



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X (print)

ISSN 2204-4264 (online)

PRINT POST APPROVED PP665002/00041

1057



PERTH, FRIDAY, 27 JANUARY 2017 No. 27 SPECIAL

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

© STATE OF WESTERN AUSTRALIA

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF THREE SPRINGS

LOCAL PLANNING SCHEME

No. 2

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF THREE SPRINGS

LOCAL PLANNING SCHEME No. 2

ARRANGEMENT

PART 1—PRELIMINARY

1. Citation
2. Commencement
3. Scheme revoked
4. Notes do not form part of Scheme
5. Responsibility for Scheme
6. Scheme area
7. Contents of Scheme
8. Purposes of Scheme
9. Aims of Scheme
10. Relationship with local laws
11. Relationship with other local planning schemes
12. Relationship with region planning scheme

PART 2—RESERVES

13. Regional Reserves
14. Local reserves
15. Additional uses for local reserves

PART 3—ZONES AND USE OF LAND

16. Zones
17. Zoning table
18. Interpreting zoning table
19. Additional uses
20. Restricted uses
21. Special use zones
22. Non-conforming uses
23. Changes to non-conforming use
24. Register of non-conforming uses

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes
26. Modification of R-Codes
27. State Planning Policy 3.6 to be read as part of Scheme
28. Modification of State Planning Policy 3.6
29. Other State planning policies to be read as part of Scheme
30. Modification of State planning policies
31. Environmental conditions
32. Additional site and development requirements
33. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan
34. Variations to site and development requirements
35. Restrictive covenants

PART 5—SPECIAL CONTROL AREAS

36. Special control areas

PART 6—TERMS REFERRED TO IN SCHEME

37. Terms used
38. Land use terms used

SCHEDULE 1—CAR PARKING REQUIREMENTS**SCHEDULE 2—DEVELOPMENT REQUIREMENTS****SCHEDULE 3—ADDITIONAL INFORMATION FOR ADVERTISEMENTS****SCHEDULE 4—SPECIAL USE ZONES****SCHEDULE 5—RESTRICTED USES**

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF THREE SPRINGS

LOCAL PLANNING SCHEME No. 2**PART 1—PRELIMINARY****1. Citation**

This local planning scheme is the Shire of Three Springs Local Planning Scheme No. 2.

2. Commencement

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

3. Scheme revoked

The following planning scheme is revoked—

Shire of Three Springs Scheme No.1 published in the *Government Gazette* on the 20th July 1988.

4. Notes do not form part of Scheme

Notes, and Instructions printed in italics, do no form part of this Scheme.

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

5. Responsibility for Scheme

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

6. Scheme area

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

7. Contents of Scheme

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

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
- (b) the Scheme Map (Sheets 1—6);

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

8. Purposes of Scheme

The purposes of this Scheme are to—

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

9. Aims of Scheme

The aims of this Scheme are—

- (a) To assist the effective implementation of regional plans and policies including the State Planning Strategy;
- (b) To protect areas of agricultural significance for sustainable food production;

- (c) To encourage economic growth in rural areas by identifying appropriate areas for more intensive and diversified use of rural land for high value products compatible with surrounding farm practices;
- (d) To encourage processing and value adding industries to be located within the Shire, and promoting tourism;
- (e) To provide opportunities for planned, contained and sustainable settlements in locations with access to services and infrastructure;
- (f) To ensure development in rural areas is planned so as not to prejudice productive rural land uses, to protect and enhance rural landscapes and environmental values, and to ensure accessibility to services and facilities;
- (g) To protect the natural environment and biodiversity while ensuring appropriate development opportunities within the local government are realised;
- (h) To promote and safeguard public health, safety and general welfare of the community;
- (i) To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning; and
- (j) To protect the character of significant landscapes as part of the environmental heritage and sense of place and as a resource for tourism.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

There are no other Schemes of the Shire of Three Springs which apply to the Scheme Area.

12. Relationship with region planning scheme

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

PART 2—RESERVES

13. Regional Reserves

There are no regional reserves in the Scheme area.

14. Local reserves

(1) In this clause—

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

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

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

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

Table 1—Reserve objectives

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

Reserve name	Objectives
Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential emergency services.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

15. Additional uses for local reserves

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

PART 3—ZONES AND USE OF LAND

16. Zones

(1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.

(2) The objectives of each zone are as follows—

Table 2—Zone objectives

Zone Name	Objectives
Residential	<ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Commercial	<ul style="list-style-type: none"> To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Rural Residential	<ul style="list-style-type: none"> To provide for lot sizes in the range of 1 ha to 4 ha. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Smallholding	<ul style="list-style-type: none"> To provide for lot sizes in the range of 4 ha to 40 ha. To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Townsite	<ul style="list-style-type: none"> To provide for a range of land uses that would typically be found in a small country town.
Rural	<ul style="list-style-type: none"> To provide for the sustainable use of land for the agricultural industry and other uses complementary to sustainable agricultural practices, which are compatible with the capability of the land and retain the rural character and amenity of the locality.

Zone Name	Objectives
Light Industry	<ul style="list-style-type: none"> To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	<ul style="list-style-type: none"> To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. To accommodate industry that would not otherwise comply with the performance standards of light industry. Seek to manage impacts such as noise, dust and odour within the zone.
Special Use Zone	<ul style="list-style-type: none"> To facilitate special categories of land uses which do not sit comfortably within any other zone. To enable the Council to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows —

