



**WESTERN
AUSTRALIAN
GOVERNMENT**
Gazette

ISSN 1448-949X (print)

ISSN 2204-4264 (online)

PRINT POST APPROVED PP665002/00041



PERTH, TUESDAY, 24 OCTOBER 2017 No. 205 SPECIAL

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 12.30 PM

© STATE OF WESTERN AUSTRALIA

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF WONGAN-BALLIDU

**LOCAL PLANNING
SCHEME No. 5**

PREAMBLE

This Local Planning Scheme of the Shire of Wongan-Ballidu consists of this Scheme Text, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, the supplemental provisions contained in Schedule A and the Scheme Maps. The Scheme should be read with the Local Planning Strategy for the Shire.

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

Queries regarding any aspect of the Scheme and how it may affect proposals for future development and use of land within the local government district should be directed to the Shire of Wongan-Ballidu Administration Centre, Cnr Quinlan Street and Elphin Crescent, Wongan Hills (Tel: (08) 9671 1011, Fax: (08) 9671 1230).

DISCLAIMER

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF WONGAN-BALLIDU****LOCAL PLANNING SCHEME No. 5****TABLE OF CONTENTS**

- PART 1—PRELIMINARY**—sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- PART 2—RESERVES**—sets out the local reserves which apply in the Scheme area and related provisions.
- PART 3—ZONES AND THE USE OF LAND**—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- PART 4—GENERAL DEVELOPMENT REQUIREMENTS**—sets out the planning requirements which may apply to a particular use or development in a zone.
- PART 5—SPECIAL CONTROL AREAS**—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape,

SCHEDULES

- Schedule 1—Dictionary of defined terms**
- Schedule 2—Additional uses**
- Schedule 3—Special use zones**
- Schedule 4—Exempted advertisements**
- Schedule 5—Rural Residential Zones**
- Schedule A—Supplemental provisions to the deemed provisions**

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF WONGAN-BALLIDU****LOCAL PLANNING SCHEME No. 5**

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

PART 1—PRELIMINARY**1. Citation**

This local planning scheme is the *Shire of Wongan-Ballidu Scheme No. 5* (“the Scheme”).

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked—

Shire of Wongan-Ballidu Town Planning Scheme No. 4, Gazetted on 5 October 2001.

4. Notes do not form part of the Scheme

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

5. Responsibility for Scheme

The Shire of Wongan-Ballidu is the local government responsible for the enforcement and implementing this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

The Scheme applies to the Scheme area that covers the entire local government district of the Shire of Wongan-Ballidu as 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 supplemental provisions contained in Schedule A; and
- (c) the Scheme Map (Sheets 1-15).

(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 the Scheme are to—

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

9. Aims of Scheme

The aims of this Scheme are—

- To assist the effective implementation of regional plans and policies including the State Planning Strategy;

- To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space;
- To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment;
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community;
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development; and
- To safeguard and enhance the character and amenity of the built and natural environment of the local government area.

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 Wongan-Ballidu which apply to the Scheme area.

12. Relationship with region planning scheme

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

PART 2—RESERVES

13. Regional Reserves

There are no regional reserves in the Scheme area

14. Local reserves

(1) In this clause—

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

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

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

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

Table 1—Reserve Objectives

Reserve Name	Objectives
Public Open Space	<ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s.152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental conservation	<ul style="list-style-type: none"> • To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision; and • To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Civic and Community	<ul style="list-style-type: none"> • To provide for a range of community facilities which are compatible with surrounding development. • To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Social Care Facilities	<ul style="list-style-type: none"> • Civic and Community which specifically provide for a range of essential social care facilities.
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.
Government Services	<ul style="list-style-type: none"> Public purposes which specifically provide for a range of government services.
Recreational	<ul style="list-style-type: none"> Public purposes which specifically provide for a range of public recreational facilities.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Car Park	<ul style="list-style-type: none"> To set aside land for a car park.
Drainage/Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none"> To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B 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 Roads 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 Roads Hierarchy.
Special Purpose Reserve	<ul style="list-style-type: none"> To set aside land for a special purpose. Purposes that do not comfortably fit in any other reserve classification.

