



**WESTERN
AUSTRALIAN
GOVERNMENT**
Gazette

ISSN 1448-949X (print)

ISSN 2204-4264 (online)

PRINT POST APPROVED PP665002/00041



PERTH, TUESDAY, 20 JANUARY 2015 No. 16 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF KELLERBERRIN

**LOCAL PLANNING
SCHEME No. 4**

SHIRE OF KELLERBERRIN

LOCAL PLANNING SCHEME No. 4

Preamble

This Local Planning Scheme of the Shire of Kellerberrin 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.

Scheme details

Shire of Kellerberrin

Local Planning Scheme No. 4

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

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF KELLERBERRIN

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- Part 3 **Reserves**—sets out the reserves which apply in the Scheme area and related provisions.
- Part 4 **Zones and the use of land**—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 5 **General development requirements**—sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 6 **Special control areas**—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 7 **Heritage protection**—sets out special provisions which apply to heritage places and areas.
- Part 8 **Development of land**—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
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Schedules

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PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF KELLERBERRIN****LOCAL PLANNING SCHEME No. 4****PART 1—PRELIMINARY****1.1 Citation**

1.1.1 The Shire of Kellerberrin Scheme No. 4 (*the Scheme*) comes into operation on its Gazettal date.

1.1.2 The following Schemes are revoked—

- The Shire of Kellerberrin Town Planning Scheme No. 1 gazetted on 2 February 1981; and
- The Shire of Kellerberrin Town Planning Scheme No. 2 gazetted on 18 December 1998; and
- The Shire of Kellerberrin Town Planning Scheme No. 3—Leake Street Scheme.

1.2 Responsible authority

The Shire of Kellerberrin 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 1-8).

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

1.5 Purposes of 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 Seven to the *Planning and Development Act 2005*.

1.6 The aims of the Scheme

The aims of the Scheme are—

- (a) to secure the amenity, health and convenience of the Scheme area and the inhabitants thereof;
- (b) to ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;
- (c) to provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;
- (d) to preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Shire;
- (e) to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- (f) to 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 while providing appropriate development opportunities to promote the local economy;
- (g) to promote ecologically sustainable land use and development;

- (h) to 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
- (i) to make provision for other matters necessary or incidental to local 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;
 - (ii) in the Model Scheme Text of the *Town Planning Amendment Regulations 1999*; or
 - (iii) 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 Kellerberrin 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 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 Regional Reserves

There are no regional reserves in the Scheme area.

3.3 Local Reserves

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.4 Use and development of Local Reserves

3.4.1 A person must not—

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

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

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

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

3.4.3 In the case of land reserved for the 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—

4.2.1 Residential Zone

- (a) To retain the single dwelling as the predominant form of residential development in the Shire’s townsites.
- (b) To provide for lifestyle choice in and around the townsites with a range of residential densities.
- (c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

4.2.2 Town Centre Zone

- (a) To ensure the town centre remains the principal place for business and administration within the District.
- (b) To encourage a high standard of development including buildings, landscaping and car parking.

4.2.3 Rural Townsite Zone

- (a) To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities

4.2.4 Industrial Zone

- (a) To encourage industrial development with diverse employment opportunities.
- (b) To provide for industry to support development in the District.

4.2.5 Rural Residential Zone

- (a) To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- (b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

4.2.6 General Agriculture Zone

- (a) To ensure the continuation of broad-hectare farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities.
- (b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- (c) To allow for facilities for tourists and travellers, and for recreation uses.

4.2.7 Special Use Zone

- (a) To provide for special categories of land use which are not fully compatible with other zones in the Scheme.

4.3 Zoning Table

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

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

- ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and 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.

- Note: 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.

Use Classes	Zones					
	Residential	Town Centre	Industrial	General Agriculture	Rural Townsite	Rural Residential
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	X	D	X
Home business	D	D	X	D	D	D