USE CLASSES	ZONES								
	Residential	Commercial	Light Industry	General Industry	Rural Townsite	Rural Residential	Rural Smallholding	Rural	Special Use
RESIDENTIAL USES									
Ancillary Dwelling	D	D	X	X	D	X	X	D	See Schedule 4
Aged or Dependent Persons Dwelling	P	D	X	X	X	X	X	X	
Caretaker's Dwelling	X	D	D	D	X	X	X	X	
Grouped Dwelling	D	D	X	X	X	X	X	X	
Home Business	D	D	X	X	D	D	D	D	
Home Office	P	P	X	X	P	P	P	P	
Home Store	A	D	X	X	A	X	X	X	
Multiple Dwelling	D	D	X	X	X	X	X	X	
Residential Building	A	D	X	X	X	X	X	X	
Single House	P	D	X	X	P	P	P	P	
Workforce Accommodation	X	X	X	X	X	X	X	A	
TOURIST AND ENTERTAINMENT									
Amusement Parlour	X	D	X	X	X	X	X	X	See Schedule 4
Bed and Breakfast	A	D	X	X	A	A	A	D	
Camping Ground	X	X	X	X	A	X	X	A	
Caravan Park	X	X	X	X	A	X	X	A	
Holiday Accommodation	X	X	X	X	X	X	A	D	
Hotel	X	A	X	X	X	X	X	X	
Motel	X	D	X	X	X	X	X	X	
Tavern	X	A	X	X	X	X	X	X	
Tourist Development	X	X	X	X	A	X	A	A	

USE CLASSES	ZONES								Special Use	
	Residential	Commercial	Light Industry	General Industry	Rural Townsite	Rural Residential	Rural Smallholding	Rural		
COMMERCE										
Betting Agency	X	P	X	X	X	X	X	X	X	See Schedule 4
Bulky Goods Showroom	X	D	P	D	X	X	X	X	X	
Cinema / Theatre	X	P	X	X	X	X	X	X	X	
Consulting Rooms	A	P	X	X	X	X	X	X	X	
Convenience Store	X	P	X	X	A	X	X	X	X	
Dry Cleaning Premises / Laundromat	X	A	D	D	X	X	X	X	X	
Fast Food Outlet	X	D	X	X	X	X	X	X	X	
Garden Centre	X	D	P	D	X	X	D	X	X	
Lunch Bar	X	P	D	D	X	X	X	X	X	
Market	X	D	X	X	A	X	X	X	X	
Medical Centre	A	D	X	X	X	X	X	X	X	
Motor Vehicle, Boat or Caravan Sales	X	A	D	D	X	X	X	X	X	
Motor Vehicle Repair	X	A	P	P	X	X	X	X	X	
Motor Vehicle Wash	X	A	P	P	X	X	X	X	X	
Night Club	X	A	X	X	X	X	X	X	X	
Office	X	P	D	D	X	X	X	X	X	
Reception Centre	X	D	X	X	X	X	X	X	X	
Restaurant / Cafe	X	P	X	X	X	X	A	A	X	
Restricted Premises	X	A	A	X	X	X	X	X	X	
Service Station	X	A	D	D	X	X	X	X	X	
Shop	X	P	D	D	X	X	X	X	X	
Trade Display	X	D	P	P	X	X	X	X	X	
Transport Depot	X	X	A	P	X	X	X	X	X	
Winery	X	X	X	X	X	X	A	A	X	
OTHER										
Corrective Institution	X	X	X	X	X	X	X	X	A	See Schedule 4
Funeral Parlour	X	A	A	X	X	X	X	X	X	
Telecommunication Infrastructure	A	D	D	D	A	A	A	D	X	
Veterinary Centre	X	A	D	X	X	X	D	D	X	
INDUSTRY										
Fuel Depot	X	X	X	D	X	X	X	X	X	See Schedule 4
Industry	X	X	X	P	X	X	X	X	X	
Industry—Cottage	D	D	D	X	D	D	D	D	A	
Industry—Extractive	X	X	X	D	X	X	X	X	A	
Industry—Light	X	X	P	D	X	X	X	X	X	
Industry—Primary Production	X	X	A	D	X	X	X	X	D	
Mining Operation	X	X	X	X	X	X	X	X	D	
Warehouse /Storage	X	D	P	P	X	X	X	X	X	

USE CLASSES	ZONES								
	Residential	Commercial	Light Industry	General Industry	Rural Townsite	Rural Residential	Rural Smallholding	Rural	Special Use
CIVIC AND COMMUNITY									
Child Care Premises	A	D	X	X	X	A	A	X	See Schedule 4
Civic Use	D	D	D	X	A	X	X	X	
Club Premises	X	D	X	X	X	X	X	X	
Community Purpose	A	P	D	X	D	X	X	D	
Educational Establishment	A	D	A	X	X	X	X	A	
Exhibition Centre	X	P	D	X	X	X	A	A	
Family Day Care	D	D	X	X	P	P	P	P	
Hospital	X	D	X	X	X	X	X	X	
Place of Worship	A	D	X	X	D	X	X	X	
Recreation—Private	X	D	D	X	A	X	A	A	
RURAL									
Abattoir	X	X	X	A	X	X	X	A	See Schedule 4
Agriculture—Extensive	X	X	X	X	X	X	D	P	
Agriculture—intensive	X	X	X	X	X	A	D	D	
Animal Establishment	X	X	A	A	X	X	A	D	
Animal Husbandry—Intensive	X	X	X	A	X	X	X	A	
Produce Stall	X	X	X	X	D	D	D	D	
Renewable Energy Facility	X	X	X	X	X	X	X	A	
Rural Pursuit / Hobby Farm	X	X	X	X	D	D	D	D	
Tree Farm	X	X	X	X	X	X	X	D	

Mining operations' covered by the *Mining Act 1978* is exempt from the requirement of development approval and will be determined in accordance with the *Mining Act 1978*.

18. Interpreting zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

(2) The symbols used in the zoning table have the following meanings—

P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;

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

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;

X means that the use is not permitted by this Scheme.

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

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

(3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table—

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

(5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

(6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless—

- (a) the development approval application relates to land that is being used for a non-conforming use; and
- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

(7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land—

- (a) a structure plan;
- (b) an activity centre plan;
- (c) a local development plan.

19. Additional uses

(1) The Table sets out—

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

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

No.	Description of land	Additional use	Conditions
1	Lot 65 Williamson Road, Three Springs	School Bus Transport Depot	<ol style="list-style-type: none"> 1. The additional use on the land is permitted only in so far as it remains ancillary to the predominant use of the site for residential purposes. 2. Development associated with the approved use is to be positioned to the rear of the subject land and provided with landscaping screening to minimise the visual impact on the streetscape. 3. Any proposed alterations or extensions to the proposed use require an application for development approval and the local government may advertise any such application in accordance with clause 64 of the Deemed Provisions.

