under this clause shall be paid into a special fund to be used to provide public car parks and the local government may use this fund to provide public car parking anywhere in the immediate vicinity.

5.13.8 When considering an application to commence development the local government shall have regard to, and may impose conditions in respect of—

- (a) the location and design of the required car parking spaces;
- (b) natural planting;
- (c) pedestrian spaces on the lot; and
- (d) any other matter deemed relevant.

5.13.9 In determining the requirements of subclause 5.13.8, the local government may consider matters including—

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

**Table 3: Car Parking Guidelines**

Landuse	Minimum Number of Car Parking Spaces Required
Amusement Parlour	1 / 4 patrons
Betting Agency	1 / 15 m <sup>2</sup> GFA
Civic Use	1 / 20 m <sup>2</sup> GFA or 1 / 4 persons accommodated
Club Premises	1 / 50 m <sup>2</sup> GFA or 1 / 4 persons accommodated
Club (Licensed)	1 / 5 m <sup>2</sup> bar and other activity area
Consulting Rooms	4 / practitioner
Childcare Premises	1 / staff member + 1 / 5 children accommodated

Landuse	Minimum Number of Car Parking Spaces Required
Dry Cleaning / Laundry	1 / 30 m <sup>2</sup> GFA
Fast Food Outlet	1 / 20m <sup>2</sup> GFA + 1 / 4 seated patrons
Fish Shop	1 / 15 m <sup>2</sup> GFA
Funeral Parlour	6 spaces + 1 / 4 persons in chapel
Garden Centre	1 / 100 m <sup>2</sup> GFA
Health Studio	1 / 50 m <sup>2</sup> GFA
Hire Service	1 / 50 m <sup>2</sup> GFA
Hotel	1 / 5 m <sup>2</sup> public bar area + 1 / bedroom + 1 / 4 restaurant dining seats
Industry—General	1 / 100 m <sup>2</sup> GFA
Industry—Light and Service	1 / 50 m <sup>2</sup> GFA
Laundromat	1 / 2 machines installed
Liquor Store	1 / 25m <sup>2</sup> GFA
Medical Centre	5 / practitioner
Motel	1 / unit + 1 / 25m <sup>2</sup> service area
Motor Vehicles / Marine Sales	1 / 100 m <sup>2</sup> display area + 1 / employee
Night Club	1 / 4 patrons
Office	1 / 25 m <sup>2</sup> NLA
Public Amusement	1 / 4 persons accommodated
Place of Worship	1 / 4 persons accommodated
Reception Centre	1 / 4 persons accommodated
Recreation Active	1 / 4 persons accommodated
Residential	As per the Residential Design Codes
Restaurant	1 / 4 patrons
Restricted Premises	1 / 25 m <sup>2</sup> GFA
Service Station	1 / 200m <sup>2</sup> gross site area + 1 / employee
Shop	1 / 20 m <sup>2</sup> NLA
Showroom	1 / 100 m <sup>2</sup> GFA + 1 / employee
Tavern	1 / 5 m <sup>2</sup> public area + 1 / 4 restaurant dining seats
Veterinary Consultancy	4 / practitioner
Warehouse	1 / 100m <sup>2</sup> GFA + 1 / 100 m <sup>2</sup> outdoor storage / warehousing area
Other Uses Not Listed	As determined by the local government after consideration of the parking needs generated by the use.

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

#### 5.14 Traffic Entrances

5.14.1 The local government may refuse to permit more than 1 vehicle entrance or exit to or from any lot, may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.

5.14.2 Access to a lot for vehicles may not be permitted directly to or from Major and/or Regional Road reserves where access is available from side or rear streets.

5.14.3 Where access to a lot abutting a Major or Regional Road reserve is available only from that road, parking, servicing, and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear, unless the applicant can provide sufficient information to demonstrate other suitable and safe arrangements to the satisfaction of the local government.

#### 5.15 Visual Truncations—Corner Lots and Vehicle Access Ways

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

#### 5.16 Access for Loading and Unloading Vehicles

For all non-residential use and/or development—

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

**5.17 Development of Lots Abutting Undedicated and/or Unconstructed Roads**

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

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

**5.18 Development of Lots with More than One Street Frontage**

Where development not governed by the requirements of the Residential Design Codes is proposed on a lot with more than 1 street frontage, the front setback as required in Table 2 will apply to all street frontages on the lot and the remaining boundaries shall be treated as side boundaries.

**5.19 Use of Land between the Street Alignment and Front Building Setback**

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

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

**5.20 Parking of Commercial Vehicles in Residential and Rural Residential Zones**

5.20.1 The parking of a commercial vehicle in excess of 4.5 tonne tare weight shall not be permitted on any Residential or Rural Residential zoned lot of 1 hectare or less without the planning approval of the local government except for the purpose of delivering or loading normally associated with residential uses.

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

5.20.3 Under this clause the local government shall only approve the parking of a maximum of 1 commercial vehicle per lot.

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

- (a) the lot on which the vehicle is parked contains only a single house (including any associated outbuilding) provided that the local government may permit the parking of such vehicle on a lot which contains grouped dwellings if it is of the opinion that this will not adversely affect the amenity of the grouped dwelling development or the surrounding area;
- (b) the vehicle is used by an occupant that is lawfully occupying the dwelling on the lot;
- (c) the vehicle is parked entirely on the subject lot within a garage or is located on a hard stand area, sited and partially screened so as to reasonably minimise the visual effect as viewed from the road reserve or from a neighbouring property to the satisfaction of the local government;
- (d) the vehicle does not exceed 3.6 metres in height (including any load), 2.5 metres in width and 8 metres in length;
- (e) the vehicle is not started or manoeuvred on-site between the hours of 10.00pm and 6.00am the following day without the prior approval of the local government;
- (f) whilst on the lot, the vehicle's motor is not left running when the vehicle is unattended or in any event for any period in excess of 5 minutes;
- (g) the vehicle, whilst on the lot, is not loaded with goods or materials that may cause nuisance, risk or pollution to the detriment of the amenity of the area or nearby residents;
- (h) the vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis;
- (i) whilst on the lot, there is no transfer of goods or passengers from one vehicle to another vehicle, loading and unloading of the vehicle, or storage of goods associated with the use of the vehicle;
- (j) the vehicle is not used or operated as a tow truck or other emergency vehicle between the hours of 10.00pm to 6.00am in a manner that adversely affects the residential amenity of the area; and
- (k) only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generates easily contained liquid waste is carried out on the lot. All cleaning and servicing shall be screened from any nearby road reserve/s and the disposal of waste products shall be to the satisfaction of the local government.

5.20.5 The local government may, upon receipt of an application for planning approval, approve a variation to any of the requirements of clause 5.20.4 provided that it is satisfied that the variation will not adversely affect the amenity of the area or nearby residents.

#### **5.21 Home Occupation, Home Business and Rural Home Business**

5.21.1 If, in the opinion of the local government, a home occupation, home business or rural home business is having a negative impact on the character and/or amenity of a locality or is causing a nuisance or annoyance to owners or occupiers of land in the locality, the local government may rescind the approval.

5.21.2 Where the conditions of approval to conduct a home occupation, home business or rural home business are breached the local government may revoke the approval.

#### **5.22 Outbuildings**

5.22.1 The siting and design of outbuildings in the Residential zone shall be in accordance with the Residential Design Codes or any local planning policy adopted by the local government.

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

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

#### **5.23 Relocated Second-Hand Dwellings and Sea Containers**

5.23.1 Planning approval is required to relocate any second-hand dwelling or sea containers to any lot. Where approval is granted to the development and use, the second-hand dwelling or sea container shall be constructed and upgraded to a standard that ensures the visual amenity of the area is not impacted. Where the second-hand dwelling or sea container would have an adverse impact on the amenity of the locality, the local government may refuse the application.

5.23.2 Where an application for planning approval is made for a second-hand dwelling or sea container, the local government shall give notice in accordance with clause 9.4.

5.23.3 Sea containers are not permitted on any land within the Residential zone.

#### **5.24 Advertisements**

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Planning Act and requires the planning approval of the local government in accordance with the provisions of Part 9 of the Scheme, unless it is an exempted advertisement as listed in Schedule 5.

#### **5.25 Extractive and Mining Industries**

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

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

5.25.2 All applications for planning approval for the establishment of extractive and mining industry operations in the Scheme area are to be accompanied by a management plan and report which—

- (a) describes the physical characteristics of the excavation site including significant environmental features;
- (b) demonstrates that sensitive land uses within 1,000 metres of the proposed extractive and mining industry operations will not be adversely affected by the use;
- (c) identifies appropriate buffer distances required for extraction that are needed to buffer the impact of operations to adjacent land uses;
- (d) provides details of the proposed use, development and management of the site which may include the nature and estimated duration of excavation works, environmental and water resource management standards, excavation areas, stock piles, machinery maintenance areas, processing plants, fuel storage and on-site access roads, parking for cars and other vehicles used on the site, fire management, dust and noise management and proposals for landscaping to screen activities on the site from public view;
- (e) describes arrangements for access to the site, including the roads which are proposed to be used to provide the main vehicular access and likely traffic volumes;
- (f) provides details of proposed decommissioning and rehabilitation works;
- (g) describes future land use and development proposals following completion of decommissioning and rehabilitation works; and
- (h) any other information the local government considers relevant.

5.25.3 In determining applications for planning approval for the establishment of extractive and mining operations (not covered by the *Mining Act 1978*) in the Scheme Area the local government may impose conditions relating to but not limited to the following matters—

- (a) hours and methods of operation;

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

#### **5.26 Development in the Commercial Zone**

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

#### **5.27 Development in the Mixed Use Zone**

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

#### **5.28 Development in the General Industry and Light and Service Industry Zones**

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

- (a) No factory unit shall have a floor area of less than 100 square metres and a minimum internal dimension of not less than 8 metres;
- (b) Each factory unit shall have a service yard which shall be a minimum of 50% of the unit floor area;
- (c) Access to the office attached to the factory unit and the major access to the unit itself shall not be through the service yard;
- (d) Off street parking may be provided as an overall area onsite and shall provide for all employees onsite with a minimum staff parking requirement of 4 bays per unit. Customer parking shall be provided as an additional figure of 1 bay per unit;
- (e) All facades to be of masonry construction or other material approved by the local government;
- (f) Other requirements for access to the area of units for loading and unloading, and for traffic circulation, servicing and building clearance shall be at the discretion of the local government, taking into account the provisions of the Scheme.
- (g) A development plan for a factory unit shall show a landscaping area, which shall meet the approval of the local government. Immediately upon completion of the units the landscaping shall be constructed and maintained.

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

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

#### **5.29 Development in the Rural Zone**

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

#### **5.30 Development in the Rural Residential and Rural Smallholding Zones**

5.30.1 The provisions applicable to a specific area of Rural Residential or Rural Smallholding zoned land in Schedule 11 and 12 shall specify any additional provisions considered appropriate to the particular site to achieve the objectives of the Scheme and the relevant zone. If a provision in Schedule 11 and 12 conflicts with any other provision of the Scheme, the provision in Schedule 11 and 12 shall prevail.