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 THE 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. 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 the development is not detrimental to the amenity of adjoining owners or residential properties in the locality. To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles To preclude the storage of bulky and unsightly goods where they may be in public view.

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. • To preclude the storage of bulky and unsightly goods where they may be in public view.
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which by 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. • To seek to manage impacts such as noise, dust and odour within the zone. • To encourage any development to be appropriately screened from the main road. • To provide a location where separate heavy vehicular access is provided.
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. • To maintain a small town atmosphere.
Rural Residential	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 1ha to 4ha. • 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. • To discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone. • To promote and encourage cluster subdivision and other innovative rural residential designs, having consideration for conservation values. • To encourage the provision of vegetation and fauna corridors and the revegetation of the land to adequately protect any areas or sites of conservation value. • To only permit development, and support subdivision, in accordance with an approved structure plan.
Rural	<ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses. • To support small scale, low impact, short-term tourist accommodation in rural locations. • To support mining activities where an environmental management plan has been prepared and the project is acceptable to the local government, EPA and the Department responsible for mining. • To preclude the disposal of used tyres or any other material that may be detrimental to the quality of the land.
Special Use	<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—

Table 3—Zoning Table (Part 1 of 3)

Use Classes	Zones						
	Residential	Commercial	Light Industry	General Industry	Rural Townsite	Rural Residential	Rural
RESIDENTIAL							
Caretaker's dwelling	X	D	D	X	X	X	X
Grouped dwelling	P	A	X	X	A	X	X
Home business	D	D	X	X	P	D	D
Home occupation	D	D	X	X	P	D	D
Home store	A	D	X	X	A	A	A
Multiple dwelling	D	A	X	X	X	X	X
Park home park	X	A	X	X	X	X	X
Repurposed dwelling	D	X	X	X	D	D	D
Residential aged care	D	X	X	X	A	X	X
Residential building	A	X	X	X	X	X	X
Second-hand dwelling	D	X	X	X	D	D	D
Single house	P	A	X	X	P	P	P
TOURIST AND ENTERTAINMENT							
Amusement parlour	X	D	X	X	X	X	X
Bed and breakfast	A	D	X	X	A	D	D
Camping ground	A	A	X	X	A	X	A
Caravan park	A	A	X	X	A	X	A
Holiday accommodation	A	A	X	X	A	X	A
Hotel	X	P	X	X	X	X	X
Motel	X	D	X	X	X	X	X
Tavern	X	P	X	X	A	X	X
COMMERCE							
Betting agency	X	P	X	X	X	X	X
Bulky Goods Showroom	X	D	P	X	X	X	X
Cinema/theatre	X	P	X	X	X	X	X
Consulting rooms	A	D	D	X	A	X	X
Convenience store	A	P	X	X	A	X	X
Dry cleaning premises	X	D	D	D	A	X	X
Fast food outlet	X	D	X	X	A	X	X
Garden centre	D	P	P	X	A	X	X
Lunch bar	A	P	P	A	A	X	X
Market	X	D	D	X	A	X	X
Medical centre	X	D	X	X	X	X	X
Motor vehicle, boat or caravan sales	X	D	D	X	A	X	X
Motor vehicle repair	X	D	P	P	A	X	X
Motor vehicle wash	X	D	P	P	X	X	X
Night club	X	D	X	X	X	X	X
Office	D	P	D	X	A	X	X
Reception centre	X	P	X	X	X	X	X
Recreation—Private	X	D	A	X	A	X	A
Restaurant/café	X	P	X	X	X	X	D