Use Classes	Zones					
	Residential	Town Centre	Industrial	General Agriculture	Rural Townsite	Rural Residential
Home occupation	D	D	X	D	D	D
Home office	P	D	X	D	D	P
Home store	A	D	X	A	D	A
Multiple Dwelling	D	X	X	X	X	X
Park home park	X	A	X	X	A	X
Residential building	A	X	X	X	A	X
Rural home business	X	X	X	D	X	D
Single Dwelling	P	A	X	P	P	P
Transportable Dwelling	D	A	X	D	D	D
TOURIST AND ENTERTAINMENT						
Amusement parlour	X	D	A	X	D	X
Bed and breakfast	A	D	X	D	D	D
Caravan park	X	X	X	X	D	X
Hotel	X	P	X	X	A	X
Motel	X	D	X	X	A	X
Tavern	X	P	X	X	A	X
COMMERCE						
Betting agency	X	P	X	X	A	X
Cinema/theatre	X	P	X	X	A	X
Consulting rooms	X	D	X	X	A	X
Convenience store	A	P	X	X	A	X
Fast food outlet	X	D	X	X	A	X
Lunch bar	X	P	P	X	A	X
Market	X	D	D	X	A	X
Medical centre	X	D	X	X	A	X
Motor vehicle wash	X	D	P	X	A	X
Motor vehicle, boat or caravan sales	X	P	D	X	A	X
Nightclub	X	D	X	X	A	X
Office	X	P	X	X	A	X
Reception centre	X	P	X	X	A	X
Restaurant	X	P	X	A	A	X
Restricted premises	X	D	X	X	A	X
Service station	X	D	P	X	A	X
Shop	X	P	X	X	A	X
Showroom	X	D	P	X	A	X
Trade display	X	D	P	X	A	X
OTHER						
Corrective institution	X	X	X	X	X	X
Essential service utility	D	D	D	D	D	D
Funeral parlour	X	A	P	X	A	X
Telecommunications infrastructure	D	D	P	D	A	D
Veterinary centre	X	A	P	A	A	A
INDUSTRY						
Fuel depot	X	X	A	X	X	X
Industry	X	X	P	X	X	X
Industry—cottage	A	D	P	A	D	A

Use Classes	Zones					
	Residential	Town Centre	Industrial	General Agriculture	Rural Townsite	Rural Residential
Industry—extractive	X	X	X	D	X	X
Industry—general	X	X	D	X	X	X
Industry—light	X	X	P	X	A	X
Industry—Mining	X	X	X	D	X	X
Industry—rural	X	X	P	D	A	A
Industry—service	X	D	P	X	A	X
Motor vehicle repair	X	D	P	X	A	X
Storage	X	D	P	D	A	X
Warehouse	X	D	P	X	A	X
CIVIC AND COMMUNITY						
Child care premises	A	A	X	X	A	X
Civic use	D	D	D	X	A	X
Club premises	D	P	D	X	A	X
Community purpose	A	P	A	X	A	X
Educational establishment	X	P	A	X	A	X
Exhibition centre	X	D	X	X	A	X
Family day care	D	D	X	A	A	D
Hospital	X	X	X	X	A	X
Place of worship	A	A	X	X	A	X
Recreation—private	D	D	D	D	A	D
RURAL						
Agriculture—extensive	X	X	X	P	X	X
Agriculture—intensive	X	X	X	D	X	X
Agroforestry	X	X	X	A	X	X
Animal establishment	X	X	A	A	A	X
Animal husbandry—intensive	X	X	X	A	X	X
Plantation	X	X	X	D	X	X
Rural pursuit	D	X	X	D	X	D
Winery	X	X	X	D	X	D

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—

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

4.5 Additional uses

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

There are no additional uses which apply to the Scheme.

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 applied 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.

There are no restricted uses which apply to the Scheme.

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—

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

Note: "Land" has the same meaning as in the *Planning and Development Act 2005* 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 non-conforming use

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

4.11 Termination of a non-conforming use

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

Note: Section 190 and 191 of the *Planning and Development Act 2005* enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

4.12 Destruction of non-conforming use buildings

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

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with development standards and requirements

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

5.2 Residential Design Codes

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

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

5.2.3 The Residential Design 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 The Residential Design Code for land zoned 'Residential' and 'Commercial' shall be R10/40 unless otherwise indicated on the Scheme Maps.

5.3.2 Residential development with the R10/40 code shall be permitted at the R10 density, however the Council may approve developments up to the R40 density as a 'D' use.

5.3.3 The Council shall only support subdivision in accordance with the R10 Coding, unless a development approval at the higher coding of R40 has been approved.

5.4 Restrictive covenants

5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

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

5.5 Variations to site and development standards and requirements

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

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to—

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

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

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

5.6 Environmental conditions

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

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

5.6.3 The local government 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.

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

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

5.7 Commercial Development

5.7.1 Commercial development shall not exceed two (2) storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.

5.7.2 In considering an application for planning approval for a proposed commercial development (including additions and alterations to existing development) in the town centre the Council shall have regard to the following—

- (a) the colour and texture of external building materials; the Council may require the building façade and side walls to a building depth of 3m to be constructed of masonry;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;

- (d) architectural style and design details of the building;
- (e) function of the building;
- (f) relationship to surrounding development; and
- (g) other characteristics considered by the Council to be relevant.