5.30.2 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholding zone shall generally be in accordance with a structure plan prepared pursuant to clause 5.31. The subdivision of existing Rural Residential or Rural Smallholdings lots that do not have adopted structure plans will generally not be supported.

5.30.3 The permissibility of uses shall be in accordance with the Zoning Table unless specified otherwise in Schedules 11 and 12.

5.30.4 The local government may grant temporary planning approval for the occupation of an outbuilding on a Rural Residential or Rural Smallholding zoned lot for a period not exceeding 12 months if a building licence for a dwelling is concurrently in force and the outbuilding complies with the specific requirements of the Building Code of Australia.

5.30.5 In the Rural Residential zone, a demonstrated and sustainable water supply is to be provided in accordance with Western Australian Planning Commission Policy.

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

- (a) Shown on the approved structure plan, or separate detailed plan required as a condition of subdivision approval;
- (b) at a size to be determined by the local government;
- (c) located to avoid any native vegetation or any area recognised for protection or rehabilitation as shown on the approved structure plan and/or environmental management plan;
- (d) located to ensure on site effluent disposal meets the minimum setback requirements from drainage lines, watercourses, wetlands and other areas as determined by the local government;
- (e) located outside of any identified and/or designated buffer areas; and
- (f) located in accordance with any fire management plan approved for the land.

5.30.7 The local government may permit a variation to a previously approved building envelope, prior to the construction of any building, if it can be demonstrated to the satisfaction of the local government that the location of the proposed new building envelope will not be detrimental to the residential amenity and landscape and/or environmental qualities of the land and other adjoining properties.

5.30.8 Unless otherwise approved by the local government, all buildings and on-site effluent disposal systems shall be confined to the building envelope indicated on the approved structure plan.

5.30.9 The following development is not permitted within a distance of 50 metres on either side of the centre of any watercourse except with the approval of the local government—

- (a) the construction of dams or artificial retention of flow, pumping, diversion of water or modification of stream course bed or banks; or
- (b) the development of any buildings or other structures.

5.30.10 Conventional effluent disposal facilities (i.e. septic tank and leach drains) shall be setback a minimum of 100 metres from any wetland or watercourse. Where an anaerobic treatment unit (ATU) is to be used, it shall be setback a minimum of 30 metres from any wetland or watercourse.

5.30.11 No local native trees or shrubs shall be felled or removed from any lot classified Rural Residential or Rural Smallholding zone other than within an approved building envelope except where in the opinion of the local government—

- (a) such trees and shrubs are dead, diseased or dangerous;
- (b) the establishment or maintenance of a firebreak is required under a regulation or local law;
- (c) it is necessary to allow for the construction or maintenance of vehicle access, fences or essential service infrastructure; or
- (d) it is necessary to provide for the reduction of any existing or potential fire hazard.

5.30.12 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholding zone will be conditional upon the subdivider preparing and implementing a Fire Management Plan to the satisfaction and approval of the local government and the Fire and Emergency Services Authority of Western Australia.

5.30.13 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholding zone will be conditional upon the subdivider preparing and implementing a Local Water Management Strategy to the specifications, satisfaction and approval of the local government and the Department of Water.

5.30.14 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholding zone will be conditional upon the subdivider preparing and implementing an Environmental Management Plan to the satisfaction and approval of the local government. The plan shall include details of—

- (a) the location of all building envelopes;
- (b) all vegetation protection areas;
- (c) measures for the protection, revegetation and maintenance of landscape buffers along seasonal watercourse and wetlands;
- (d) drainage, nutrient and salinity management arrangements;
- (e) livestock management arrangements; and
- (f) ground, surface and scheme water management arrangements.

5.30.15 The areas identified in the Environmental Management Plan are to be maintained by individual landowners in accordance with the terms and conditions of the approved Environmental Management Plan.

5.30.16 All landscape buffer, tree preservation, revegetation and/or stream protection areas shown on an approved structure plan and/or Environmental Management Plan are to be protected from livestock by fencing or other means to the satisfaction of the local government and the requirements thereof are to be detailed within the Environmental Management Plan.

5.30.17 Any application for a rural pursuit or equestrian activity that involves the stabling and keeping of livestock (including horses) will be conditional upon compliance with the terms and conditions of the approved Environmental Management Plan.

5.30.18 If, in the opinion of the local government, over-grazing by livestock is causing degradation to the landscape or land degradation that may lead to soil erosion, the local government may issue an order to the property owner requiring a reduction in the number, or total removal, of the livestock.

### **5.31 Structure Plans**

5.31.1 The local government or the Western Australian Planning Commission may require the preparation of a structure plan prior to considering a subdivision or development proposal for any area or zone in the Scheme.

5.31.2 Subdivision and development shall generally be in accordance with an approved structure plan.

5.31.3 A departure from, or alteration to, a structure plan may be permitted if the local government and Western Australian Planning Commission considers the proposed departure or alteration to be minor in nature and it will not prejudice the future subdivision and development of the area.

#### **5.31.4 Structure Plan Form and Content**

A Structure Plan is to contain such detail as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning requirements for the structure plan area, and should include the following details—

- (a) a set of maps and a report describing the structure plan area and surrounding land uses;
- (b) maps are to be of a legible scale for the structure plan area;
- (c) key opportunities and constraints of the structure plan area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and services;
- (d) conservation and environmental values including bushland, wetlands, streams and water courses, foreshore reserves and setbacks, environmental policy areas and urban water management areas;
- (e) sites and features of Aboriginal and European heritage value;
- (f) transport routes, including highways, district and neighbourhood roads, public transport routes, cycle routes and railway stations;
- (g) the planning context for the structure plan including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, an indication of how the structure plan is to be integrated into the surrounding area;
- (h) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- (i) the proposed indicative lot pattern and general location of any major buildings;
- (j) estimates of future lots, dwellings, population, commercial and industrial floor space;
- (k) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (l) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- (m) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions; and
- (n) such other information as may be required by the local government as a result of the site's characteristics.

#### **5.31.5 Advertising and Adoption of Structure Plans**

5.31.5.1 Upon receiving a structure plan, the local government is to either—

- (a) determine that the structure plan is satisfactory for advertising;
- (b) determine that the structure plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) determine that the structure plan is not satisfactory for advertising and give reasons for this to the proponent.

5.31.5.2 When the local government has determined the structure plan to be suitable for advertising, the structure plan should be advertised for a minimum period of 21 days.

5.31.5.3 The local government shall advise affected landowners and relevant agencies in writing that the structure plan is available for public advertising.

5.31.5.4 Following advertising, the local government shall consider the public submissions made in respect of the structure plan, and either uphold or dismiss the submissions made.

5.31.5.5 The local government may require modifications to the structure plan prior to adoption.

5.31.5.6 When the local government is satisfied with the structure plan, it is to adopt the structure plan and forward the local government's resolution, the adopted structure plan, and schedule of public submissions to the Western Australian Planning Commission for final approval.

5.31.5.7 The Western Australian Planning Commission shall then either approve the structure plan, approve the structure plan with modifications or refuse the structure plan.

#### 5.31.6 Operation of Structure Plan

5.31.6.1 A structure plan commences operation when it is adopted by the local government and approved by the Western Australian Planning Commission.

5.31.6.2 If a structure plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then—

- (a) the provisions of the structure plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme;
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the structure plan area; and
- (c) where there is conflict between the provisions of a zone, reserve or provision in a structure plan or a Scheme, the Scheme shall prevail.

5.31.6.3 If the zones or reserves proposed by a structure plan are inconsistent with the Scheme, they must be incorporated into the Scheme via a Scheme amendment prior to the local government advertising or adopting the structure plan.

#### 5.31.7 Right of Review

5.31.7.1 The proponent of a structure plan required by this Scheme may make application for review under Part 14 of the *Planning and Development Act 2005* on the following grounds—

- (a) The failure of the local government to make a determination on the content and requirement of an structure plan (or an amendment to a structure plan) within 120 days of the structure plan being lodged;
- (b) A decision by the local government not to endorse an structure plan (or an amendment to an structure plan); and
- (c) Conditions of approval of the structure plan (or an amendment to a structure plan).

5.31.7.2 In considering other procedural matters involved with structure plans, the local government and proponent will be guided by policies of the Western Australian Planning Commission.

## 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 Maps—

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

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

### 6.2 SCA 1—Avon and Mortlock Rivers Special Control Area

#### 6.2.1 Purpose

The purpose of the Avon and Mortlock Rivers Special Control Area is to—

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

#### 6.2.2 Application Requirements

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

#### 6.2.3 Relevant Considerations

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

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

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

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

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

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

#### 6.2.4 Referral of Applications

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

#### 6.2.5 Conditions of Approval

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

- (a) Planting and/or retention of vegetation;
- (b) Fencing of remnant vegetation;
- (c) Control of stock along wetland and foreshore areas;
- (d) Prohibition of dwellings and effluent disposal systems within 100 metres of wetland and foreshore areas;
- (e) Management of storm water drainage;
- (f) Creation of rights of public access to foreshore areas;
- (g) Preparation of conservation management plans; and
- (h) Preparation and registration of restrictive covenants and/or deeds of agreement to secure performance of land management agreements.

### 6.3 SCA 2—Landscape Protection Special Control Area

#### 6.3.1 Purpose

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

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

#### 6.3.2 Application Requirements

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

#### 6.3.3 Relevant Considerations

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

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

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

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

#### 6.3.4 Referral of Applications

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

### 6.4 SCA 3—Spencers Brook Special Control Area

#### 6.4.1 Purpose

The purpose of the Spencers Brook Special Control Area is—

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

#### 6.4.2 Application Requirements

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

#### 6.4.3 Relevant Considerations

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

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

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

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

6.4.3.4 Development applications within the floodplain will be subject to a minimum habitable floor level of 0.5 metres above the predicted 1 in 100 year flood level, as determined by the Department of Water, to provide adequate protection from major floods.

#### 6.4.4 Referral of Applications

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

### 6.5 SCA 4—Wastewater Treatment Plant Buffer Special Control Area

#### 6.5.1 Purpose

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

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

#### 6.5.2 Application Requirements

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

### 6.5.3 Relevant Considerations

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

- (a) Whether the proposal is compatible with any existing or proposed future development and use of the relevant wastewater treatment plant;
- (b) Any advice and recommendations received from the Department of Environment and Conservation, the Department of Health, the Water Corporation or any other agency consulted pursuant to clause 6.5.4; and
- (c) The State Industrial Buffer Policy (WAPC State Planning Policy No.4.1).

### 6.5.4 Referral of Applications

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

## 6.6 SCA 5—Development Contribution Areas

6.6.1 The *Planning and Development Act 2005* provides for local schemes to make agreements and recover expenses incurred in order to implement, enforce and give effect to the scheme.

6.6.2 Development contributions may be made for standard infrastructure such as roads, water, power, sewer and public open space through the subdivision process.

6.6.3 Community infrastructure includes, but is not limited to, public open space in rural areas, sporting and recreational facilities, community centres, child care centres, libraries and cultural facilities.