Use Classes	Zones						
	Residential	Commercial	Light Industry	General Industry	Rural Townsite	Rural Residential	Rural
Restricted premises	X	D	D	X	X	X	X
Service station	X	D	D	P	A	X	X
Shop	X	P	D	D	A	X	X
Trade display	X	D	P	P	X	X	D
Transport depot	X	X	P	P	A	X	D
Winery	X	D	A	A	X	X	A
OTHER							
Funeral parlour	X	A	A	X	X	X	X
Resource recovery centre	X	X	D	D	X	X	A
Telecommunications infrastructure	A	D	D	P	D	A	D
Veterinary centre	X	A	D	X	A	X	A
Waste disposal facility	X	X	X	X	X	X	A
Waste storage facility	X	X	A	A	X	X	A
INDUSTRY							
Fuel depot	X	X	X	A	A	X	X
Industry	X	X	D	D	X	X	X
Industry—Cottage	A	D	D	X	D	A	A
Industry—Extractive	X	X	X	D	X	X	D
Industry—Light	X	X	P	D	A	X	D
Industry—Primary Production	X	X	D	A	X	X	P
Industry—Service	X	D	P	X	A	X	D
Mining Operations	X	X	X	X	X	X	D
Warehouse / Storage	X	D	P	P	A	X	X
CIVIC AND COMMUNITY							
Child care premises	A	D	X	X	D	X	X
Civic use	D	D	X	X	A	X	X
Club premises	D	D	A	X	A	A	A
Community purpose	A	P	A	X	A	A	A
Educational establishment	X	P	X	X	A	X	X
Family day care	A	D	X	X	A	A	A
RURAL							
Agriculture—Extensive	X	X	X	X	X	X	P
Agriculture—Intensive	X	X	X	X	X	X	D
Animal establishment	X	X	A	X	X	X	A
Animal husbandry—Intensive	X	X	A	X	X	X	A
Rural pursuit/hobby farm	X	D	D	X	A	D	D
Stockyard	X	X	X	X	A	X	D
Tree Farm	X	X	X	X	X	X	A
Wayside stall	X	X	X	X	D	D	D

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;
- 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.

Notes—

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 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 the 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 the 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) Schedule 2 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.

(2) Despite anything contained in the zoning table, land that is specified in the Schedule 2 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 3 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 the 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 R-Code for Residential development for land zoned 'Commercial' shall be to the R-Code R10/50 density unless otherwise indicated on the Scheme Maps.

(2) The R-Code for land zoned 'Rural Townsite' shall be to the R-Code R10/20 unless otherwise shown. Where no R-Code is shown, development of more than a single dwelling, will not be supported.

(3) Where there is a split R-Code density, all residential development shall be at the lower density unless it is demonstrated to local government's satisfaction that an acceptable sewerage disposal system, considered suitable by the department responsible for health, can be installed and managed. Thereafter local government may consider the development as a 'D' use.

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

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

(2) The local government—

(a) Must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and

(b) May publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6

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

(1) The State planning policies set out in Table 4, modified as set out in clause 30, are to be read as part of this Scheme.

Table 4—State planning policies to be read as part of Scheme

State planning policies to be read as part of Scheme
State Planning Policy 3.7—Planning in Bush Fire Prone Areas

(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) Table 5 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 5—Development Table

Zone	Minimum Boundary Setback (Metres)			Minimum Landscaped Area (%)
	Front	Rear	Sides	
Residential	As per the Residential Design Codes*			NA
Commercial	*	7.5	*	*
Light Industry	7.5	7.5	*	10
General Industry	7.5	7.5	*	15
Townsite	6	1.5	1.5	10
Rural Residential	20	15	1.5	10
Rural	35	15	15	NA

Notes—

(i) * means 'to be determined by the local government' in each particular case.

(ii) Landscaping to be generally at the street frontage.

(2) Development Requirements

Where requirements for a particular use are not set out in this Scheme, the development required shall be determined by the local government.

(3) Combined uses

Where two or more uses are combined in a single development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the local government shall determine.

(4) Industrial development

Unsewered industrial development will be required to provide acceptable wastewater disposal facilities and shall be restricted to “dry industry”.

(5) Car parking

Unless otherwise provided by the Scheme, all non-residential development is required to provide marked and onsite car parking. Local government shall determine car parking requirements having regard to the nature of the development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety, convenience and amenity standards.

(6) Landscaping

Landscaping requirements for each use zone are set out in Table 5—Development Table and the relevant Local Planning Policy.