5.7.3 Landscaping should complement the appearance of the proposed development and town centre.

5.7.4 The layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.

5.7.5 All other development standards for development in the Town Centre zone are at Council's discretion.

5.8 Rural Pursuit

5.8.1 Notwithstanding anything contained in the Zoning Table, the Council may grant consent for a Rural Pursuit use within areas coded R2, R2.5 and R5 of the Residential zone.

5.8.2 In considering any application for planning approval for a Rural Pursuit, the Council shall have regard to any relevant livestock stocking rate guidance of the State department responsible for agriculture and any livestock stocking rate policy adopted by the Shire in order to preserve vegetation and amenity of the site and locality.

5.8.3 In considering any application for planning approval for a Rural Pursuit, the Council shall have regard to any relevant separation distance guidance of the State departments responsible for health and for environment in order to preserve the amenity of the locality.

5.9 Industrial Development

5.9.1 Buildings within the Industrial zone shall comply with the following minimum lot boundary setbacks—

Front: 7.5 metres

Rear: 7.5 metres

Side: 5.0 metres (on one side)

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

5.9.3 All other development standards for development in the Industrial zone are at Council's discretion.

5.10 Rural Residential Development

5.10.1 Development shall comply with the R2 general site requirements of the Residential Design Codes.

5.10.2 Subdivision and development shall only occur in accordance with an adopted Structure Plan prepared in accordance with clause 5.17.

5.10.3 In addition to the Structure Plan, any special provisions appropriate to secure the objectives of the zone for controlling subdivision and development in specific Rural Residential zones shall be included in Schedule 11.

5.10.4 Uses shall only be permitted in accordance with Table 1—Zoning Table.

5.10.5 Not more than one dwelling per lot shall be erected, however the Council may, at its discretion, approve ancillary accommodation.

5.10.6 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following—

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) function of the building;
- (f) relationship to surrounding development;
- (g) other characteristics considered by the Council to be relevant; and
- (h) provision to be made for bush fire control in accordance with a Local Planning Scheme Policy adopted by Council.

5.10.7 Buildings shall comply with the following minimum lot boundary setbacks—

Front: 15.0 metres

Rear: 10.0 metres

Side: 10.0 metres

5.10.8 In order to conserve the rural environment or features of natural beauty, all trees shall be retained unless their removal is authorised by the Council. Revegetation or replanting may also be required where specified by the Council.

5.10.9 Any person who keeps an animal or animals or who uses any land for exercising or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council.

5.10.10 All other development standards for development in the Rural Residential zone are at Council's discretion.

5.11 Rural Development

5.11.1 Buildings within the General Agriculture zone shall comply with the following minimum lot boundary setbacks—

Front: 20.0 metres

Rear: 15.0 metres

Side: 5.0 metres

5.11.2 The Council will only support further subdivision of existing lots in the General Agricultural zone where—

- (a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could similarly be subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- (b) the lots are for farm adjustment and the erection of dwellings is restricted by memorials on titles;
- (c) the lots are for specific uses such as recreation facilities and public utilities; or
- (d) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels); or
- (e) otherwise in accordance with the Council's policy for Homestead Lots.

5.12 Car Parking Requirements

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

5.13 Development Limited by Liquid Waste Disposal

5.13.1 Notwithstanding anything elsewhere in the Scheme, the Council may refuse to issue planning approval for any development if in the opinion of the Council adequate provision is not made or cannot reasonably be made for the disposal of waste from that development.

5.14 Development of Lots Abutting Unconstructed Roads

5.14.1 Notwithstanding anything elsewhere appearing in the Scheme, planning approval is required for development of land abutting an unconstructed road, or a lot which does not have frontage to a constructed road, in considering such an application, the Council shall either—

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

5.15 Home Occupation

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

5.15.2 If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupier of land in the locality the Council may rescind the approval.

5.16 Control of Advertisements

5.16.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council.

5.16.2 Applications for the Council's consent pursuant to this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied by a completed "Additional information for advertisements" in the form set out in Schedule 7 giving details of the advertisement(s) to be erected placed or displayed on the land.

5.16.3 Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this scheme, or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this part referred to as "existing advertisements",

may except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

5.16.4 Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the Council shall examine each such application in light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety and the amenity of adjacent areas which may be affected.