6.6.4 Development contributions for community infrastructure may only be levied in accordance with the requirements of *State Planning Policy 3.6—Development contributions for infrastructure*. Prior to seeking contributions for community infrastructure local governments need to prepare a—

- (a) community infrastructure plan for the area with demand analysis and service catchments;
- (b) a capital expenditure plan;
- (c) projected growth figures; and
- (d) infrastructure costs, with provision for cost escalation.

6.6.5 Development contributions can be calculated and applied as either standard conditions of subdivision, conditions of development or through voluntary legal agreements. Provisions in this Scheme relate to development contributions prepared through a scheme amendment process and do not cover voluntary legal agreements between local government and developers.

6.6.6 Development contributions for standard infrastructure can generally be summarised as—

- (a) land contributions—public open space, riverine setbacks, land for primary schools, roads and road widening, district distributor roads in new development areas and primary distributor roads where justified by the subdivision;
- (b) infrastructure works—water, sewerage, drainage, electricity, roads and other traffic works, footpaths, pedestrian access ways and dual-use paths, road upgrades, construction and widening;
- (c) standard water, sewerage and drainage headworks charges for off-site works, monetary contributions in lieu of land or works and to reimburse other owners where costs are shared;
- (d) other contributions as provided for in Commission policies.

6.6.7 Development contributions relate only to the provision of infrastructure and not the ongoing maintenance of said infrastructure.

6.6.8 For matters relating to the calculation and supporting information required to support a development contribution plan, the clauses of *State Planning Policy 3.6—Development Contributions for Infrastructure* shall apply as if they were part of this Scheme.

### 6.6.9 Principles for Requiring Development Contributions

In considering development contributions, it must be demonstrated that—

- (a) the proposed development generates a need for the infrastructure;
- (b) the calculation and application of the contributions is clear and transparent;
- (c) contributions will be levied equitably across a development contribution area;
- (d) all development contributions have been identified and methods for dealing with cost escalations will be agreed upon at the commencement of a contribution arrangement;
- (e) contributions are justifiable on a whole of life capital cost basis and will not result in over-recovery of costs;
- (f) landowners and developers will be consulted on the manner of determining contributions and have the opportunity to seek review by an independent third party; and
- (g) development contributions will be determined and expended in an accountable manner.

### 6.6.10 Development Contribution Areas and Development Contribution Plans

6.6.10.1 Development contribution areas are shown on the Scheme map and included in Schedule 13 of the Scheme. The number of the SCA corresponds with the DCA in Schedule 13 eg: the provisions of DCA1 applies to the area identified as SCA5-1.

6.6.10.2 In respect of a development contribution area shown on the Scheme map, the provisions applying to the area apply in addition to the provisions applying to the underlying zone or reserve and any general provisions of the Scheme.

6.6.10.3 The purpose of having development contribution areas is to—

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of infrastructure.

6.6.10.4 Development contribution areas must be supported by a development contribution plan, which is then referenced in Schedule 13 of the Scheme.

6.6.10.5 The content, form and process for preparing and implementing a development contribution plan is outlined in State Planning Policy 3.6—Development Contributions for Infrastructure. For matters of process, valuation, arbitration or conflict resolution, the clauses of State Planning Policy 3.6—Development Contributions for Infrastructure shall apply as if they were part of this scheme.

6.6.10.6 Development contribution plans may involve administrative costs involved in the preparation and implementation of the plan, including legal, accounting, planning, engineering and other professional advice.

6.6.10.7 Costs not identified in a development contribution plan may not be apportioned or levied at a later date.

6.6.10.8 A development contribution plan is only enforceable once it is incorporated into the Scheme. This enacts the advertising and other provisions under the *Town Planning Regulations 1967* applicable to the making of Schemes and amendments.

6.6.10.9 Any amendment to a development contribution plan will require a Scheme amendment in order to become enforceable.

#### 6.6.11 Payment of Cost Contributions

6.6.11.1 As a general principle, the local government incurs costs associated with a development contribution plan up-front, and then recoups those costs from all landowners within the development contribution area. This may be varied by agreement between the parties.

6.6.11.2 The landowner's liability to pay the owner's cost contribution to the local government arises when—

- (a) the Western Australian Planning Commission endorses the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
- (b) the commencement of any development on the owner's land within the development contribution area;
- (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or
- (d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

6.6.11.3 The liability arises only once upon the earliest of the above listed events.

#### 6.6.12 Interaction Between Structure Plans and Development Contribution Plans

6.6.12.1 A development contribution plan will generally be supported by a structure plan prepared under clause 5.31 of the Scheme.

6.6.12.2 Development contribution areas may encompass multiple structure plan areas.

6.6.12.3 In order to effect to a development contribution plan it is necessary to—

- (a) prepare a structure plan to identify the land uses and development in the development contribution area;
- (b) establish a development contribution area based on the structure plan area/s;
- (c) prepare a development contribution plan;
- (d) amend the Scheme to appropriately zone land in the development contribution area; and
- (e) amend the Scheme to introduce the development contribution area to the Scheme map and reference the development contribution plan in Schedule 13.

6.6.12.4 It is possible to conduct steps (a) to (e) in clause 6.6.12.3 concurrently, however, the local government may elect to prepare a structure plan and development contribution plan as a first stage. This provides for effective risk management and gives the local government the opportunity to—

- (a) consult with landowners, community groups and agencies in the preparation of the structure plan to address major issues prior to a Scheme amendment;
- (b) use the structure planning process to inform the eventual zones in the Scheme and provide a basis for the development contribution area;
- (c) use the structure planning process to clarify and refine the administrative costs required in the development contribution plan; and
- (d) determine whether or not any required Scheme amendment should be initiated prior to investing in the preparation of a development contribution plan.

## **6.7 SCA 6—Mitchell on Avon Special Control Area**

### **6.7.1 Purpose**

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

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

### **6.7.2 Application Requirements**

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

### **6.7.3 Relevant Considerations**

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

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

### **6.7.4 Referral of Applications**

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

### **6.7.5 Conditions of Approval**

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

- (a) The planting and/or retention of vegetation;
- (b) No building shall be constructed closer than 7.5 metres to a street boundary or 1 metre to a side or rear boundary. Parapet walls are not permitted;
- (c) All new building services (e.g. solar panels, air-conditioning units, telecommunication dishes etc.) should be located, wherever possible, on rear sections of roofs;
- (d) All new dwellings shall be single storey with the finished floor level not exceeding 1 metre above ground level and wall heights not exceeding 3 metres;
- (e) All new dwellings shall have 2 or 3 rooms facing the street and shall provide a front verandah or porch under the main roof;
- (f) Roofs shall be predominantly hipped design, clad with colorbond custom orb profile or tiles consistent in profile with existing dwellings in the area and pitched at no greater than 20 degrees;
- (g) Fences in front of dwellings shall not exceed 1,200 millimetres in height, nor be of solid panel construction. Open style fencing (swimming pool or picket) may be approved, and require application for and the issuance of a fencing licence prior to construction; and
- (h) Where relatively narrow residential lots are unable to comply with the local government’s design guidelines for grouped dwellings, the local government may consider approval of outbuildings for home businesses as a more appropriate option than “battleaxe” grouped dwelling development or subdivision.

## **6.8 SCA 7—Minson Avenue Design Guidelines Special Control Area**

### **6.8.1 Purpose**

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

- (a) To encourage appropriate mixed residential and non-residential development.
- (b) To encourage development which both complements the existing style and character of adjacent commercial areas along Fitzgerald Street as well as improving the quality of the built form on Minson Avenue.
- (c) To control the bulk and scale of buildings along the Minson Avenue frontage.
- (d) To ensure that setbacks, building design and layout, service areas, landscaping, car parking and vehicular access are consistent with the Minson Avenue Design Guidelines (May 2011) as adopted by the local government.

### **6.8.2 Application Requirements**

Planning approval is required for all development.

### 6.8.3 Relevant Considerations

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

## PART 7—HERITAGE PROTECTION

### 7.1 Heritage List

7.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of 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 is to—

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

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

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultations as it thinks fit; and
- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

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

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

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

*Notes:* 1. *The purpose and intent of the heritage provisions are—*

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

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

### 7.2 Designation of a Heritage Area

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

7.2.2 The local government is to—

- (a) adopt for each heritage area a Local Planning Policy which is to comprise—
  - (i) a map showing the boundaries of the heritage area;
  - (ii) a record of places of heritage significance; and
  - (iii) objectives and guidelines for the conservation of the heritage area; and
- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

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

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
  - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
  - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
  - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal; and
- (c) carry out such other consultation as the local government considers appropriate.

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

- (a) the area subject of the proposed designation;
- (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

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

- (a) review the proposed designation in the light of any submissions made; and
- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

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

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

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

### 7.3 Heritage Agreements

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

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

### 7.4 Heritage Assessment

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

### 7.5 Variations to Scheme provisions for a heritage place or heritage area

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.6.2.

## 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. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

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

### 8.2 Permitted Development

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

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
  - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
  - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes and/or any local planning policy; or
  - (ii) the development will be located in a heritage area designated under the Scheme;
  - (iii) the proposal involves a relocated or second-hand dwelling or sea container;
  - (iv) the development is proposed on a lot which does not have access to a dedicated and/or constructed road;
  - (v) the development is in a Special Control Area;
  - (vi) the development is within 50 metres of a Major and/or Regional Road reserve where the reserve/s abut land classified Rural zone, Rural Smallholding zone and Rural Residential zone;

- (vii) the development is within view of a Major and/or Regional Road reserve; or
- (viii) reticulated water supply is not available in the Rural Residential zone;
- (c) the demolition of any building or structure except where the building or structure is—
  - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
  - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
  - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area; and
- (g) the carrying out of a rural pursuit in the Rural Residential and Rural Smallholdings zones that—
  - (i) is not used for trade or commercial purposes; and
  - (ii) complies with the recommended stocking rates and environmental protection requirements of the relevant State Government departments.

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

### 8.3 Amending or Revoking a Planning Approval

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

### 8.4 Unauthorized Existing Developments

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

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

- Notes:*
1. Applications for approval to an existing development are made under Part 9.
  2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

### 8.5 Requirement for Consultation to Commence Mining

In considering proposals to commercially extract minerals, local government may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme.

## PART 9—APPLICATIONS FOR PLANNING APPROVAL

### 9.1 Form of Application

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

- (a) a use or commencement of development on a Local Reserve under clause 3.2;
- (b) commencement of a “P” use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a “D” use or an “A” use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

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

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

## 9.2 Accompanying Material

Unless the local government waives any particular requirement, every application for planning approval is to be accompanied by—

- (a) a plan or plans to a scale of not less than 1:500 showing—
  - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
  - (ii) the existing and proposed ground levels over the whole of the land the 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 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 as referred to in clause 4.3.2; or
- (b) a use not listed in the Zoning Table;

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

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

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

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

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

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

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

**PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS****10.1 Consultation with Other Authorities**

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

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

**10.2 Matters to be Considered by Local Government**

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

- (a) the aims and provisions of the Scheme and any other relevant local planning schemes operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved State Planning Policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the conservation of any place that has been entered into the Aboriginal Sites Register and any provisions of the *Aboriginal Heritage Act 1972* (AHA) and the effect of the proposal on the character or appearance of the culturally significant property;
- (j) the compatibility of a use or development with its setting;
- (k) any social issues that have an effect on the amenity of the locality;
- (l) the cultural significance of any place or area affected by the development;
- (m) 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;
- (n) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (o) the preservation of the amenity of the locality;
- (p) 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;
- (q) 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;
- (r) 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;
- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) whether adequate provision has been made for access by disabled persons;
- (w) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the planning approval;
- (z) any relevant submissions received on the application;
- (aa) the comments or submissions received from any authority consulted under clause 10.1.1; and
- (bb) any other planning consideration the local government considers relevant.