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

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

(1) Schedule 4 sets out—

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

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

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

22. Non-conforming uses

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

23. Changes to non-conforming use

- (1) A person must not, without development approval—
 - (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use—
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

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

PART 4—GENERAL DEVELOPMENT REQUIREMENTS**25. R-Codes**

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

26. Modification of R-Codes

- (1) The Residential Design Code for land zoned 'Commercial' shall be R10/30 unless otherwise indicated on the Scheme Maps.
- (2) Residential development with the R10/30 code shall permit a single dwelling at the R10 density and grouped or multiple dwellings at R30 density.

(3) The Council shall not approve a residential development with a density exceeding R10 unless a connection to a sewer network is available or otherwise it is in accordance with the provisions of any relevant Government Sewerage Policy.

(4) The Residential Design Code for land zoned 'Rural Townsite' shall be R10 unless otherwise indicated on the Scheme maps.

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

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

(2) The local government—

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

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

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

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

State Planning Policy 2.5: Rural Planning

(2) The local government—

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

30. Modification of State planning policies

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

31. Environmental conditions

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

32. Additional site and development requirements

(1) The Table sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

Table 7—Additional requirements that apply to land in Scheme area

No.	Description of Land	Requirement
1.	All Zones	<p>Development Requirements</p> <p>(1) The development requirements relating to setbacks and open space/landscaping are set out in Schedule 2.</p> <p>(2) For non-residential development in the Residential zone, the standards shall be as determined by the local government in each particular case.</p>
2.	All Zones	<p>Use of Land between the Street Alignment and Front Building Setback</p> <p>(1) In all zones, a person shall not use land between the street alignment and the front building setback except for one or more of the following purposes—</p> <ul style="list-style-type: none"> (a) gardens and other landscaping including pools and pergolas in the Residential zone; (b) access driveways; and (c) vehicle parking to the satisfaction of the local government.
3.	Commercial Zone	<p>(1) The local government may permit mixed use development within the Commercial zone, provided the residential component is built above or behind the commercial component.</p> <p>(2) All buildings within the Commercial zone shall be located, designed and constructed so that the external appearance arising from height, bulk, method of construction, materials used, colour and texture do not have an adverse impact on the amenity of the locality.</p> <p>(3) The local government shall require the applicant to submit for approval a detailed landscaping plan showing all areas to be landscaped and the type of landscaping and / or treatments proposed.</p>

No.	Description of Land	Requirement
4.	General Industry and Light Industry Zones	<p>(1) When considering any application for development approval for any industrial use, the local government may—</p> <ul style="list-style-type: none"> (a) require the applicant to provide a report on such matters as the effect of the proposal on the air quality, the levels of dust and other airborne pollutants, the quality of the ground water, road traffic and the amenity of the area as well as other matters which in the opinion of the local government need to be addressed. (b) consult and shall have regard to the advice of the Department of Health, the Department of Parks and Wildlife, the Department of Environmental Regulation and the Environmental Protection Authority regarding any aspect of the proposal. <p>(2) The maximum site coverage to be permitted for development on land zoned 'Light Industry' is 0.6.</p> <p>(3) The maximum site coverage to be permitted for development on land zoned 'General Industry' is 0.5.</p> <p>(4) The local government may by absolute majority vary the minimum setback to less than that shown in Schedule 2 subject the application being publicly advertised as per clause 64 of the Deemed Provisions.</p> <p>(5) A person may display finished goods for sale in the street setback area of a subject site, subject to the display area being limited to a maximum of 25% of any street setback area; and excluding the following—</p> <ul style="list-style-type: none"> (a) the dumping or storage of waste or raw materials; or (b) the wreckage or storage of wrecked vehicles or parts thereof. <p>(6) The local government shall require the applicant to submit for approval a detailed landscaping plan showing all areas to be landscaped and the type of landscaping and / or treatments proposed.</p>
5.	Rural Zone	<p>Additional Dwellings on Farms</p> <p>(1) Notwithstanding any other provisions in the Scheme, the Council may grant approval for one (1) additional dwelling in the Rural zone provided that—</p> <ul style="list-style-type: none"> (a) the total number of dwellings on the lot (excluding any ancillary accommodation) will not exceed three (3); (b) the local government is satisfied that adequate provision can be made for the supply of domestic water and for the disposal of sewage from the additional dwelling/s; (c) the additional dwelling/s will not adversely affect the rural landscape or conflict with agricultural production on the subject lot or on adjoining land; and (d) the additional dwelling/s should generally be clustered in one location on the property with all relevant services shared. (e) The approval of more than one (1) single dwelling on any lot zoned Rural shall not be construed as support for the subdivision of the lot. <p>Nutrient Run-off</p> <p>(2) In considering applications for development approval, the local government—</p> <ul style="list-style-type: none"> (a) shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, watercourse or underground aquifer; (b) may require no further clearing of vegetation; (c) shall prohibit stormwater from draining directly into existing water bodies or watercourses; and (d) may require all stormwater to be disposed of on-site.
6.	Rural Residential Zone	<p>(1) Development in the Rural Residential Zone shall comply with the following requirements—</p> <ul style="list-style-type: none"> (a) the lot size shall generally range from 1 hectare to 4 hectares; (b) the development approval of the local government is required for all development including a single house and such application shall be made in conformity with the provisions of the Scheme; (c) A single house is no have an internal floor area of no less than 45square metres; and (d) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless— <ul style="list-style-type: none"> i. their removal is authorised by the local government; or