(7) Water provisions and management

Prior to the development of any lot, the local government will assess the provision of potable water and management of surface and groundwater, having regard to State Planning Policy 2.9 Water Resources and the Better Urban Water Management Guidelines, State Planning Policy 2.5 Rural Planning and Development Control Policy 3.4 Subdivision of Rural Land.

(8) Development in the Rural zone shall comply with the following requirements—

- (a) Notwithstanding the right to develop a single house on an existing lot, residential development in the ‘Rural’ Zone shall comply with the specific requirements of the local government, however these shall not be less than those specified for the Residential Design Code ‘R2’.
- (b) Unless otherwise provided for in the Scheme, development in the Rural zone shall comply with the relevant provisions contained in State Planning Policy 2.5 Rural Planning (SPP 2.5) or its successors.
- (c) Should there be a conflict between State Planning Policy 2.5 and the Scheme, the Scheme shall prevail.
- (d) A copy of State Planning Policy 2.5 is to be kept and made available for public inspection at the offices of the local government.

(9) Development in a Rural Residential zone shall comply with following requirements in addition to those requirements set out in Schedule 5 under the Special Conditions—

- (a) Unless otherwise provided for in the Scheme, development in a Rural Residential zone shall comply with the relevant provisions contained in State Planning Policy 2.5 Rural Planning (SPP 2.5) or its successors, in addition to those requirements set out in Schedule 5.
- (b) A copy of State Planning Policy 2.5 is to be kept and made available for public inspection at the offices of the local government.
- (c) The local government or the Western Australian Planning Commission may require a structure plan prior to considering subdivision or development in the Rural Residential zone.
- (d) Where reticulated water is not available and an acceptable alternative potable water supply is not demonstrated in accordance with State policy, subdivision of the land will be refused.

(10) Caretakers’ dwellings in the ‘Light Industry’ zone shall comply with the following requirements—

- (a) A caravan is not permitted as a caretaker’s dwelling for either permanent or temporary occupation.
- (b) Only a single caretaker’s dwelling shall be permitted on each lot and it shall be located at the rear of a lot zoned ‘Light Industry’.
- (c) The local government will not support the subdivision or development of land in a Light Industry zone that will;
 - (i) allow the dwelling to be sold separately from the industrial use of the land;
 - (ii) restrict the use of the land for industrial purposes.
- (d) A caretaker’s dwelling shall contain only 1 bedroom.
- (e) A caretaker’s dwelling shall have a maximum floor area of 100m² measured from the external face of the walls.
- (f) Open verandas may be permitted but are not to be enclosed by any means unless the total floor area remains less than 100m².

(11) Development areas

Subdivision and development of land included in a Development Area, as shown on the Local Planning Strategy Map, shall be subject to the preparation of a Structure Plan for the area.

(12) Relocatable and second-hand buildings

Relocatable and second-hand buildings shall not be permitted on any lot within the Scheme area unless—

- (a) In the opinion of the local government such a dwelling is in a satisfactory condition and will not detrimentally affect the amenity of the area; and

- (b) An Applicant enters into an agreement to the satisfaction of the local government to reinstate the dwelling to an acceptable standard of presentation as determined by the local government within 24 months of issues of the Building Permit.

(13) Requirement for consultation to commence mining

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

(14) Development of lots not abutting a constructed public road

Notwithstanding anything elsewhere appearing in the Scheme where an application for planning consent is made in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the local government shall either—

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- (c) grant the application subject to the following conditions, or any other conditions local government sees fit to impose—
 - (i) Arrangements are to be made for permanent access, to the satisfaction of the local government.
 - (ii) The location of any legal access shall be to the satisfaction of local government and shall not be varied without the local governments written approval.
 - (iii) Access must be constructed and maintained to the satisfaction of local government.
 - (iv) A notification is to be placed on the title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

(15) Development in the Rural Townsite zone

Notwithstanding the permissibilities reflected in Table 3—Zoning Table, development in the towns of Burakin, Kondut, Cadoux and Kokardine will be limited to ‘Single House’, ‘Grouped dwelling’, ‘Bed & Breakfast’, ‘Child Care Premises’, ‘Educational Establishment’, ‘Family Day Care’, ‘Tavern’, ‘Home Store’, ‘Home Occupation’, ‘Home Business’, ‘Shop’ and ‘Warehouse/storage’,

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 Table 6.