**10.3 Determination of Applications**

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

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

#### 10.4 Form and Date of Determination

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

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

#### 10.5 Term of Planning Approval

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

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

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

#### 10.6 Temporary Planning Approval

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

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

#### 10.7 Scope of Planning Approval

Planning approval may be granted—

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

#### 10.8 Approval Subject to Later Approval of Details

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and 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 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

#### 10.9 Deemed Refusal

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

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

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

#### 10.10 Right of Review

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may make application for review under Part 14 of the Planning Act.

### PART 11—ENFORCEMENT AND ADMINISTRATION

#### 11.1 Powers of the local government

11.1.1 The local government, in implementing the Scheme, has the power to—

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Planning Act; and

- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Planning 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 employee of the local government authorized by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

### 11.2 Removal and Repair of Existing Advertisements

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

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

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
- (b) remove the advertisement.

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

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may make application for review under Part 14 of the Planning Act against the determination of the local government.

### 11.3 Delegation of Functions

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

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

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

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

### 11.4 Person must Comply with Provisions of Scheme

A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area—
  - (i) otherwise than in accordance with the Scheme;
  - (ii) unless all approvals required by the Scheme have been granted and issued;
  - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
  - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

*Note: Section 218 of the Planning Act provides that a person who—*

- (a) *contravenes or fails to comply with the provisions of a local planning scheme; or*
- (b) *commences or continues to carry out any development which is required to comply with a local planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme,*  
*is guilty of an offence.*  
*Penalty: \$50,000, and a daily penalty of \$5,000*

### 11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 11(1) of the Planning Act—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or

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

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

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

### 11.6 Purchase or Taking of Land

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

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

*Note: Section 190 and 191 of the Planning Act empowers the local government to purchase or compulsorily acquire land comprised in a scheme.*

### 11.7 Notice for Removal of Certain Buildings

11.7.1 Under section 214 of the Planning Act, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.7.2 The local government may recover expenses under section 214 of the Planning Act in a court of competent jurisdiction.

## SCHEDULES

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### *Schedule 1*

## DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[cl. 1.7]

### 1. General definitions

In the Scheme—

“**advertisement**” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“**amenity**” means all those factors which combine to form the character of an area and include the present and likely future amenity;

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

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

- “detailed area plan”** means a plan prepared and adopted pursuant to sub-clause 5.31 of this Scheme;
- “commercial vehicle”** means a vehicle, whether licensed or not, which has a gross vehicle mass of greater than 4.5 tonnes and includes the following vehicles above that weight—
- (a) Any utility, van, truck, trailer or tractor or any attachment to any of them or any article designed to be an attachment to them; and
  - (b) Any omnibus and any earthmoving machine whether self-propelled or not.
- “commercial vehicle parking”** means the parking or garaging of not more than 2 commercial vehicles for more than 2 hours in any 24-hour period;
- “commission”** means the Western Australia Planning Commission or equivalent established under the *Planning and Development Act 2005*.
- “cultural heritage significance”** has the same meaning as in the *Heritage of Western Australia Act 1990*;
- “floor area”** has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;
- “frontage”**, when used in relation to a building that is used for—
- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
  - (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;
- “gazettal date”**, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87 of the Planning Act;
- “gross floor area (gfa)”** means the total floor area of a building measured to the outer face of external walls, but does not include areas occupied by lift, lift motor and plant rooms, car parking spaces or loading bays or internal access thereto, public arcades or toilets;
- “height”** when used in relation to a building that is used for—
- (a) residential purposes, has the same meaning as in the Residential Design Codes; or
  - (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;
- “incidental use”** means a use of premises which is ancillary and subordinate to the predominant use;
- “Infrastructure”** means the standard infrastructure items (services and facilities set out in appendix 1 of *State Planning Policy 3.6 Development Contributions for Infrastructure*) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.
- “infrastructure costs”** means such costs as are reasonably incurred for the acquisition and construction of infrastructure.
- “local government”** means the Shire of Northam;
- “Local Planning Strategy”** means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* as amended from time to time;
- “lot”** has the same meaning as in the Planning Act but does not include a strata or survey strata lot;
- “minerals”** has the same meaning as in the *Mining Act 1978*;
- “net lettable area (nla)”** means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—
- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
  - (b) lobbies between lifts facing other lifts serving the same floor;
  - (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
  - (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;
- “non-conforming use”** has the same meaning as it has in section 172 of the Planning Act;
- “owner”**, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity—
- (a) is entitled to the land for an estate in fee simple in possession;
  - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
  - (c) is a lessor or licensee from the Crown; or
  - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

- “**place**”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;
- “**Planning Act**” means the *Planning and Development Act 2005*;
- “**plot ratio**”, in the case of residential dwellings has the same meaning as in the Residential Design Codes;
- “**precinct**” means a definable area where particular planning policies, guidelines or standards apply;
- “**predominant use**” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
- “**premises**” means land or buildings;
- “**Residential Design Codes**” means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;
- “**retail**” means the sale or hire of goods or services to the public;
- “**structure plan**” means a structure plan that has come into effect in accordance with the provisions of this scheme and includes any Outline Development Plan or Subdivision Guide Plan prepared and approved under the previous local planning scheme of the local government, where applicable to a structure planning area;
- “**structure planning area**” is an area that requires structure planning and may be required in any zone;
- “**substantially commenced**” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
- “**wholesale**” means the sale of goods or materials to be sold by others;
- “**zone**” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

## 2. Land use definitions

In the Scheme—

- “**aged and dependent persons dwelling**” has the same meaning given as in the Residential Design Codes of Western Australia;
- “**aged persons hostel**” means premises used for the accommodation of aged persons in independent units and where meals and other facilities are provided;
- “**agriculture—extensive**” means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;
- “**agriculture—intensive**” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
  - (b) the establishment and operation of plant or fruit nurseries;
  - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
  - (d) aquaculture;
- “**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than 1 hectare;
- “**amusement parlour**” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
- “**ancillary accommodation**” has the same meaning as in the Residential Design Codes of Western Australia;
- “**animal establishment**” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;
- “**animal husbandry—intensive**” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
- “**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short term commercial basis and includes the provision of breakfast;
- “**betting agency**” means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;
- “**boarding house**” means a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include—
- (a) premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the *Liquor Control Act 1988* (as amended);

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

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

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

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

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

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

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

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

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

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

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

**“convenience store”** means premises—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“industry—light”** means an industry—

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

- “industry—mining”** means land used commercially to extract minerals from the land;
- “industry—rural”** means—
- (a) an industry handling, treating, processing or packing rural products; or
  - (b) a workshop servicing plant or equipment used for rural purposes;
- “industry—service”** means—
- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
  - (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;
- “landscape supplies”** means premises used for the storage and sale of items such as woodchips, logs, rocks, sand stone and other such materials;
- “laundromat”** means any land or building open to the public in which washing machines, with or without provision for drying clothes, are available for use;
- “lunch bar”** means premises or part or premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
- “market”** means premises used for the display and sale of goods from stalls by independent vendors;
- “medical centre”** means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
- “motel”** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988*;
- “motor vehicle, boat or caravan sales”** means premises used to sell or hire motor vehicles, boats or caravans;
- “motor vehicle repair”** means premises used for or in connection with—
- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
  - (b) repairs to tyres,
- but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
- “motor vehicle wash”** means premises where the primary use is the washing of motor vehicles;
- “motor vehicle wrecking”** means premises used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts;
- “multiple dwelling”** has the same meaning given as in the Residential Design Codes of Western Australia;
- “museum”** means any land or buildings used to exhibit cultural or historical artefacts.
- “nightclub”** means premises—
- (a) used for entertainment with or without eating facilities; and
  - (b) licensed under the *Liquor Control Act 1988*;
- “nursing home”** means a hospital in which patients reside;
- “office”** means premises used for administration, clerical, technical, professional or other like business activities;
- “park home park”** has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;
- “place of worship”** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- “power generation”** means premises used predominantly to generate electricity for a commercial gain;
- “produce stall”** means premises used to sell goods by way of display on a produce/craft stall, such produce is grown or made within the district and offered for sale only from the produce stall;
- “public utility”** means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;
- “reception centre”** means premises used for functions on formal or ceremonial occasions but not for un-hosted use for general entertainment purposes;
- “recreation—private”** means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
- “residential building”** has the same meaning as in the Residential Design Codes;
- “restaurant”** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control Act 1988*;

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

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

**“roadhouse”** means premises used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop;

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

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

**“rural pursuit”** means any premises used for—

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

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

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

**“service station”** means premises used for—

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

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

**“shop”** means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

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

**“stockyards”** means premises used for holding and/or sale of animal stock.

**“storage”** means premises used for the storage of goods, equipment, plant or materials;

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

**“telecommunications infrastructure”** means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

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

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

**“trade display”** means premises used for the display of trade goods and equipment for the purpose of advertisement;

**“transport depot”** means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons, or for the transfer of goods or persons from 1 motor vehicle to another of such motor vehicle and includes maintenance, management and repair

of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers;

**“transportable structure/dwelling”** means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected;

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

**“veterinary centre”** means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

**“warehouse”** means premises used to store or display goods and may include sale by wholesale;

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

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

Schedule 2  
ADDITIONAL USES

[cl. 4.5]

No.	Description of land	Additional use	Conditions
A1.	Lot 194 Great Eastern Highway, Bakers Hill	Motor Vehicle Repairs	<ol style="list-style-type: none"> <li>1. All development and use shall be subject to an Application for Planning Approval.</li> <li>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</li> <li>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</li> <li>4. The use of the land shall not cause injury to or prejudicially affect the amenity of the immediate locality.</li> </ol>
A2.	Lot 102 (967) Northam-Toodyay Road, Katrine on Deposited Plan 55137	<p>Group Farming</p> <p>The purpose of the “group farming” use is to permit the establishment of more than 1 residence on the property to facilitate opportunities for rural living in the context of a commitment to the protection and enhancement of the agricultural and environmental status of the land and its rural landscape values.</p>	<ol style="list-style-type: none"> <li>1. A structure plan is required to be prepared and approved by the local government and Commission prior to any subdivision or development.</li> <li>2. All subdivision and development shall be undertaken in accordance with an approved structure plan.</li> <li>3. The structure plan and supporting documentation must include— <ul style="list-style-type: none"> <li>- Residential lot layouts and areas;</li> <li>- Community facilities;</li> <li>- Servicing details;</li> <li>- Identification of land uses;</li> <li>- Assessment of the property’s landforms, soils, landscape and environment generally including assessment of capability of the commonly owned or managed area to support an agricultural enterprise appropriate to the local conditions;</li> <li>- Details of the fire protection and management plans;</li> <li>- Details of management plans to address environmental issues; and</li> <li>- Details of management of the property including appropriate and enforceable contractual obligations that include— <ol style="list-style-type: none"> <li>(a) a mechanism whereby the local government will be a party to, and whose consent will be necessary for, any decision</li> </ol> </li> </ul> </li> </ol>