No.	Description of Land	Requirement
		<ul style="list-style-type: none"> ii. where such vegetation is dead or diseased; or iii. where the clearing is required for the purpose of a firebreak or other approved fire protection measure; or iv. for development within a building envelope and access to the envelope; or v. for a fence. <p>(2) The local government will only support subdivision and / or development of land where an adequate sustainable potable water supply of at least 110,000 litres of water is provided for domestic use.</p> <p>(3) In addition to the requirements of a minimum additional 15,000 litres of water is to be supplied for fire fighting purposes.</p> <p>(4) In considering applications for development approval, the local government shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, watercourse or underground aquifer. No stormwater will be permitted to drain directly into existing water bodies or watercourses, and is to be disposed of on-site.</p> <p>(5) Appropriate effluent disposal or domestic waste water systems are required to be installed to the satisfaction of the local government and the Department of Health.</p> <p>(6) Conventional septic systems shall be located at least 100 metres from any water course or wetland and 30 metres or more from any bore, with a minimum 2 metre vertical separation distance between the base of the leach drain or soakwell and the highest known ground water level or bedrock, unless variation to the above is authorised by the local government.</p> <p>(7) Advice shall be sought from the Department of Agriculture regarding the maximum livestock stocking rate and associated development controls.</p> <p>(8) Only one dwelling is to be approved per lot.</p> <p>(9) All structures in high bushfire risk areas are to be constructed to the specifications of Australian Standard AS3959.</p> <p>(10) Scheme Amendments to rezone land to Rural Residential shall be considered in accordance with the Local Planning Strategy as adopted by the Western Australian Planning Commission, and shall address—</p> <ul style="list-style-type: none"> (a) the protection of water resources as outlined in Part 11 of Table 7; (b) the identification of management techniques to reduce existing or potential soil erosion problems; and (c) State Planning Policy 3.7 Planning in Bushfire Prone Area and Guidelines for Planning in Bushfire Prone Areas. <p>(11) Development within a Rural Residential Zone is to be generally in accordance with an approved Structure Plan.</p>
7.	Rural Smallholdings Zone	<p>(1) Development in the Rural Smallholding Zone shall comply with the following requirements—</p> <ul style="list-style-type: none"> (a) the lot size shall generally range from 4 hectares to 40 hectares; (b) the development approval of the local government is required for all development including a single house and such application shall be made in conformity with the provisions of the Scheme; and (c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the local government. <p>(2) The local government will only support subdivision and / or development of land where an adequate sustainable potable water supply of at least 110,000 litres of water is provided for domestic use.</p> <p>(3) A separate water supply from that outlined in 2) above is to be provided for land management and fire fighting purposes and this supply is to have a minimum capacity of 15,000 litres.</p> <p>(4) In considering applications for development approval, the local government shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, watercourse or underground aquifer. No stormwater from development will be permitted to drain directly into existing water bodies or watercourses, and is to be disposed of on-site.</p> <p>(5) Appropriate effluent disposal or domestic waste water systems are required to be installed to the satisfaction of the local government and the Department of Health.</p>

No.	Description of Land	Requirement
		<p>(6) Conventional septic systems shall be located at least 100 metres from any water course or wetland and 30 metres or more from any bore, with a minimum 2 metre vertical separation distance between the base of the leach drain or soakwell and the highest known ground water level or bedrock, unless variation to the above is authorised by the local government.</p> <p>(7) Only one dwelling is to be approved per lot.</p> <p>(8) All structures in high bushfire risk areas are to be constructed to the specifications of Australian Standard AS3959.</p> <p>(9) Scheme Amendments to rezone land to Rural Smallholding shall be considered in accordance with the Local Planning Strategy as adopted by the Western Australian Planning Commission, and shall address—</p> <ul style="list-style-type: none"> (a) the protection of water resources as outlined in Part 11 of Table 7. (b) the identification of management techniques to reduce existing or potential soil erosion problems; and (c) State Planning Policy 3.7 Planning in Bushfire Prone Area and Guidelines for Planning in Bushfire Prone Areas. <p>(10) Development within a Rural Smallholding zone is to be generally in accordance with an approved Structure Plan.</p>
8.	Rural and Rural Smallholdings Zones	<p>Tourist Uses in Rural Areas</p> <p>(1) Within the Rural or Rural Smallholdings zones, the local government may allow a range of accommodation and other tourist related uses subject to the zoning table, provided these are incidental to the rural use of the land and impacts associated with the tourist use are contained on-site.</p> <p>(2) Where, in the opinion of the local government, the tourist use will dominate (and no longer be incidental to) the rural use of the land, the local government may request rezoning of the land to the Special Use zone.</p>
9.	Commercial, General Industry and Light Industry Zones	<p>Caretaker's Dwelling</p> <p>(1) A caretaker's dwelling should be incidental to the predominant use of the site.</p> <p>(2) Only one caretaker's dwelling is permitted on a lot and that dwelling should be on the same lot as the associated use.</p> <p>(3) A caretaker's dwelling is to have a total floor area that does not exceed 60 square metres measured from the external face of the walls.</p> <p>(4) Open verandahs may be permitted but must not be enclosed by any means unless the floor area remains within the 60 square metres referred to in (3).</p> <p>(5) A caravan is not permitted as a caretaker's dwelling for either permanent or temporary accommodation.</p> <p>(6) A caretaker's dwelling shall be located at the rear of the lot.</p> <p>(7) Upon issuing development approval for a caretaker's dwelling, the local government may request that a section 70A notification be placed on the Certificate of Title restricting occupancy of the caretaker's dwelling to persons who work on a business operating on the land.</p> <p>(8) The local government will not support the subdivision or development of land in the Town Centre, Light Industry or General Industry zone that will—</p> <ul style="list-style-type: none"> (a) allow the caretaker dwelling to be sold separately from the predominant use of the land; and (b) otherwise restrict the use of the land from being used for the purposes for which it is zoned under the Scheme.
10.	Residential Zone	<p>Outbuildings</p> <p>(1) No outbuilding shall be erected on any land zoned Residential where there is no dwelling located on the lot.</p> <p>(2) Outbuildings appurtenant to any dwelling shall be of single storey construction and shall be located behind the setback to the street or streets of any existing or proposed dwelling on a lot.</p> <p>Building Height</p> <p>(3) No building in the Residential zone is permitted to exceed two storeys or 9 metres in height measured from the natural ground level immediately below the relevant point of the roof or wall, including freestanding structures such as masts, tanks, and signage; with the exception of minor projections such as chimneys, TV aerials, satellite dishes and vent pipes. Council may use its discretion to vary these requirements if it is satisfied that any height variation proposed will</p>