Table 6—Special Control Areas in the Scheme area

Name of Area	Purpose	Objectives	Additional Provisions
Special Control Area 1—Waste Water Treatment Plant	Depot Road Waste Water Treatment Plant Odour Buffer	Prevent the introduction and intensification of land uses or development that would be incompatible with the ongoing operation of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's waste water.	<p>Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, planning approval is required for any proposed use or development within the Waste Water Treatment Plant Buffer Special Control Area as depicted on the Scheme Map. In determining applications for development or land use within the Special Control Area, the local government shall—</p> <ol style="list-style-type: none"> (a) Consider the compatibility of the use or development with the wastewater treatment plant infrastructure having regard to potential odour and noise emissions from the waste water treatment plant; (b) Consider whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant; (c) Obtain and have regard to the advice and recommendations of the department responsible for Water and the department responsible for environment regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy); (d) Impose conditions as appropriate on any planning approval to attenuate odour and noise impacts; and (e) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant.
Special Control Area 2	Waste Disposal Facility (Reserve 31792 Serio Road, Wongan Hills)	Prevent the introduction and intensification of land uses or development that would be incompatible with the ongoing operation of the waste disposal facility/rubbish tip which provides an	<p>Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, planning approval is required for any proposed use or development within the Waste Disposal Facility Special Control Area as depicted on the Scheme Map. In determining applications for development or land use within the Special Control Area, the local government shall—</p> <ol style="list-style-type: none"> (a) Consider the compatibility of the use or development with the waste

Name of Area	Purpose	Objectives	Additional Provisions
		essential service to the community.	<p>disposal facility infrastructure having regard to potential odour and noise emissions from the waste water treatment plant;</p> <p>(b) Consider whether the use or development would have a detrimental impact on the long term operation of the waste disposal facility;</p> <p>(c) Obtain and have regard to the advice and recommendations of the department responsible for Water and the department responsible for environment regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy);</p> <p>(d) Impose conditions as appropriate on any planning approval to attenuate odour and noise impacts; and</p> <p>(e) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste disposal facility.</p>
Special Control Area 3	CBH Facility (1 Commercial Road, Wongan Hills)	To guide and control land use and development within the area of the CBH grain receival depot (1 Commercial Road, Wongan Hills), as shown on the Scheme Maps as SCA 3.	<p>Despite any other provisions in this Scheme, development approval is required for all land use and development, including a single house within SCA 3.</p> <p>In addition to provisions of the Scheme, the local government in considering applications for rezoning, subdivision or planning approval in SCA 3 is to have due regard to—</p> <p>(a) The potential impacts of the proposal on the current and future operations of the CBH Facility;</p> <p>(b) The sensitivity of the proposed use or development to off-site emissions or risk; and</p> <p>(c) Any other planning consideration the local government considers relevant.</p>

SCHEDULES

Schedule 1—Dictionary of defined terms

Schedule 2—Additional uses

Schedule 3—Special use zones

Schedule 4—Exempted advertisements

Schedule 5—Rural Residential Zones

Schedule A—Supplemental provisions to the deemed provisions

Schedule 1—Dictionary of defined terms

Unless listed below, the terms used in the Scheme have the same meaning as the general definitions and land use terms contained in Part 6 of Schedule 1 of the model provisions for local planning schemes in the *Planning and Development (Local Planning Schemes) Regulations 2015*, or have the same meaning as defined in State Planning Policy 3.1—Residential Design Codes.