No.	Description of land	Additional use	Conditions
			<p>involving a change in the structure or management of the project or a major change in land use;</p> <p>(b) a commitment to a continuing direct relationship between ownership of residential lots and the balance of the property;</p> <p>(c) satisfactory management or maintenance of the non-residential component of the property;</p> <p>(d) methodology for resolution of any conflict arising in respect to the management of the property as a whole or to activity on a residential site;</p> <p>(e) continuing use of land, other than set aside for residential or community use, for agricultural purposes, other approved rural enterprises such as tree plantations or, where such uses cease either temporarily or permanently, for maintenance which will satisfactorily retain the property's agricultural potential;</p> <p>(f) ownership and management of community facilities where provided;</p> <p>(g) prohibition of the sale of commonly owned or managed land, unless with the consent of the local government and approval of the Commission; and</p> <p>(h) implementation of reasonable controls over residential appearance and maintenance.</p>
A3.	Lot 340 (No.159) Wellington Street (cnr Charles Street), Northam	Office, Showroom or Warehouse	<ol style="list-style-type: none"> <li>1. All development and use shall be subject to an Application for Planning Approval.</li> <li>2. All development and use shall be in accordance with the standards applicable to the "Mixed Use" zone as well as any plans, conditions and management requirements approved by the local government.</li> <li>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</li> </ol>
A4.	Lots 30, 34, 100 and portion of Town Lots 7 and 8 (No. 334) Fitzgerald Street, Northam	Flour Mill and uses ancillary thereto as approved by the local government.	<ol style="list-style-type: none"> <li>1. All development and use shall be subject to an Application for Planning Approval.</li> <li>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</li> <li>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</li> </ol>
A5.	Lot 1 (No.47) Fitzgerald Street, Northam	Motor vehicle, boat or caravan sales and uses ancillary thereto as approved by the local government.	<ol style="list-style-type: none"> <li>1. All development and use shall be subject to an Application for Planning Approval.</li> <li>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</li> <li>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</li> </ol>

No.	Description of land	Additional use	Conditions
A6.	Lot 4 (No. 345) Northam—York Road, Muluckine	Garden Centre	<ol style="list-style-type: none"> <li>1. All development and use shall be subject to an Application for Planning Approval.</li> <li>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</li> <li>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</li> </ol>
A7.	Portion of Location 4229 Tames Road, Bakers Hill with 135.9m frontage to Tames Road and 159m frontage to Berry Brow Road.	Metal Fabrication	<ol style="list-style-type: none"> <li>1. The additional use permitted is restricted to a maximum floor space of 3,373m<sup>2</sup> and all use and development shall be in accordance with a Development Plan which is required to be submitted to and approved by the local government.</li> <li>2. The Development Plan is required to contain, but is not limited to the following— <ol style="list-style-type: none"> <li>(a) a detailed description of the land use.</li> <li>(b) a detailed description of existing buildings, structures and/or dwellings.</li> <li>(c) a scaled site plan showing all existing and any proposed development.</li> <li>(d) demonstrated compliance with the requirements of Table 2.</li> <li>(e) a Management Plan to control such things as noise, dust, traffic, smell etc.</li> <li>(f) a Landscaping Plan including revegetation to provide screening and buffer areas.</li> </ol> </li> <li>3. No alterations, extensions or redevelopment shall be undertaken without the prior approval of the local government.</li> <li>4. The use of the land shall not cause injury to or prejudicially affect the amenity of the immediate locality.</li> </ol>
A8.	Portion of Location 4229 Tames Road, Bakers Hill— 5.7384ha (4,660m <sup>2</sup> reserve) with 389.8m frontage to Tames Road.	Industry—Light	<ol style="list-style-type: none"> <li>1. Prior to the commencement of any proposed development or use, a Development Plan is required to be submitted and approved by the local government.</li> <li>2. The Development Plan is required to contain, but is not limited to, the following— <ol style="list-style-type: none"> <li>(a) a detailed description of the proposed land use including scale.</li> <li>(b) a detailed description of proposed existing buildings, structures and/or dwellings.</li> <li>(c) a scaled site plan showing all proposed development.</li> <li>(d) demonstrated compliance with the requirements of Table 2.</li> <li>(e) a Management Plan to control such things as noise, dust, traffic, smell etc.</li> <li>(f) a Landscaping Plan including revegetation to provide screening and buffer areas.</li> </ol> </li> </ol>

No.	Description of land	Additional use	Conditions
			<ol style="list-style-type: none"> <li>3. All development and use shall be in accordance with the approved Development Plan.</li> <li>4. No alterations or extensions to the land use shall be undertaken without the approval of the Local Government.</li> <li>5. The use of the land shall not cause injury to or prejudicially affect the amenity of the immediate locality.</li> <li>6. The establishment of any activity shall not impose any undue load on any existing or proposed service for the supply or provision of essential services.</li> <li>7. A retail shop front from which goods manufactured on the premises may be sold is permitted subject to compliance with the approved Development Plan.</li> <li>8. All development that includes uses incompatible with sensitive land uses shall be located such that the required buffer area for those uses is fully accommodated within the boundaries of that portion of Lot 4229 classified 'Rural Residential' zone with additional use classification "A8".</li> </ol>
A9	Linley Valley Abattoir on Lots 7, 8, 10, 421 and 5485 Linley Valley Road, Wooroloo	Abattoir and associated commercial activities	<ol style="list-style-type: none"> <li>1. All development of the land shall be subject to an application for planning approval.</li> <li>2. Other associated commercial activities may include skin and hide curing, processing facilities, waste water treatment ponds, offices, packaging facilities, storage, boning room, refrigeration room, holding area, lairage for sheep and cattle, wash down area, employee car parking and ancillary uses</li> <li>3. Rendering facility and tannery are not permitted.</li> </ol>
A10	Lot 5000 (150) Yilgarn Avenue, Northam	Caravan Park	Short and long-term accommodation permitted.

*Schedule 3*  
RESTRICTED USES

[cl. 4.6]

No.	Description of land	Restricted use	Conditions
R1	Lot 15 Northam-Toodyay Road, Burlong	Industry-Rural	<ol style="list-style-type: none"> <li>1. Provide for transport infrastructure for storage and/or processing of bulk grain including connection to the state rail system.</li> <li>2. Noise, vibration, light and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development, is not adversely affected.</li> </ol>
R2	Part Lot 4396 Great Eastern Highway and Part Lot 31 Oyston Road, Bakers Hill (zoned "Agriculture-Local")	One Residential Dwelling, Home Occupation, Bed and Breakfast and/or Cottage Industry	<ol style="list-style-type: none"> <li>1. Residential Dwelling <ol style="list-style-type: none"> <li>1.1 Residential dwellings shall be restricted to one per lot.</li> <li>1.2 The dwelling is to comply with Australian Standard AS:3959 in relation to Bushfire Protection Construction Guidelines.</li> </ol> </li> </ol>

			<p>2. Keeping of Stock and Pets</p> <p>2.1. The keeping of stock is prohibited.</p> <p>2.2. Fencing shall be erected to the local government's satisfaction to prevent domestic pet access to areas outside the building envelope.</p> <p>3. Clearing</p> <p>3.1. Clearing shall only be permitted within a building envelope.</p> <p>3.2. Should a tree within a building envelope be identified by an independent Flora/Fauna Study as significant in respect to providing habitat for native fauna or being an outstanding specimen, the local government may require the tree to be retained notwithstanding Clause 3.1 above.</p> <p>3.3. Clearing may be permitted, subject to local government approval, for the construction of a driveway for vehicular access to a building envelope. Only one driveway shall be permitted per lot and clearing shall minimise impacts on native flora and fauna.</p> <p>3.4. Revegetation of areas damaged during the construction of a building or driveway may be required at the local government's discretion.</p> <p>3.5. Fallen timber shall not be removed or cleared from areas outside the building envelope where it abuts large areas of remnant vegetation or areas that are identified for vegetation protection.</p> <p>4. Fencing</p> <p>4.1. Boundary fencing shall not be permitted where remnant vegetation traverses lot boundaries.</p> <p>4.2. Fencing is to be erected around building envelopes.</p> <p>5. Fire Management</p> <p>5.1. A Fire Management Plan (consistent with the requirements of the <i>Planning for Bushfire Protection Guidelines</i> Edition 2 or as subsequently amended) shall be prepared that identifies the need for, and the construction requirements relating to public access routes, firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local government and the relevant government agency. The approved Fire Management Plan shall be implemented as appropriate prior to development.</p> <p>5.2. An exception to the local government's Firebreak Order shall be sought for land containing remnant vegetation where the area defined traverses lot boundaries.</p> <p>6. Vegetation/Planting Management</p> <p>The planting of exotic or introduced species is not permitted outside of the building envelopes.</p>
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*Schedule 4*  
SPECIAL USE ZONES

[cl. 4.7.1]

No.	Description of land	Special use	Conditions
SU1.	Lot 800 and 801 corner Great Eastern Highway and Bodeguero Way, Wundowie	(a) Lot 800—Tavern and uses ancillary thereto as approved by the local government. (b) Lot 801—Roadhouse,	<ol style="list-style-type: none"> <li>1. All development and use shall be subject to an Application for Planning Approval.</li> <li>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</li> <li>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</li> </ol>
SU2.	Lot 1 Spencers Brook Road, Spencers Brook	Rural Pursuit, Grouped Dwellings, Holiday Accommodation and uses ancillary thereto as approved by the local government.	<ol style="list-style-type: none"> <li>1. All development and use shall be subject to an Application for Planning Approval.</li> <li>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</li> <li>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</li> </ol>
SU3.	Lot 2 Spencers Brook Road and Lot 10 Muresk Road, Spencers Brook	Rural Pursuit including, with the approval of the local government, the breeding and rearing of emus and small game birds.	<ol style="list-style-type: none"> <li>1. The development of any Rural Pursuit requires the local government's prior planning approval and will be subject to the satisfactory control of waste to avoid pollution of local waterways.</li> <li>2. Any works including land clearing and/or future development shall, prior to commencement, be subject to a search for unexploded ordnance material and written clearance from an authorised officer of the Unexploded Ordnance Services Division of the Fire and Emergency Services Authority of WA (FESA).</li> <li>3. Residential uses are not permitted except with the approval of the local government and conditional upon any earthworks being subject to clearance of the site by an authorised officer of the local government.</li> <li>4. Any approved Residential use shall be securely fenced and signposted regarding unexploded ordnance material.</li> <li>5. The local government will not support any further subdivision or strata titling of the land.</li> </ol>
SU4.	Lots 8, 56 and Part Lot 50 Northam-Toodyay Road	<p>The following uses are permitted on the land provided they comply with the conditions of planning approval granted by the local government—</p> <ul style="list-style-type: none"> <li>- Residential School (Higher Education Institution i.e. University) and ancillary accommodation.</li> <li>- Prayer centre, conference facilities and ancillary accommodation.</li> <li>- Recreational uses.</li> <li>- Rural Pursuit</li> </ul>	<ol style="list-style-type: none"> <li>1. All development and use shall be in accordance with an approved Development Plan and the conditions of planning approval granted by the local government.</li> <li>2. No development will be permitted within the 1:100 year flood plain of the Avon River.</li> <li>3. An area 30m in width (or wider where fringing riparian vegetation exists) up slope from the high water mark of the Avon River on Lot 8 shall be set aside as a foreshore reserve.</li> <li>4. All development shall be in accordance with a structure plan approved by the local government. The structure plan should address matters such as building envelopes, view sheds, visual amenity, materials, colours and finishes of buildings, building heights, fencing, protection of remnant vegetation,</li> </ol>