No.	Description of Land	Requirement
		<p>not affect the privacy enjoyed by adjacent developments and is sympathetic with the scale and character of the surrounding built environment.</p> <p>(4) Proposals to vary the height restrictions pursuant to (3) shall be accompanied by such plans, elevations, and sketches as determined by the local government to assess the effect on the visual amenity of the locality, including—</p> <ul style="list-style-type: none"> (a) the natural screening effect of any existing vegetation to be maintained on the site; (b) the natural screening effect of the topography of the site; (c) any proposed site works including re-contouring of the site; and (d) any proposed landscaping to be provided. <p>Parking of Commercial Vehicles</p> <p>(5) The local government may permit the parking of two commercial vehicles on a lot in the Residential zone provided—</p> <ul style="list-style-type: none"> (a) the amenity of the neighbourhood in the opinion of the local government is not adversely affected; (b) the vehicle forms an essential part of the occupation of the occupant of the dwellings; (c) the vehicle does not exceed either 3 metres in height or 12 metres in length; (d) any vehicle exceeding 8 metres in length is screened from public view; (e) no major repairs to the vehicle are undertaken and any minor repairs, service, or cleaning of any commercial vehicle or truck is undertaken in an area screened from public view. <p>(6) Notwithstanding (5) above, only one commercial vehicle 6 metres in length or greater will be permitted per lot.</p> <p>(7) Development approval granted for the above applies to the person to whom it was granted, is not capable of being transferred or assigned to any other person; and does not run with the land in respect of which it is granted.</p> <p>(8) If—</p> <ul style="list-style-type: none"> (a) A vehicle has been parked pursuant to a development approval granted under (6); and (b) in the opinion of the local government such a vehicle is causing a nuisance or annoyance to the neighbours or to the owners or occupiers of land in the vicinity; <p>then the local government may rescind the approval granted by and it after the rescission, no person shall upon the land the subject of a resolution for rescission, park a commercial vehicle unless development approval is subsequently granted by local government.</p>
11.	Scheme Area	<p>Water Resources</p> <p>To achieve development control with water sensitive urban design principles including implementation of current best management practices and best planning practices for the sustainable management and use of water resources the provisions set out below apply.</p> <p>Watercourses and Wetlands</p> <p>(1) In considering any development which may have an impact on any waterway including waterways, estuaries, creeks, streams, drainage lines, lakes, soaks, swamps and other wetlands, the local government is to have regard to—</p> <ul style="list-style-type: none"> (a) managing water balance; (b) maintaining and where possible enhancing water quality; (c) encouraging water conservation; (d) maintaining and where possible enhancing water related environmental values; and (e) maintaining and where possible enhancing recreational and cultural values. <p>(2) The local government shall not permit—</p> <ul style="list-style-type: none"> (a) the erection of any habitable building within 30 metres of the nearest definable bank of any watercourse; or (b) effluent disposal system on any land within 100 metres of the nearest definable bank of any watercourse.

No.	Description of Land	Requirement
		<p>Flood Risk</p> <p>(1) When considering applications for development approval for land prone to flooding and or / inundation, the local government shall consult the Department of Water and / or any other relevant government agencies prior to making a determination.</p> <p>(2) Developments in or adjacent to flood prone areas need to successfully demonstrate that adequate flood protection from a 100 year ARI flood event is in place, including having a finished floor level a minimum of 0.5m above the level of inundation for a 100 year ARI event as provided by the Department of Water and / or any other relevant government agency.</p> <p>(3) Flood protection measures are not to have a detrimental impact on the existing flooding regime of the general area or on the amenity of the locality. The local government may require the proponents to provide technical advice from an appropriately qualified person to demonstrate the suitability of the protection measures proposed.</p>
12.	Scheme Area	<p>Development on Land Abutting Unconstructed Roads</p> <p>Where an application for development approval is made in respect of land abutting an unconstructed road or not having access by means of a constructed road, the local government may either—</p> <ul style="list-style-type: none"> (a) refuse the application until the road has been constructed or access by means of a constructed road provided; or (b) grant the application approval subject to a condition requiring the applicant to pay a sum of money towards payment of the cost or estimated cost of the road or part thereof; (c) or require other legal arrangements to be made for permanent access, to the satisfaction of the local government.
13.	Scheme Area	<p>Domestic Water Supply</p> <p>Where a reticulated water supply is not available, the local government will require the provision of a potable water supply for domestic use of such quality as specified in the Australian Drinking Water Quality Guidelines (2004) and the provision of a separate water supply for land management and fire fighting purposes of combined minimum capacity as determined by the Local government.</p>
14.	Scheme Area	<p>Effluent Disposal</p> <p>The approval of the Department of Health will be required for all on-site effluent disposal systems, and the local government shall refer any development proposal for an on-site effluent disposal system to the Department of Health for advice.</p>
15.	Scheme Area	<p>Remnant Vegetation, Environmentally Significant Flora and Fauna</p> <p>Any rezoning, subdivision, or development proposal on land containing environmentally significant flora, fauna and / or remnant vegetation shall be referred to the Department of Parks and Wildlife and/or the Department of Environmental Regulation for advice. The proponent will be required to identify, assess, and put in place measures to protect the environmentally significant remnant vegetation, flora and/or fauna prior to determination.</p>
16.	Scheme Area	<p>Home Businesses and Home Occupations</p> <p>An approval to conduct a home business, home occupation or industry—cottage is issued only 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 in the occupier on the land in respect of which a development approval is issued, the approval is cancelled.</p>
17.	Scheme Area	<p>Temporary Accommodation</p> <p>(1) The local government may approve the temporary occupation of a caravan or other temporary accommodation on a lot only if it has approved an application for the development of a habitable building on the lot, in accordance with the Building Regulations.</p> <p>(2) The time permitted for such temporary occupation shall not exceed 12 months, unless otherwise approved by the local government.</p> <p>(3) In determining an application for the extension of a temporary approval, the local government must be satisfied that there has been a genuine effort to complete the approved habitable building on the lot pursuant to the original temporary accommodation approval.</p>