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

“Dry cleaning premises”—means land and buildings used for the cleaning of garments and other fabrics by chemical processes;

“Dry industry”—means any industrial use permitted under the scheme where it can be demonstrated that the quality and volume of effluent to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems approved by the department responsible for health in Western Australia. In addition, development shall be restricted to the type which is predicted to generate waste water intended for disposal on site at a daily volume not exceeding single residential equivalent i.e. 540 litres per day per 1,000m² of site area consistent with the Government Sewerage Policy.

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

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

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupiers 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 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area.

“Industry—service”—means—

- (a) an industry-light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises which have a retail shop front and used as a depot for receiving goods to be serviced.

“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.

“Plant nursery”—means premises used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticulture and garden décor;

“Stockyards”—means land, buildings and other structures for the holding or sale or both of livestock;

“Wayside stall”—means a stall located adjacent to a street in which only fruit, vegetables and artefacts grown, produced or made on the land are sold or offered for sale.

Schedule 2—Additional uses

The following additional uses apply to the Scheme—

No.	Description of land	Additional use	Conditions
A1	Lot 162 Danubin Street, Wongan Hills	Single house	As determined by the local government

Schedule 3—Special use zones

The following special use zones apply to the Scheme—

No.	Description of land	Special use	Scheme Map Designation	Conditions
1	Lot 250 Wongan Road, Wongan Hills	Service Station	SU1	As determined by the local government
2	Lot 4 Commercial Road, Wongan Hills	Service Station	SU2	As determined by the local government
3	Lot 188 Wallis Street, Ballidu	Caravan Park	SU3	As determined by the local government
4	Lot 50 Wongan Road, Wongan Hills	Tourist Development	SU4	Subject to local government's approval of an Structure Plan

Schedule 4—Exempted advertisements

Land Use and/or development	Exempted Sign ¹	Maximum Size
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m. Maximum total area 10m ² and individual signs 6m ² .
Showroom, race courses, major racing tracks, sports stadium, sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government, and (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

¹ Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

Schedule 5—Rural Residential Zones

Rural	Land Description	Special Conditions
RR1	Lots 160-161 Cemetery/Manmanning/ Ninghan Roads, Wongan Hills	Closure and re-contouring of any sand pits
RR2	Lots 208-213 and 217-219 Pioneer/ Avon/ Manmanning/ Central Roads, Wongan Hills	Clearing up of the former tip site to the satisfaction of the local government and compliance with the requirements of the department responsible for environmental protection and regulation.
RR3	VCL and Lot 64, Petchell Street Ballidu	<ul style="list-style-type: none"> - Adequate buffers being provided for any houses to the adjoining Rubbish Depot to the satisfaction of the local government and the Department responsible for environment regulation - Adequate buffers being provided for any houses to the adjoining Air Navigation Facility.

Schedule A—Supplemental provisions to the deemed provisions

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

Clause 61(1)—

- (k) the erection or installation of a sign or advertisement of a class specified in Schedule 4 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed—
 - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area.
- (l) the erection of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R-Codes do not apply) in which that lot is located, where the development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) abutting an unconstructed road or a lot which does not have frontage to a constructed road.
- (m) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone (where the R Codes do not apply) where the development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
- (n) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the heritage list prepared in accordance with this Scheme; or
 - (iv) located within an area designated under the Scheme as a heritage area.

ADOPTION

Adopted by resolution of the Council of the Shire of Wongan-Ballidu at the Meeting of the Council held on the 26th day of February 2014.

Date: 7 May 2015.

P. MACNAMARA, Shire President.

Date: 8 May 2015.

S. TAYLOR, Chief Executive Officer.

FINAL APPROVAL

Adopted for final approval of the Shire of Wongan-Ballidu at the meeting of Council held on the 22nd day of February 2017 and the seal of the Municipality was pursuant to that resolution affixed in the presence of—

Date: 22 February 2017.

Seal

P. MACNAMARA, Shire President.

Date: 22 February 2017.

S. TAYLOR, Chief Executive Officer.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

C. MEAGHAN, Delegated under S.16 of *PD Act 2005*,
WA Planning Commission.

Date: 6 September 2017.

FINAL APPROVAL GRANTED

Date: 2 October 2017.

R. SAFFIOTI, Minister for Planning.