No.	Description of land	Special use	Conditions
		All other uses not listed above are not permitted.	<p>revegetation program, clearing restrictions, reducing risk of soil erosion, effluent disposal, servicing, road access and road upgrading, and Avon River flood levels.</p> <p>5. A fire management plan shall be prepared for the land prior to the local government granting planning approval.</p>
SU5.	Lot 1 (No. 79) Newcastle Road (corner Martin Road), Northam	FESA District Headquarters	<p>1. All development and use shall be subject to an Application for Planning Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
SU6.	Lot 5 West Street, Northam	Landscape Supplies	<p>1. All development and use shall be subject to an Application for Planning Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
SU7.	Lot 2 (No. 122) Newcastle Road (corner Suburban Road and West Street), Northam	Health Club	<p>1. All development and use shall be subject to an Application for Planning Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
SU8.	Lot 64 (Nos. 82-84) Newcastle Road (corner Hutt Street), Northam	Medical Offices and Consulting Rooms	<p>1. All development and use shall be subject to an Application for Planning Approval.</p> <p>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</p> <p>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
SU9.	Lot 90 on DP 72807 Jocosso Rise, Wundowie (Formerly Lot 81 and 89 Jocosso Rise, Wundowie)	<p>1. Park Home Park and associated development</p> <p>2. Motel, function centre and associated development</p>	<p>1. 181 park homes and associated facilities including pool, bowling green, clubhouse, multipurpose hall, library, office, reception, kitchen, toilets and storage area, car parking and ancillary uses.</p> <p>2. All lease agreements to contain the following advice to alert residents to the existence of the neighbouring abattoir "This park home is situated in the vicinity of an abattoir and, as such, may be affected by potential nuisances relating to odour, noise, dust and the like".</p> <p>3. Any expansion to the park home park is to be considered via a scheme amendment to modify the provisions of this special use zone.</p> <p>1. Existing 19 unit motel and function centre and associated facilities including swimming pool, gym and tennis courts.</p> <p>2. Any expansion of the motel and function facility is to be considered via a scheme amendment to modify the provisions of the special use zone.</p>

No.	Description of land	Special use	Conditions
SU10	Lot 88 Great Eastern Highway, Wooroloo	Golf course and other uses ancillary thereto	All development requires approval from the local government.

Schedule 5

EXEMPTED ADVERTISEMENTS

[cl. 8.2(f)]

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

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>
(ii) Multiple Dwellings, Shops, Commercial and Industrial projects	One sign as for (i) above.	5m <sup>2</sup>
(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above. One additional sign showing the name of the project builder.	10m <sup>2</sup> 5m <sup>2</sup>
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
Property Transactions Advertisement signs displayed for the duration of a 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 2m <sup>2</sup>
(b) Multiple dwellings, shops, Commercial and Industrial Properties	One sign as for (a) above.	Each sign shall not exceed an area of 2m <sup>2</sup>
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha	One sign as for (a) above.	Each sign shall not exceed an area of 10m <sup>2</sup>
Display Homes Advertisement signs displayed over the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display. (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m <sup>2</sup> 5m <sup>2</sup>

## Schedule 6

## FORM OF APPLICATION FOR PLANNING APPROVAL

[cl. 9.1.1]

**Application for planning approval**

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

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

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

<b>Existing building/land use:</b>
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:

*(The content of the form of application must conform to Schedule 6 but minor variations may be permitted to the format.)*

Schedule 7

ADDITIONAL INFORMATION FOR ADVERTISEMENTS

Note: To be completed in addition to the Application for Planning Approval form

[cl. 9.1.2]

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

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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 —  
(a) (to top of advertisement): .....

(b) (to 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:.....  
.....

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

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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 PLANNING PROPOSAL

[cl. 9.4.4]

Planning and Development Act 2005

Shire of Northam

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

The local government of the Shire of Northam has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No:..... Street:.....

Locality:.....

Proposal:.....  
.....  
.....  
.....

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

Signed: ..... Dated: .....  
for and on behalf of the Shire of Northam.

*Schedule 9*

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

[cl. 10.4.1]

**Planning and Development Act 2005**

*Shire of Northam*

DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Location:

Lot:

Plan/Diagram:

Volume 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—

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*Schedule 10*

ENVIRONMENTAL CONDITIONS

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

[cl. 5.7]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

*Schedule 11*  
RURAL RESIDENTIAL ZONES

[cl. 5.7]

No.	Description of land	Conditions
RR1.	Various lots in the vicinity of Bobakine Road, Paynter Road and Searle Drive, Burlong as shown on the Scheme Map.	1. Notwithstanding the provisions of the Zoning Table, the following uses are not permitted— - Rural Pursuit; and - Animal Establishment
RR2.	Various lots in the vicinity of Carlin, Tamma and Shingle Hill Roads, Bakers Hill as shown on the Scheme Map.	1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are— - Single House (P) - Home Occupation (D) - Horse Stable (D) - Public Recreation (P) - Rural Pursuit (D)
RR3.	Various lots in the vicinity of Berry Brow Road, O'Driscoll Street and Redcourte Road, Bakers Hill as shown on the Scheme Map.	1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are— - Single House (P) - Home Occupation (D) - Horse Stable (D) - Public Recreation (P) - Rural Pursuit (D)  2. A 6-metre wide Emergency Access is required to be gated and maintained by the owners of all lots shown on the approved Structure Plan to the satisfaction of the local government.
RR4.	Lot 1 Cook Road and Location 14738 Oyston Road, Bakers Hill	1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are— - Single House (P) - Home Occupation (D) - Horse Stable (D) - Rural Pursuit (D)
RR5.	Various lots in the vicinity of Anderson Road, Gleeson Hill Road and Glenmore Drive, Wundowie as shown on the Scheme Map.	1. All Vegetation Management Areas shown on the approved structure plan shall be re-vegetated by the planting of locally native species and protected from fire and excessive grazing. The following management provisions will therefore apply— (a) The local government will recommend to the Western Australian Planning Commission that all Vegetation Management Areas shall be re-vegetated by the planting of locally native species as a condition of subdivision approval; (b) These areas shall be fenced and maintained by each landowner as a low fuel area as a precaution against their destruction by fire; (c) Controlled grazing within these areas to reduce the fire hazard resulting from heavy fuel loads may be permitted at the discretion of the local government providing damage to any revegetation works is minimised; (d) Where fuel loads within these areas are not reduced by grazing the landowner is required to reduce the fire hazard by mechanical means; and (e) These provisions are to be the subject of a notification under Section 70A of the <i>Transfer of Land Act 1893</i> and endorsed on the Certificate of Title of all new lots created within the approved structure plan area.
RR6.	Lot 2 (No. 233) Oyston Road, Bakers Hill Lot 100 (4301), Lot 101 (4287) and Loc. 27466 (4333) Great Eastern Highway, Bakers Hill	1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are— - Single House (P) - Home Occupation (D) - Rural Pursuit (D)  2. The minimum permitted lot size shall be 2ha. 3. All lots shall be provided with a reticulated potable water supply.

No.	Description of land	Conditions
	Lot 2 (No. 233) Oyston Road, Bakers Hill Lot 100 (4301), Lot 101 (4287) and Loc. 27466 (4333) Great Eastern Highway, Bakers Hill	4. There shall be no direct access to or from any lot abutting Great Eastern Highway. 5. Landscape buffers shall be provided and maintained along Great Eastern Highway and Oyston Road to preserve the local rural amenity to the specifications and satisfaction of the local government.
RR7.	Various lots in the vicinity of Fernie and Sims Roads, Bakers Hill as shown on the Scheme Map.	1. The minimum permitted lot size shall be 2ha. 2. All lots shall be provided with a reticulated potable water supply. 3. All Vegetation Management Areas shown on the approved structure plan shall be re-vegetated by the planting of locally native species and protected from fire and excessive grazing. The following management provisions will therefore apply— (a) The local government will recommend to the Western Australian Planning Commission that all Vegetation Management Areas shall be re-vegetated by the planting of locally native species as a condition of subdivision approval; (b) These areas shall be fenced and maintained by each landowner as a low fuel area as a precaution against their destruction by fire; (c) Controlled grazing within these areas to reduce the fire hazard resulting from heavy fuel loads may be permitted at the discretion of the local government providing damage to any revegetation works is minimised; (d) Where fuel loads within these areas are not reduced by grazing the landowner is required to reduce the fire hazard by mechanical means; and (e) These provisions are to be the subject of a notification under section 70A of the <i>Transfer of Land Act 1893</i> and endorsed on the Certificate of Title of all new lots created within the approved structure plan area.
RR8.	Various lots in the vicinity of Almond Avenue, Jose Road, Koojeda Road and Carlin Road, Bakers Hill as shown on the Scheme Map.	1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are— - Single House (P) - Home Occupation (D) - Rural Pursuit (D) 2. All lots shall be provided with a reticulated potable water supply.
RR9.	Lot 2 Hawke Avenue, Wundowie	1. The minimum permitted lot size shall be 2ha. 2. All lots shall be provided with a reticulated potable water supply. 3. There shall be no direct access to or from any lot abutting Great Eastern Highway. 4. The proposed emergency fire access onto Great Eastern Highway shall be designed, constructed and used in accordance with the specific requirements of the local government and Main Roads Western Australia.
RR10.	Lot 16 Chitty Road, Bakers Hill	1. The minimum permitted lot size shall be 2ha. 2. All lots shall be provided with a reticulated potable water supply.
RR11.	Lot 6468 Oyston Road, Bakers Hill	1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are— - Single House (P) - Home Occupation (D) - Rural Pursuit (D) 2. The minimum permitted lot size shall be 2ha. 3. All lots shall be provided with a reticulated potable water supply. 4. Landscape buffers shall be provided and maintained along Oyston Road to preserve the local rural amenity to the specifications and satisfaction of the local government.