No.	Description of Land	Requirement
18.	Scheme Area	<p>Outdoor Storage</p> <p>All outdoor areas used for the storage of motor vehicle bodies, timber, steel products or any other materials in connection with a commercial or industrial use, with the exception of those subject to 4(5) of this Table, shall be screened from view from any public place by such means as determined by, and to the satisfaction of, the local government.</p>
19.	Scheme Area	<p>Landscaping</p> <p>(1) The landscaping requirement referred to in Schedule 2—Development Requirements refers to an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the local government natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however garbage collection and handling spaces and other open storage areas shall not be included.</p> <p>(2) The local government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that require little maintenance.</p> <p>(3) Where a proposed development utilises less than 50 percent of the allowable site coverage, the local government may reduce the landscaping requirement, provided that the landscaping requirement shall be required proportionately as subsequent development occurs.</p> <p>(4) Landscaping required pursuant to this Scheme or pursuant to a conditional development approval shall be carried out prior to the occupation of the development or at such other time as agreed in writing by the applicant and the local government.</p> <p>(5) Pursuant to (4) above, all landscaping shall be continually maintained to the satisfaction of the local government.</p> <p>Development of Lots with more than One Street Frontage</p> <p>Where development is proposed on a lot that has more than one street frontage, and is not covered by the Residential Design Codes, the local government shall decide which street is the primary street frontage for the purposes of Schedule 2—Development Requirements and any other provisions of the Scheme.</p>
20.	Scheme Area	<p>Car Parking</p> <p>(1) Car parking requirements are to be provided in accordance with Schedule 1—Car Parking Requirements, unless otherwise determined by the local government and shall be designed, constructed, and maintained to the satisfaction of the local government.</p> <p>(2) Where a particular use of land is not specified in Schedule 1, the local government shall determine the number of car parking spaces to be provided on the site having regard to the nature of the proposed development, the number of employees and visitors likely to be on the site, the need to keep roads and streets free of obstructions and the amenity of the area.</p> <p>(3) Where land is developed to accommodate a range of uses, the number of car parking spaces to be provided is to be calculated separately for each part of the land or building used for each uses.</p> <p>(4) Notwithstanding (3) above when a landowner can demonstrate to the satisfaction of the local government that the uses will be generating parking demand at different types, the local government may permit a reciprocal parking to take place on the site.</p> <p>(5) Where the landowner can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in the calculations as car parking but not as landscaping, provided that the local government from time to time may require additional parking spaces be provided by the landowner up to the maximum number specified in Schedule 5.</p> <p>(6) The car parking spaces required under the provisions of the Scheme, shall measure not less than—</p> <ol style="list-style-type: none"> (a) 90 degree parking—2.5m x 5.5m with 6m separating parallel rows for vehicle access; (b) 60 degree parking—2.8m x 5.6m per bay with 5m separating parallel rows for vehicle access; and (c) 45 degree parking—3.5 x 5.2m per bay with 3.7m separating parallel rows for one way vehicle access.

No.	Description of Land	Requirement
		<p>(7) If the local government is satisfied that adequate car parking exists or is to be provided in close proximity to a proposed development, notwithstanding Schedule 1, it may accept cash payment in lieu of the provision of car parking spaces subject to the following:</p> <p>(a) a cash in lieu payment shall not be less than the estimated cost to the owner of providing the car parking spaces otherwise required by the Scheme, plus the value as estimated by the local government of that area of land which would have been occupied by the car parking spaces;</p> <p>(b) the local government shall have already provided a public car park nearby or have firm proposals for providing a public car park area within the near future; and</p> <p>(c) payments under this clause shall be deposited into a special fund to be used exclusively to provide and/or maintain car parks in the near vicinity.</p>
21.	Scheme Area	<p>Vehicular Access for Commercial and Industrial Uses</p> <p>Where premises are to be used for any commercial and / or industrial purposes, provision must be made for access from the street to the building for the purpose of loading and unloading vehicles. Such access is to be designed in association with any on-site car parking provision and in a manner which does not interfere with the operation of any car parking area which permits vehicles using the same to return to the street in a forward gear.</p>
22.	Scheme Area	<p>Rear Access and Loading</p> <p>In considering any application for development approval the local government may require the provision of loading docks and / or rear access and may impose conditions concerning—</p> <p>(a) the size of loading docks; and</p> <p>(b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to exit the lot in forward gear.</p>
23.	Scheme Area	<p>Requirement for consultation to commence mining</p> <p>In considering proposals to commercially extract minerals, Council may exercise its discretion to inform the Minister for Mines and Petroleum and the Minister for Planning in writing that the granting of a mining lease or general purpose lease in contrary to the provisions of the Scheme and the Local Planning Strategy.</p>

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

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

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

(1) In this clause—

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

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

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

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

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

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

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

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

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

35. Restrictive covenants

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

(2) If subclause (1) operates to extinguish or vary a restrictive covenant—

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

PART 5—SPECIAL CONTROL AREAS

36. Special control areas

(1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

(2) The purpose, objectives and additional provisions that apply to each special control area is set out in the Table.

Table 8—Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
Special Control Area No. 1—Public Drinking Water Source Protection (SCA 1)	To protect public drinking water source areas.	To ensure that land use and development within the identified Public Drinking Water Source Protection Areas (PDWSAs) is compatible with the protection and long term management of water resources for public water supply	In determining land use and development proposals, the local government will have due regard to— <ol style="list-style-type: none"> (1) any relevant State government policies and the most relevant Department of Water land capability tables for Public Drinking Water Source Areas; (2) any comments or recommendations from the Department of Water and may impose conditions to prevent or minimize the potential risk of groundwater contamination; and (3) the management direction provided by the priority classification of certain areas, noting that— <ol style="list-style-type: none"> (a) Priority 1 (P1) areas are defined and managed to ensure there is no degradation of water resources, and represents the highest level of protection; (b) Priority 2 (P2) areas are defined to ensure there is no increased risk of pollution to the water source the water source; and (c) Priority 3 (P3) areas are defined to manage the