5.16.5 Subject to the provisions of Main Roads (Control of Advertising) Regulations 1996 and notwithstanding the provisions of clause 5.16.1 the Council's prior consent is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this clause are referred to as "exempted advertisements". The exemptions listed in Schedule 5 do not apply to places, buildings, conservation areas or landscape protection zones which are either—

- (a) listed by the National Trust;
- (b) listed on the register of the National Estate;
- (c) included in the Heritage List; or
- (d) in a Heritage Precinct.

5.16.6 Notwithstanding the Scheme objectives and clause 5.16.5 where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of the Scheme, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

5.16.7 Where in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the Council may by notice in writing require the advertiser to—

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

5.16.8 "The advertiser" shall be interpreted as anyone or any group of the landowner, occupier, or licensee.

5.16.9 Any notice served in exceptional circumstances pursuant to clause 5.16.6 or pursuant to clause 5.16.7 shall be served upon the advertiser and shall specify—

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

5.16.10 Any person upon whom a notice is served pursuant to this clause may within a period of 60 days from the date of the notice appeal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and, shall thereafter have effect according to that decision.

5.16.11 The offences and penalties provisions specified in the Act apply to "the advertiser".

5.17 Structure Plan

5.17.1 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.

5.17.2 Subdivision and development should generally be in accordance with an approved structure plan.

5.17.3 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.

5.17.4 Structure plan form and content

5.17.4.1 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 water supply, main drainage, sewerage, 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.

5.17.5 Advertising and adoption of structure plans

5.17.5.1 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.

5.17.5.2 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.

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

5.17.5.4 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.

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

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

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

5.17.6 Operation of Structure Plan

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

5.17.6.2 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; and
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the structure plan area;
- (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.

5.17.6.3 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.

5.17.7 Right of Review

5.17.7.1 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).

5.17.7.2 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

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

PART 7—HERITAGE PROTECTION

The provisions of Part 7 of the Model Scheme Text as current, including any amendments apply.

PART 8—DEVELOPMENT OF LAND

The provisions of Part 8 of the Model Scheme Text as current, including any amendments apply, with the following additions—

To Clause 8.2(b)

- (iii) the proposal is for a transportable dwelling or relocated structures intended to be modified for use as a dwelling and is located within a townsite as shown on the scheme plans.

8.5 Requirement for consultation to commence mining

In considering proposals to commercially extract minerals, Council 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 and the Local Planning Strategy.

PART 9—APPLICATIONS FOR PLANNING APPROVAL

The provisions of Part 9 of the Model Scheme Text as current, including any amendments apply.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

The provisions of Part 10 of the Model Scheme Text as current, including any amendments apply.

PART 11—ENFORCEMENT AND ADMINISTRATION

The provisions of Part 11 of the Model Scheme Text as current, including any amendments, apply.

SCHEDULE 1—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[cl. 1.7]

Unless listed below the words and expressions used in the Scheme have the same meaning as the general definitions and land use definitions contained in Schedule 1 of the *Town Planning Amendment Regulations 1999* (the Model Scheme Text). Where a definition is listed below and there is a conflict of interpretation of words the meaning of the word or term, the definition listed below shall prevail, unless the word or expression applies to residential development (Refer to Clause 1.7).

‘Essential service utility’—means any work or undertaking constructed or maintained by a service agency as may be required to provide water, sewerage, electricity, gas, drainage or other similar essential services.

‘Farming Supplies’—means the use of land or buildings for the storage, display and sale of supplies and services related to the farming industry, including the sales and service of agricultural machinery.

‘Rural 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 area;
- (c) Does not occupy an area greater than 200 square metres;
- (d) Does not involve the retail sales, 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 area, 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.

‘Tourist Accommodation’—means the use of land or buildings for short term tourist accommodation including a caravan park, chalets and the like, and may include a caretaker’s residence for use by the manager of the facilities.

‘Transportable Dwelling’—means a dwelling designed for ease of transporting from one location to another and includes structures such as ‘Donga’ units with skid mounts, metal sandwich panel and flat roof design, and other proprietary names like ‘Durabuilt’, ‘Atco’ and the like.

SCHEDULE 2—ADDITIONAL USES

There are no additional uses that apply to the Scheme

No.	Description of land	Additional use	Conditions

SCHEDULE 3—RESTRICTED USES

There are no restricted uses that apply to the Scheme.

