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PLANNING AND DEVELOPMENT ACT 2005

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**SHIRE OF KATANNING**

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**LOCAL PLANNING SCHEME  
No. 5**

*SHIRE OF KATANNING***LOCAL PLANNING SCHEME NO. 5**

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

**PLANNING AND DEVELOPMENT ACT 2005**

## SHIRE OF KATANNING

**LOCAL PLANNING SCHEME No. 5**

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**PLANNING AND DEVELOPMENT ACT 2005**

SHIRE OF KATANNING

**LOCAL PLANNING SCHEME No. 5**

**PART 1—PRELIMINARY**

**1. Citation**

This local planning scheme is the Shire of Katanning Scheme No 5.

**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—

<b>Scheme</b>	<b>Gazettal Date</b>
Shire of Katanning Town Planning Scheme No. 4	9 January 1998

**4. Notes do not form part of Scheme**

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

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

**5. Responsibility for Scheme**

The Shire of Katanning 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, which covers the entire Local Government district of the Shire of Katanning.

**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 Maps (Sheets 1 -12).

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

**8. Purposes of Scheme**

The purposes of this Scheme are to—

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

**9. Aims of Scheme**

The aims of this Scheme are to—

- (a) Strategic Land Supply  
Promote and facilitate the planned expansion of the Katanning townsite.

- (b) **Community Growth and Diversity**  
Provide opportunities for growth of the Katanning townsite and reinforce its status as a regional centre to accommodate a growing and diverse community with a strong sense of place, heritage and achievement.
- (c) **Economic Growth**  
Strengthen and diversify the Shire of Katanning's economic base by providing an overall pattern of land use and development flexibility that supports existing businesses and provides for expansion of the economic base by encouraging new business and industry.
- (d) **Residential Density and Housing Diversity**  
Provide for a variety of residential densities and housing options.
- (e) **Agriculture and Rural Land Use**  
Protect rural land for agricultural production and provide for a broad range of rural and ancillary land use opportunities.
- (f) **Heritage**  
Provide for the recognition and preservation of areas, places and objects of cultural and heritage significance.
- (g) **Environmental Values**  
Protect the natural environment and provide for the sustainable use of all natural resources (soil, water and air).

#### 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 local planning schemes of the Shire of Katanning 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"> <li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li> <li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> </ul>
Public Purposes	<ul style="list-style-type: none"> <li>To provide for a range of essential physical and community infrastructure.</li> </ul>
Railways	<ul style="list-style-type: none"> <li>To set aside land required for passenger rail and rail freight services.</li> </ul>
Primary Distributor Road	<ul style="list-style-type: none"> <li>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.</li> </ul>
Local Road	<ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>

#### 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"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the town and its anticipated growth in population.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas that—               <ul style="list-style-type: none"> <li>- Maintains the character and amenity of established residential areas and ensures that new development, including alterations and additions, is sympathetic with the character and amenity of those areas;</li> <li>- Incorporates energy efficient design principles; and</li> <li>- Where appropriate, facilitates ageing in place through the incorporation of adaptable housing design.</li> </ul> </li> <li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
Urban Development	<ul style="list-style-type: none"> <li>• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</li> <li>• To provide for a range of residential densities to encourage a variety of residential accommodation.</li> <li>• To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</li> <li>• To provide for sustainable urban consolidation and expansion of the Katanning townsite.</li> <li>• To designate land considered generally suitable for future urban development and to prevent such land being used or developed in a manner which could prejudice its possible future use for planned urban development.</li> <li>• To provide for the sustainable development of land in an orderly staged manner with appropriate levels of physical infrastructure and human services.</li> <li>• To provide a suitable interface between rural and residential land uses.</li> </ul>
Rural	<ul style="list-style-type: none"> <li>• To provide for the maintenance or enhancement of specific local rural character.</li> <li>• 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.</li> <li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils, including groundwater and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>• 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.</li> <li>• To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> </ul>
Rural Residential	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 1 ha to 4 ha.</li> <li>• 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 and avoid off-site impacts such as nutrient loss, drainage and/or potential conflicts with adjoining land uses.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> <li>• To provide for a suitable level of physical and community infrastructure.</li> </ul>

Zone name	Objectives
Rural Smallholdings	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 6 ha to 40 ha in close proximity to the Katanning townsite.</li> <li>• To provide for a limited range of rural land uses where part-time and full-time income may be derived on individual lots from speciality agricultural production and small scale value adding activities and where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
General Industry	<ul style="list-style-type: none"> <li>• 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.</li> <li>• To allow for the continuation of existing industries and provide for the establishment of new industries that contribute to Katanning's and the region's economic growth.</li> <li>• To encourage manufacturing and processing using produce from the region.</li> <li>• To take advantage of the attributes of location, availability of services and transport facilities servicing Katanning and the region.</li> <li>• To discourage non-industry uses that may constrain industrial activities.</li> <li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>• Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
Industrial Development	<ul style="list-style-type: none"> <li>• To designate land for future industrial development.</li> <li>• To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets focussed on Clive Street and Austral Terrace that increase activity and contribute to the town's regional centre status.</li> <li>• To maintain the compatibility with the general streetscape, or improve the existing streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality and, in particular— <ul style="list-style-type: none"> <li>(a) Promotes the renovation, adaptation and re-use of recognised heritage buildings and places;</li> <li>(b) Incorporates spaces for street furniture, public art, social interaction and activities that add vibrancy to the town;</li> <li>(c) Provides for weather protection for pedestrians along footpaths;</li> <li>(d) Provides for efficient and safe movement and parking of vehicles;</li> <li>(e) Incorporates landscaping of the lots and car parking areas.</li> </ul> </li> </ul>
Enterprise Zone	<ul style="list-style-type: none"> <li>• To provide employment by facilitating opportunities for a range of light, service and cottage industries, home businesses and other low impact uses in an area where people can live and work on the same property.</li> <li>• To provide opportunities for the establishment of small scale, commercial enterprises which are incidental to and compatible with residential uses.</li> <li>• To establish a transitional zone between areas set aside for residential purposes and other land developed or to be developed for industrial purposes so as to preserve the amenity of residential areas.</li> <li>• To support the reconstruction of single houses in the event of accidental destruction.</li> <li>• To recognise and improve the amenity of existing residential development.</li> </ul>