No.	Description of land	Conditions
RR12.	Loc. 21630 (23), Loc. 25089 (81), Loc. 25088 (91), Loc. 21631 (11) and Loc. 25087 (99) Foundry Place and Loc. 21632 (188) Coates Road, Wundowie	<p>1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are—</p> <ul style="list-style-type: none"> <li>- Single House (P)</li> <li>- Home Occupation (D)</li> <li>- Rural Pursuit (D)</li> </ul> <p>2. All lots shall be provided with a reticulated potable water supply.</p> <p>3. Prior to the local government's adoption of any proposed structure plan, a flora and fauna survey shall be undertaken to the specifications and satisfaction of the local government and the Department of Environment and Conservation.</p> <p>4. Lot 1 may be subdivided to a minimum lot size of 1.8ha.</p> <p>5. Egress should be provided to surrounding land west of Lot 1 and east of Lot 2 to assist in management of fire risk.</p> <p>6. As a condition of subdivision, notifications pursuant to section 70A of the <i>Transfer of Land Act 1893</i> shall be registered on the Certificates of Titles of all new lots to advise that the use and enjoyment of the land could be affected by future mining and land rehabilitation works that may occur in the area.</p> <p>7. No further subdivision of Loc. 21630 (23), Loc. 25089 (81), Loc. 25088 (91), Loc. 21631 (11) and Loc. 25087 (99) Foundry Place and Loc. 21632 (188) Coates Road, Wundowie permitted.</p>
RR13.	Lot 8246 (No. 186) Chitty Road, Bakers Hill	<p>1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are—</p> <ul style="list-style-type: none"> <li>- Single House (P)</li> <li>- Home Occupation (D)</li> <li>- Rural Pursuit (D)</li> </ul> <p>2. All lots shall be provided with a reticulated potable water supply.</p> <p>3. All lots shall be connected to alternative on-site effluent disposal systems to the specifications and satisfaction of the local government and Department of Health.</p>
RR14.	Avon Location 23094 (No. 107) Doys Road, Wundowie	<p>1. All lots shall be provided with a reticulated potable water supply.</p> <p>2. Should landowners intend to keep horses, a Horse Management Plan shall be prepared and submitted to the local government for approval prior to the commencement of any such use.</p>
RR15.	Lot 5 Great Eastern Highway and Lot 6 Hawke Avenue, Wundowie	<p>1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are—</p> <ul style="list-style-type: none"> <li>- Single House (P)</li> <li>- Home Occupation (D)</li> <li>- Rural Pursuit (D)</li> </ul> <p>2. All lots shall be provided with a reticulated potable water supply.</p> <p>3. There shall be no direct access to or from any lot abutting Great Eastern Highway. A restrictive covenant shall be placed on the certificate of title of proposed Lots 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 as shown on the approved structure plan prescribing that there shall be no direct access to Great Eastern Highway.</p> <p>4. The proposed emergency fire access onto Great Eastern Highway shall be designed, constructed and used in accordance with the specific requirements of the local government and Main Roads Western Australia.</p> <p>5. All building envelopes, including on-site effluent disposal systems, shall have a minimum setback of 30m from Coates Gully. Prior to varying the requirements for on-site effluent disposal adjacent to Coates Gully, the local government shall consult with the Department of Environment and Conservation and Department of Health Western Australia.</p> <p>6. A restrictive covenant shall be placed on the certificate of title of proposed Lots 5, 6, 7, 9, 10 and 11 prescribing the requirement for ATU waste disposal systems to be installed.</p> <p>7. The subdivider shall make provision for easements in favour of Western Power to enable maintenance of existing power lines.</p>

No.	Description of land	Conditions
RR16.	Locations M2035 and M2036 Golf Links Road, Wundowie	<ol style="list-style-type: none"> <li>1. All proposed new lots shall be provided with a reticulated potable water supply unless otherwise approved by the Western Australian Planning Commission.</li> <li>2. Golf Links Road shall be upgraded at the subdivider's expense to the specifications and satisfaction of the local government.</li> <li>3. A fence restricting pedestrian, stock and domestic animal access to Golf Links Road and the Woondowing Nature Reserve is to be constructed on the southern boundary of Lot M2036 to a consistent standard acceptable to local government.</li> </ol>
RR17.	Lots 2 and 3 Golf Links Road, Wundowie	<ol style="list-style-type: none"> <li>1. All proposed new lots shall be provided with a reticulated potable water supply unless otherwise approved by the Western Australian Planning Commission.</li> <li>2. Golf Links Road shall be upgraded at the subdivider's expense to the specifications and satisfaction of the local government.</li> </ol>
RR18.	Various lots in the vicinity of Bodeguero Way, Jocosso Rise and Rufian Court, Wundowie as shown on the Scheme Map.	<ol style="list-style-type: none"> <li>1. The minimum permitted lot size shall be 2ha.</li> <li>2. All lots shall be provided with a reticulated potable water supply.</li> <li>3. There shall be no direct access to or from any lot abutting Great Eastern Highway.</li> <li>4. Any proposed emergency fire access onto Great Eastern Highway shall be designed, constructed and used in accordance with the specific requirements of the local government and Main Roads Western Australia.</li> </ol>
RR19.	Location 4229 Tames Road, Bakers Hill	<ol style="list-style-type: none"> <li>1. All lots shall be provided with a reticulated potable water supply.</li> <li>2. No more than 1 horse may be permitted on any lot at any given time.</li> <li>3. A 30m wide buffer shall apply from the centre of the existing watercourse traversing Lot 4229. The land located within the 30m buffer area shall be revegetated by the planting of local endemic species and managed as part of the Environmental Management Plan.</li> </ol>
RR20.	<p>Lots bound by Martin Street, Bostock Street, Jordi Road and Great Eastern Highway, Bakers Hill</p> <p>Lots bound by Martin Street, Great Eastern Highway, Bridgeman Road, Bakers Hill townsite boundary and residential zoned interface</p>	<ol style="list-style-type: none"> <li>1. Any future subdivision that does not compromise the future expansion identified in the Local Planning Strategy must be undertaken in accordance with an approved structure plan, Fire Management Plan, Local Water Management Strategy, Environmental Management Strategy and be served by a reticulated potable water supply.</li> <li>2. Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the future residential and light industrial development identified in the Local Planning Strategy and any further subdivision that compromises this will not be supported.</li> <li>3. There shall be no direct access to or from any lot abutting Great Eastern Highway.</li> </ol>
RR21.	Lot 161 to Lot 165 Great Eastern Highway, Bakers Hill	<ol style="list-style-type: none"> <li>1. Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the orderly and proper planning principles expressed in WAPC policy.</li> <li>2. There shall be no direct access to or from any lot abutting Great Eastern Highway.</li> </ol>
RR22.	Clackline townsite and land bound by Wilding Road, Railway Road and Clackline Nature Reserve	<ol style="list-style-type: none"> <li>1. Any future subdivision must be undertaken in accordance with an approved structure plan, Fire Management Plan, Local Water Management Strategy, Environmental Management Strategy and be served by a reticulated potable water supply.</li> <li>2. Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the orderly and proper planning principles expressed in WAPC policy.</li> <li>3. There shall be no direct access to or from any lot abutting Great Eastern Highway.</li> </ol>
RR23.	Land bound by Muluckine Road, Railway reserve, Carroll Street, Keane Street, Walsh Street, Tank Street, Grass Valley Road South, Grass Valley	<ol style="list-style-type: none"> <li>1. Any future subdivision must be undertaken in accordance with an approved structure plan, Fire Management Plan, Local Water Management Strategy, Environmental Management Strategy and be served by a reticulated potable water supply.</li> <li>2. Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the orderly and proper planning principles expressed in WAPC policy.</li> </ol>

No.	Description of land	Conditions
RR24.	Loc. 5584 (Lot 1) Great Eastern Highway (Oyston Road), Bakers Hill	<p>1. Minimum lot sizes shall be 2ha.</p> <p>2. Anaerobic Treatment Units are to be installed on proposed lots containing Coates Gully wetlands to the specifications of the local government and are to be detailed within the Environmental Management Plan.</p> <p>3. Landscape buffers are to be provided and maintained along Great Eastern Highway and Oyston Road to preserve the rural amenity to the satisfaction of the Local Government.</p> <p>4. The permissibility of uses shall be—</p> <ul style="list-style-type: none"> <li>(a) Single House (P)</li> <li>(b) Home Occupation (D)</li> <li>(c) Rural Pursuit (D)</li> <li>(d) All other uses are not permitted.</li> </ul> <p>5. Second-hand transportable dwellings shall not be permitted.</p> <p>6. All lots abutting Great Eastern Highway shall not have any direct access to the highway.</p> <p>7. These conditions are to be read in conjunction with the scheme requirements for the Rural Residential zone. Where conflict exists, the conditions of this Schedule will prevail.</p>
RR25.	Loc. 3709 (L1) Chitty Road and Lot 340 (127) Augustini Road, Bakers Hill	<p>1. Second-hand transportable dwellings shall not be permitted.</p> <p>2. The subdivider shall prepare and implement an Environmental Management Plan to the satisfaction and approval of the local government prior to the subdivision of the land. The plan shall include—</p> <ul style="list-style-type: none"> <li>(a) vegetation protection except that necessary to provide for the provision of roads, other infrastructure and building development within building envelopes as approved by the local government;</li> <li>(b) drainage and nutrient management; and</li> <li>(c) “Watercourse Protection Areas” the extents of which are to be determined after consultation with the relevant government agency, and where the following will apply— <ul style="list-style-type: none"> <li>(i) except with the approval of the local government, the clearing of trees except for the purpose of fire-breaks or fences is prohibited and, in order to assist in reducing erosion, planting of vegetation indigenous to the area shall be undertaken by the subdivider to the satisfaction of the local government;</li> <li>(ii) except with the approval of the local government and only after consultation with the relevant authority, the construction of dams or artificial retention flow, pumping, diversion of water or modification of stream course bed or banks is prohibited;</li> <li>(iii) development of buildings or other structures is not permitted; and</li> <li>(iv) with the intention of preventing degradation of the streams and their contiguous areas, the keeping of livestock in the area is prohibited and the area is to be fenced to preclude livestock;</li> </ul> </li> </ul> <p>3. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre-development levels and shall be to the satisfaction and specifications of the local government. The storm automation system should be designed in accordance with the guidelines contained within the “Stormwater Management Manual of WA” (Department of Water 2004).</p> <p>4. The permissibility of uses shall be—</p> <ul style="list-style-type: none"> <li>(a) Dwelling (Single) (P)</li> <li>(b) Ancillary Accommodation (D)</li> <li>(c) Home Occupation (D); and</li> <li>(d) Rural Pursuit (D)</li> </ul> <p>All other uses are not permitted (X).</p> <p>5. Landscape buffers are to be provided and maintained along Chitty Road to preserve the rural amenity to the satisfaction of the local government.</p>