No.	Description of land	Restricted use	Conditions

SCHEDULE 4—SPECIAL USE ZONES

No.	Description of land	Special use	Conditions
1	Lots 404 and 405 George/Moore/Bedford Streets, Kellerberrin	Tourist Accommodation	As determined by Council
2	Lots 1, 2, 75 Massingham Street; Kellerberrin	Industry Light and Private Recreation	As determined by Council
3	Lot 2 corner Massingham and Chambers Street, Kellerberrin	Service station, Motel, Caretaker's dwelling	As determined by Council
4	Lot 316 Scadden Street, Kellerberrin	Farming supplies	As determined by Council
5	Lots 432-435 Scadden Street, Kellerberrin	Farming supplies	As determined by Council
6	Lots 265, 266, 267 George Street, Kellerberrin	Tourist Accommodation and Function Centre	1. No more than two tourist accommodation units or one tourist accom- modation unit and the existing dwelling can be constructed on each of the Lots 265 and 266 (total of no more than four units / dwellings on the combined lots). 2. The operations of the function centre shall be limited to Lot 267. 3. All other conditions of operation as determined by Council.

SCHEDULE 5—EXEMPTED ADVERTISEMENTS

Land use and/or development	Exempted sign	Maximum size
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m. Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .

Land use and/or development	Exempted sign	Maximum size
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	<p>(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government, and</p> <p>(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:</p> <p>(i) Dwellings</p> <p>(ii) Multiple Dwellings, Shops, Commercial and Industrial projects</p> <p>(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work</p> <p>One sign as for (i) above</p> <p>One sign as for (i) above</p>	<p>2m²</p> <p>5m²</p> <p>10m²</p>
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions Advertisement signs displayed for the duration of a period over which property		

Land use and/or development	Exempted sign	Maximum size
transactions are offered and negotiated as follows— (i) Dwellings	One advertisement 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 ²
(ii) Multiple Dwellings, Shops, Commercial and Industrial projects	One sign as for (i) above	Each sign shall not exceed an area of 2m ²
(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above	Each sign shall not exceed an area of 10m ²
Display Homes Advertisement signs displayed or the period over which homes are on display for public inspection	(i) One sign for each dwelling on display (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project building giving details of the project building company and details of the range of dwellings on display	2m ² 5m ²

SCHEDULE 6—FORM OF APPLICATION FOR PLANNING APPROVAL

The Form of application for planning approval as shown in Schedule 6 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) shall apply to this Scheme except as varied below.

There are no variations to the form as shown in Schedule 6 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text)

SCHEDULE 7—ADDITIONAL INFORMATION FOR ADVERTISEMENTS

The Form for additional information for advertisements as shown in Schedule 7 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the form as shown in Schedule 7 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

SCHEDULE 8—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

The notice of public advertisement of planning proposal as shown in Schedule 8 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the notice as shown in Schedule 8 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

SCHEDULE 9—NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

The notice of determination on application for planning approval as shown in Schedule 9 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the notice as shown in Schedule 9 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

SCHEDULE 10—ENVIRONMENTAL CONDITIONS

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

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE 11— RURAL RESIDENTIAL ZONES

No.	Description of land	Special Provisions
RR1	Lot 1 Price Street; Lot 2,3 & 310 Bath Street, Lot 311 Scaddan St, Lot 438 Scutter Rd and Lots 3 and 800 Great Eastern Highway, Kellerberrin	<ol style="list-style-type: none"> 1. Subdivision shall be in accordance with the Structure Plan adopted by the local government, certified by the Chief Executive officer and approved by the Western Australian Planning Commission. 2. The minimum lot size for all lots shall be two (2.0) hectares. 3. Each dwelling must be connected to a reticulated potable water supply to an appropriate standard as determined by the licence holder.
RR2	Portion of Lot 9000 Kellerberrin-Yoting Road, Kellerberrin	<ol style="list-style-type: none"> 1. Subdivision shall be in accordance with the Structure Plan adopted by the local government, certified by the Chief Executive Officer and approved by the Western Australian Planning Commission. 2. The minimum lot size for all lots shall be one (1.0) hectare. 3. The keeping of grazing livestock in areas shown on the Structure Plan is not permitted unless written approval is granted by the local government. 4. Each dwelling house must be connected to a reticulated potable water supply to an appropriate standard as determined by the licence holder. 5. On-site effluent disposal shall be the responsibility of the individual landowners with no more than one effluent disposal system permitted per lot. 6. The disposal of all liquid and/or solid wastes shall be carried out using an effluent disposal system approved by the local government and the Department of Health. 7. No unsightly material or equipment that could detract from the amenity of the zone is permitted to be stored on-site unless it is screened in a manner acceptable to the local government.