Name of area	Purpose	Objectives	Additional provisions
			risk of pollution to the water source.
Special Control Area No. 2— Strategic Mineral Resource Protection (SCA2)	To protect Strategic Mineral Resource Protection areas	To ensure that land use and development within the identified Strategic Mineral Resource Protection Areas is compatible with the protection and long term management of mineral resources To ensure appropriate separation distances between inappropriate and incompatible development and existing or future basic raw materials sites.	In determining proposals, the local government is to have due regard to any comments or recommendations from the Department of Mines and Petroleum and may impose conditions to prevent or minimize the potential risk of land use conflicts.
Special Control Area No. 3— Waste Water Treatment Plant Separation (SCA3)	To ensure that the development and use of land is compatible with the Three Springs Waste Water Treatment Plant.	To determine suitable nominal separation distances around existing and proposed industrial uses prior to further detailed investigations in order to protect the amenity of sensitive land uses.	In determining proposals, the local government is to have due regard to the provisions of relevant State government policies including State Planning Policy 4.1 State Industrial Buffer Policy
Special Control Area No. 4 (SCA4)	To ensure that the development and use of land is compatible with the Three Springs Refuse Disposal Site	To determine suitable nominal separation distances around existing and proposed Refuse Disposal Site prior to further detailed investigations in order to protect the amenity of sensitive land uses.	In determining proposals, the local government is to have due regard to the provisions of relevant State government policies including State Planning Policy 4.1 State Industrial Buffer Policy and advice from the Department of Environmental Regulation

PART 6—TERMS REFERRED TO IN SCHEME

Division 1—General definitions used in Scheme

37. Terms used

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

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

building height, in relation to a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

cabin means a dwelling forming part of a tourist development or caravan park that is—

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests;

chalet means a dwelling forming part of a tourist development or caravan park that is—

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests;

commencement day means the day this Scheme comes into effect under section 87(4) of the Act;

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including—

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

floor area has meaning given in the Building Code;

frontage, in relation to a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

minerals has the meaning given in the *Mining Act 1978* section 8(1);

net lettable area or nla means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas—

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;

non-conforming use has the meaning given in the *Planning and Development Act 2005* section 172;

plot ratio means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

precinct means a definable area where particular planning policies, guidelines or standards apply;

predominant use means the primary use of premises to which all other uses carried out on the premises are incidental;

retail means the sale or hire of goods or services to the public;

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

wall height, in relation to a wall of a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

wholesale means the sale of goods or materials to be sold by others.

(2) A word or expression that is not defined in this Scheme—

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

Division 2—Land use terms used in Scheme

38. Land use terms used

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

abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

agriculture—extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture—intensive or animal husbandry—intensive;

agriculture—intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture;

amusement parlour means premises—

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines;

animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;

animal husbandry—intensive means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;

ancillary dwelling—has the same meaning as in the Residential Design Codes

bed and breakfast means a dwelling—

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

bulky goods showroom means premises—

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes—
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and childrens' goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools; or
- (b) used to sell by retail goods and accessories by retail if—
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995 section 5(1)*;

caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

child care premises means premises where—

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia) section 5(1)*, other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007 section 4* is provided;

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 State 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 premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

consulting rooms means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store means premises—

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) 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 type of detention facility;

dry cleaning premises/ Laundromat means premises used for the commercial cleaning of clothes and laundry either in a self-service or serviced manner;

educational establishment means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

fast food outlet means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten—

- (a) without further preparation; and
- (b) primarily off the premises;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used—

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle

funeral parlour means premises used—

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

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

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

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

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

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

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

home store means a shop attached to a dwelling that—

- (a) has a net lettable area not exceeding 100 square metres; and
- (b) is operated by a person residing in the dwelling;

hospital means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1);

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

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes;

industry—cottages 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 principle uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m², and;
- (e) does not display a sign exceeding 0.2m² in area;

industry—extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes—

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

industry—light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;

industry—primary production means premises used—

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

lunch bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

market means premises used for the display and sale of goods from stalls by independent vendors;

medical centre means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

mining operations means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out;

motel means premises, which may be licensed under the *Liquor Control Act 1988*—

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles;

motor vehicle, 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 other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or re-treading of tyres;

motor vehicle wash means premises primarily used to wash motor vehicles;

nightclub means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

office means premises used for administration, clerical, technical, professional or similar business activities;

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

produce stall means a stall used to sell produce grown or made locally. **reception centre** means premises used for hosted functions on formal or ceremonial occasions;

recreation—private means premises that are—

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers.

restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *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) Act 1995* (Commonwealth); or
- (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; or
- (c) smoking-related implements;

rural pursuit/hobby farm means any premises, other than premises used for agriculture—extensive or agriculture—intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household—

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises;

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for—

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

single house—has the same meaning as in the Residential Design Codes

shop means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;

telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide—

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

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

transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including—

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another;

tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;

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/storage means premises including indoor or outdoor facilities used for—

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods;

wind farm means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use;

winery means premises used for the production of viticultural produce and associated sale of the produce;

workforce accommodation means premises, which may include modular or relocatable buildings, used—

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule 1

CAR PARKING REQUIREMENTS

Use Class	Car Parking Spaces Required
Aged or Dependent Persons Dwelling	As per Residential Design Codes
Agriculture—Extensive	1 / employee
Agriculture—Intensive	1 / employee
Amusement Parlour	1 / 20 square metres of GLA
Animal Establishment	1 / employee
Animal Husbandry—Intensive	1 / employee
Bed and Breakfast	1 / bedroom in addition to the Residential Design Codes requirement for dwelling
Betting Agency	1 / 20 square metres of GLA
Caravan Park	1 / caravan site + 1 visitor bay / 5 caravan sites
Caretaker's Dwelling	1 / dwelling
Child Care Premises	1 / 5 children
Cinema / Theatre	1 / 4 seats
Civic Use	Determined by the Local government
Club Premises	Determined by the Local government
Community Purpose	Determined by the Local government
Consulting Rooms	4 / Practitioner
Convenience Store	1 / 20 square metres of GLA
Corrective Institution	Determined by the Local government
Dry Cleaning Premises/ Laundromat	1 / 50 square metres of GLA
Eco-Tourist Facility	Determined by the Local government
Education Establishment	Primary—1 / classroom Secondary—1 / classroom + 1 / 15 year 12 students Other—1 / classroom or teaching room + 1 / 4 students
Exhibition Centre	Determined by the Local government
Family Day Care	As per the Residential Design Codes requirement for a dwelling
Fast Food Outlet	1 / 20 square metres of GLA
Fuel Depot	1 / 200 square metres of GLA and outdoor storage area
Funeral Parlour	1 / 40 square metres of GLA administration areas + 1/4 seats for public seating area
Garden Centre	1 / 100 square metres of sales and display area
Home Business	1 / employee not members of the occupier's household in addition to Residential Design Codes requirement for a dwelling
Home Office	As per the Residential Design Codes requirement for a dwelling
Home Store	1 / 20 square metres of GLA
Hospital	1 / 4 beds + 1 / employee
Hotel	1 / bedroom + 1 / 4 square metres of publically accessible lounge and bar area
Industry—Cottage	1 visitor bay in addition to Residential Design Codes requirement for a dwelling