No.	Description of land	Conditions
		6. At the time of subdivision application, the Shire will request the subdivider to upgrade both Chitty Road and Augustini Road to the satisfaction of the local government.
RR26.	Lot 411 (35) Northam-Pithara Road, Northam	<p>1. Minimum lot sizes shall be 2ha.</p> <p>2. Landscape buffers are to be provided and maintained along Great Eastern Highway as appropriate to preserve the rural amenity to the satisfaction of the Local Government.</p> <p>3. The permissibility of uses shall be—</p> <ul style="list-style-type: none"> <li>(a) Single House (P);</li> <li>(b) Home Occupation (D);</li> <li>(c) Public Recreation (P);</li> <li>(d) Rural Pursuit (D); and</li> <li>(e) All other uses are not permitted.</li> </ul> <p>4. Second-hand transportable dwellings shall not be permitted.</p> <p>5. All lots abutting Great Eastern Highway shall not have any direct access to the highway.</p> <p>6. Stormwater drainage shall be contained on-site to the satisfaction and specification of the local government, the stormwater management system should be designed in accordance with the guidelines contained in the “Stormwater Management Manual of Western Australia” (Department of Conservation and Environment, 2004).</p> <p>7. The applicant being advised that the local government will request that a condition of subdivision approval be imposed that requires the preparation of a notification on the Certificate of Titles of all lots advising of the close proximity of the airport.</p> <p>8. The applicant being advised that the local government will request that a condition of subdivision be imposed that requires the upgrading of Harper Street from the property boundary to Katrine Road.</p> <p>9. Access to Northam-Pithara Road shall be limited to 2 intersections, designed in consultation with the relevant State road agency. Lots abutting Northam-Pithara Road shall not have any direct access.</p> <p>10. For the portion of the site potentially affected by existing and future airport operations (within 1000m from the northern end and 500m from the western side of the runway)—</p> <ul style="list-style-type: none"> <li>(a) A maximum of 6 lots or 6 dwellings may be permitted within this area;</li> <li>(b) All dwellings on these lots are to be constructed in accordance with Australian Standard 2021.2000 Acoustics—Aircraft noise intrusion—building siting and construction;</li> <li>(c) At subdivision stage, restrictive covenants are to be placed on titles to implement the required construction standards.</li> </ul>
RR27.	Lots 100 (5200) and 101 (5196) Great Eastern Highway, Clackline	<p>1. Minimum lot sizes shall be 1ha.</p> <p>2. Landscape buffers are to be provided and maintained along Great Eastern Highway to preserve the rural amenity to the satisfaction of the Local Government.</p> <p>3. The permissibility of uses shall be—</p> <ul style="list-style-type: none"> <li>(a) Single House (P);</li> <li>(b) Home Occupation (D);</li> <li>(c) Rural Pursuit (D); and</li> <li>(d) All other uses are not permitted.</li> </ul> <p>4. Second-hand transportable dwellings shall not be permitted.</p> <p>5. A covenant to be included on titles to ensure that purchasers are aware that all lots abutting Great Eastern Highway shall not have any direct access to the highway.</p> <p>6. Stormwater drainage shall be contained on-site to the satisfaction and specification of the local government, the stormwater management system should be designed in accordance with the guidelines contained in the “Stormwater Management Manual of Western Australia” (Department of Conservation and Environment 2004).</p> <p>7. The applicant being advised that the local government will request that a condition of subdivision be imposed that requires the construction of a road reserve from Lockyer Road along the</p>

No.	Description of land	Conditions
		<p>northern boundary of Lot 98 through the site to the western boundary of Lot 501 Great Eastern Highway.</p> <p>8. The applicant is to identify any areas of unexploded/explored ordnance within the site prior to subdivision.</p> <p>9. A notification is to be placed on titles to ensure that purchasers are aware of the agricultural activities that occur on surrounding properties that can cause noise and dust at seasonal times of the year.</p>
RR28.	Loc 10583 (309) Refractory Road, Bakers Hill	<p>1. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre-development levels and shall be to the satisfaction and specifications of the local government. The storm automation system should be designed in accordance with the guidelines contained within the "Stormwater Management Manual of WA" (Department of Water 2004).</p> <p>2. The permissibility of uses shall be—</p> <ul style="list-style-type: none"> <li>(a) Dwelling (Single) (P)</li> <li>(b) Home Occupation (P)</li> <li>(c) Agriculture Extensive (P)</li> <li>(d) Animal establishment (A)</li> <li>(e) Caretakers Dwelling (D)</li> <li>(f) Home Office (P)</li> <li>(g) Rural Pursuit (P)—Must comply with Environmental Management Plan.</li> <li>(h) All other uses that comply with the Local Planning Scheme in force at the time of any application with the exception of the following uses— <ul style="list-style-type: none"> <li><input type="checkbox"/> Dog Kennels</li> <li><input type="checkbox"/> Animal Husbandry-Intensive.</li> </ul> </li> </ul> <p>3. Landscape buffers are to be provided and maintained along Chitty Road to preserve the rural amenity to the satisfaction of the local government.</p> <p>4. Lot sizes should be a minimum of 4ha.</p>
RR29.	Lot 8071 (400) Chitty Road, Bakers Hill	<p>1. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre-development levels and shall be to the satisfaction and specifications of the local government. The storm automation system should be designed in accordance with the guidelines contained within the "Stormwater Management Manual of WA" (Department of Water 2004).</p> <p>2. The permissibility of uses shall be—</p> <ul style="list-style-type: none"> <li>(a) Dwelling (Single) (P);</li> <li>(b) Home Occupation (P);</li> <li>(c) Agriculture—Extensive (P);</li> <li>(d) Animal Establishment (A);</li> <li>(e) Home Office (P);</li> <li>(f) Rural Pursuit (D) (Must comply with Environmental Management Plan); and</li> <li>(g) All other uses that comply with the Local Planning Scheme in force at the time of any application.</li> </ul> <p>3. Landscape buffers are to be provided and maintained along Chitty Road to preserve the rural amenity to the satisfaction of the local government.</p> <p>4. At the time of a subdivision application the Shire will request that the Subdivider shall upgrade the section of Chitty Road adjacent to the property to the satisfaction of the Local Government.</p> <p>5. The subdivider shall prepare a Development Contribution Plan to the satisfaction of the local government.</p>
RR30	Part Lot 4396 Great Eastern Highway, Part Lot 31 Oyston Road and Lot 8 Gumley Road Bakers Hill (zoned "Rural Residential")	<p>1. Any application for a rural pursuit that involves the stabling and keeping of stock (including horses) is to be accompanied by a Stock Management Plan to the satisfaction and approval of the local government. The Stock Management Plan shall require all native vegetation and any area recognised for protection or rehabilitation in the Environmental Management Plan to be fenced.</p>

No.	Description of land	Conditions
		<p>2. All buildings and on-site effluent treatment and disposal are to be confined to the building envelope for each lot. All building envelopes shall be—</p> <ul style="list-style-type: none"> <li>(a) Shown on the endorsed Subdivision Guide Plan;</li> <li>(b) Located to avoid as far as practicable, the removal of any vegetation protection area identified on the Subdivision Guide Plan or the Environmental Management Plan;</li> <li>(c) Located to exclude areas identified as low or very low capability for rural smallholdings in the land use capability assessment; and</li> <li>(d) 2,000m<sup>2</sup> in size unless otherwise approved by the local government.</li> </ul> <p>3. A Restrictive Covenant is to be lodged against the titles of lots identified in the land capability assessment as being susceptible to waterlogging and pollution, stating that ATUs are to be utilised for effluent disposal.</p> <p>4. A Restrictive Covenant is to be lodged against the titles of lots situated within 300m of the Great Eastern Highway/Oyston Road intersection, stating that direct access will not be permitted via Oyston Road.</p> <p>5. Subdivision shall provide for the western extension of Gumley Road as part of the public road network, in accordance with the Fire Management Plan.</p> <p>6. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre-development levels and shall be to the satisfaction and specifications of the local government. Drainage systems shall be designed and constructed consistent with the <i>Stormwater Management Manual for Western Australia</i>.</p> <p>7. A landscape buffer is to be provided and maintained along Great Eastern Highway to preserve the rural amenity to the satisfaction of the Local Government.</p> <p>8. Notification pursuant to Section 70A of the <i>Land Administration Act 1997</i> to be included on titles to ensure that purchasers are aware that remnant vegetation and any revegetated areas are to be managed, in accordance with the approved Environmental Management Plan.</p> <p>9. Contributions toward upgrading of the Great Eastern Highway/Oyston Road intersection and the section of Oyston Road adjacent to the property shall be provided at the time of subdivision, to the satisfaction of the local government and Main Roads WA.</p> <p>10. The subdivision guide plan is to reflect a 10m setback from the boundary of Great Eastern Highway where no development is permitted, in order to allow for future road widening to occur.</p>

Schedule 12

RURAL SMALLHOLDING ZONES

[cl. 5.30]

No.	Description of land	Conditions
RSH1.	Pt Lot 2 Foundry Place, Bakers Hill	<p>1. Notwithstanding the provisions of the Zoning Table, the only permitted and discretionary uses are—</p> <ul style="list-style-type: none"> <li>- Single House (P)</li> <li>- Home Occupation (D)</li> <li>- Rural Pursuit (D)</li> </ul> <p>2. All lots shall be provided with a reticulated potable water supply.</p> <p>3. Prior to the local government's adoption of any proposed structure plan, a flora and fauna survey shall be undertaken to the specifications and satisfaction of the local government and the Department of Environment and Conservation.</p> <p>4. The northern half of Lot 2 may be subdivided into a maximum of 2 lots only.</p>

No.	Description of land	Conditions
		5. The southern half of Lot 2 may be subdivided to a minimum lot size of 3ha. 6. Egress should be provided to surrounding land east of Lot 2 to assist in management of fire risk. 7. As a condition of subdivision, notifications pursuant to section 70A of the <i>Transfer of Land Act 1893</i> shall be registered on the Certificates of Titles of all new lots to advise that the use and enjoyment of the land could be affected by future mining and land rehabilitation works that may occur in the area.
RSH2.	Lot 2 (4479), Lot 3 (4475), Lot 7 (4442) Great Eastern Highway, Lot 5 (80) and Lot 1 (50) Martin Street and Lot 6 (26) Gumley Road, Bakers Hill	1. Any future subdivision must be undertaken in accordance with an approved structure plan, Fire Management Plan, Local Water Management Strategy, Environmental Management Strategy and be served by a reticulated potable water supply. 2. Subdivision proposals contemplated in the absence of an endorsed structure plan must demonstrate the subdivision will not compromise the orderly and proper planning principles expressed in WAPC policy. 3. There shall be no direct access to or from any lot abutting Great Eastern Highway.
RSH3.	Lot 1 (41), Lot 166, Lot 65 (42) and Loc 10766 (Lot 63) Lukin Road, Lot 62 (289) Railway Road and Loc 19370 (201) Clackline-Toodyay Road, Clackline	No further subdivision permitted.

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*Schedule 13*

COMMUNITY INFRASTRUCTURE DEVELOPMENT CONTRIBUTION PLANS FOR  
DEVELOPMENT CONTRIBUTION AREAS

[cl. 6.6]

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

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**Adoption—**

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

S. B. POLLARD, Shire President.  
A. J. MIDDLETON, Chief Executive Officer.

Date: 18th July 2013.

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**Final Approval—**

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

S. B. POLLARD, Shire President.  
A. J. MIDDLETON, Chief Executive Officer.

Date: 18th July 2013.

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

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

Date: 29th July 2013.

3. Final approval granted

J. DAY, Minister for Planning.

Date: 5th August 2013.

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