Use Class	Car Parking Spaces Required
Industry—Extractive	1 / employee
Industry	1 / 100 square metres of GLA
Industry—Light	1 / 50 square metres of GLA
Mining Operations	1 / Employee
Industry—Primary Production	1 / 20 square metres of GLA
Lunch Bar	1 / 20 square metres of GLA
Market	3/ stall or 1/ 20 square metres of stall areas, whichever is the greater
Medical Centre	4 / practitioner
Motel	1 / unit + 1/4 square metres of publically accessible lounge and bar area
Motor Vehicle, Boat or Caravan Sales	1 / 100 square metres of sales and display area
Motor Vehicle Repair	2 / workshop bay + 1/employee
Motor Vehicle Wash	1 / wash bay
Multiple Dwelling	As per Residential Design Codes
Nightclub	1/4 square metres of publically accessible lounge and bar area
Office	1 / 40 square metres of GLA (excludes bank, building society, post office)
Place of Worship	1 / 4 seats
Reception Centre	1 / 4 seats
Recreation—Private	Determined by the local government
Residential Building	1 / bedroom
Restaurant/Cafe	1 / 4 square metres of publically accessible bar and eating area
Restricted Premises	1 / 20 square metres of GLA
Rural Pursuit	1 / employee
Service Station	2 / workshop bay + 1/ employee
Shop	1 / 20 square metres of GLA
Bulky Goods Showroom	1 / 50 square metres of GLA
Single House	As per Residential Design Codes
Tavern	1 / 4 square metres of publically accessible lounge and bar area
Telecommunications Infrastructure	Nil
Workforce Accommodation	Determined by the local government
Trade Display	1 / 100 square metres of sales and display area
Transport Depot	1 / 200 square metres of GLA and outdoor storage area
Veterinary Centre	4 / practitioner
Warehouse/Storage	1 / 200 square metres of GLA and outdoor storage area
Produce Stall	Determined by the local government
Renewable Energy Facility	Determined by the local government
Winery	1 / 4square metres of publically accessible bar and eating area

NOTES—

- (a) GLA—Gross Leasable Area means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
- (b) In addition to car parking spaces the local government may require tourist bus and coach parking.

Schedule 2
DEVELOPMENT REQUIREMENTS

Zone	Minimum Setbacks ¹	Open Space / Landscaping (% of site)
Residential	As per Residential Design Codes	As per Residential Design Codes
Commercial	Front / Street—Nil Side—Nil Rear—see Note 2	N/A
Light Industry	Front / Street—7.5m Side—Nil Rear—5m	10%
General Industry	Front / Street—9m Side—Nil Rear—Nil	10%
Rural Residential	Front / Street—10m Side—5m Rear—10m	N/A
Rural Smallholding	Front / Street—10m Side—10m Rear—20m	N/A
Rural	Front / Street—20m Side—10m Rear—20m	N/A
Rural Townsite	Front/ Street—7.5m Side—see Note 2 Rear—6m	N/A

NOTES—

- (1) Notwithstanding the minimum setbacks prescribed in Schedule 2, the front/street setback for any development on a lot adjacent to the Midlands Road, outside of a gazetted townsite, shall be 40m.
- (2) The minimum setback is to be the same as for a residential development assessed under the provisions of the Residential Design Codes based on the height, length and openings in the wall/s adjacent to the boundary.
- (3) N/A means not applicable.

—————
Schedule 3

ADDITIONAL INFORMATION FOR ADVERTISEMENTS

Note: to be completed in addition to the Application for development approval form

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

.....
.....

2. Details of proposed sign:

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

(b) Height: _____ Width: _____ Depth: _____

(c) Colours to be used:

(d) Height above ground level—

• (to top of advertisement): _____

• (to top of advertisement): _____

(e) Materials to be used: _____

.....
Illuminated: Yes / No

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

.....

3. Period of time for which advertisement is required:

.....

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

.....

.....

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

Signature of advertiser(s):

(if different from land owners)

Date:

Schedule 4
SPECIAL USE ZONES

No.	Description of Land	Special Use	Conditions
1	Lot 224 Carter Street, Three Springs	Short Term Accommodation	As determined by the local government
2	Lot 245 Christie Street and Lot 246 Williamson Street, Three Springs	Short Term Accommodation	As determined by the local government
3	Lot 238 Glyde Street, Three Springs	Short-Stay Accommodation	1. Prior to any redevelopment of the subject land, a Structure Plan is to be prepared and endorsed by the local government. 2. All development is to be in accordance with the endorsed Structure Plan.

Schedule 5
RESTRICTED USES

No.	Description of land	Restricted Use	Conditions

The certification pages for local planning schemes have been updated as follows—

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Shire of Three Springs at the Ordinary Meeting of Council held on the 15th August 2012.

S. YANDLE, Chief Executive Officer.

A. THOMAS, President/ Mayor.

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Shire of Three Springs at the Ordinary Meeting of Council held on the 17th June 2015.

The Common Seal of the Shire of Three Springs was hereunto affixed by authority of a resolution of the Council in the presence of—

S. YANDLE, Chief Executive Officer.

A. THOMAS, President.

WAPC Recommended for Approval—

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

Date: 8 December 2016.

Approval Granted—

D. FARAGHER, Minister for Planning.

Date: 13 December 2016.