(3) Development requirements applying to particular zones are as follows—

**Table 3—Development Requirements applying to particular zones**

Zone Name	Additional Provisions
Urban Development	<p>(1) Prior to the Local Government granting approval to any development or supporting any proposal for subdivision or development of land within the Urban Development Zone, other than development and minor changes in the use of land outlined in (2) below, a Structure Plan shall be prepared and approved.</p> <p>(2) Notwithstanding the provisions of (1) above, within the Urban Development Zone the Local Government may consider the establishment of those uses in accordance with the zoning table prior to the completion and endorsement of a structure plan.</p> <p>(3) Where a Structure Plan has been endorsed by the Local Government and the Western Australian Planning Commission, the land to which the Structure Plan applies shall be developed generally in accordance with the Structure Plan.</p>
Rural	<p>(1) Site and Development Requirements</p> <p>The Local Government may permit a maximum of one ancillary dwelling, caretaker's dwelling or farm worker's accommodation to be developed in addition to a single house, subject to the following requirements being met—</p> <ul style="list-style-type: none"> <li>(a) The applicant demonstrating the need for the accommodation based upon the existing approved agricultural use operating on the premises;</li> <li>(b) Occupation of the accommodation is restricted to persons directly employed by the proprietor/manager of the business or activity carried out on the lot, and their immediate family; and</li> <li>(c) The accommodation is clustered around the single house or other farm buildings on the land to enable the sharing of infrastructure servicing.</li> </ul> <p>(2) Building Setback, Design, Materials and Colours—</p> <ul style="list-style-type: none"> <li>(a) The following minimum building setbacks apply— <ul style="list-style-type: none"> <li>Front Boundary: 50m</li> <li>Side Boundary: 15m</li> <li>Rear Boundary: 15m</li> </ul> </li> <li>(b) No dwelling shall exceed the maximum building heights set out in Category B of the R-Codes.</li> <li>(c) All dwellings, outbuildings and other structures (such as patios, pergolas, gazebos etc) shall be designed and constructed of materials which allow them to blend in with existing buildings and the landscape of the site.</li> </ul>
Rural Residential	<p>The following general provisions shall apply to all development within the Rural Residential zone, in addition to any special provisions set out in Schedule 1 which are specifically applicable to that land—</p> <ul style="list-style-type: none"> <li>(1) Planning Approval <p>Notwithstanding any other requirement of the Scheme for any lot within the Rural Residential Zone, planning approval is required for all development including a Single House.</p> </li> <li>(2) Building Setback, Design, Materials and Colours— <ul style="list-style-type: none"> <li>(a) The following minimum building setbacks apply— <ul style="list-style-type: none"> <li>Front Boundary: 15m</li> <li>Side Boundary: 10m</li> <li>Rear Boundary: 10m</li> </ul> </li> <li>(b) The Local Government may permit variations to the building setback, where it is satisfied that the modification— <ul style="list-style-type: none"> <li>(i) Is consistent with the objectives for the zone;</li> <li>(ii) Preserves areas of remnant vegetation, creek lines and other areas of environmental significance;</li> <li>(iii) Provides sufficient area for the development of any low fuel zone and/or hazard separation area on the lot;</li> <li>(iv) Is required due to the topography or shape of the lot; and</li> <li>(v) Will have no adverse impact on the amenity of existing residences on adjoining lots.</li> </ul> </li> </ul> </li> <li>(3) A single house shall not exceed the maximum building heights set out in Category B of the R-Codes.</li> <li>(4) All dwellings, outbuildings and other structures (such as patios, pergolas, gazebos etc) shall be designed and constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall use natural earth tones and textures which allow them to blend into the surrounding landscape.</li> </ul>

Zone Name	Additional Provisions
	<p>(5) Wall and roof colours that are highly-visible or reflective such as unpainted zincalume or off-white colours are not permitted.</p> <p>(6) Water tanks shall be located behind or to the side of the dwelling and coloured to match the dwelling/outbuilding.</p> <p>(7) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i> or any document superseding it.</p> <p>(8) Vegetation Protection and Landscaping. No clearing of remnant vegetation is permitted unless it forms part of the construction of an approved dwelling or other structure, fencing, fire protection or access/servicing requirements. Clearing of remnant vegetation for any other purpose requires the planning approval of the Local Government and as a condition of granting approval, the Local Government may require the applicant, plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p>(9) Dams Dams developed in connection with fire protection requirements, any approved rural pursuit or similar activity are permitted.</p> <p>(10) Fencing Where boundary fencing is permitted by the Local Government, it shall be of rural construction comprising non-electrified stock proof wire or ring- lock fencing to a maximum height of 1.2m above the natural surface of the land, with posts being split jarrah or treated pine posts.</p> <p>(11) Keeping of Animals—</p> <p>(a) The keeping of livestock, animals or any rural pursuit activity is confined to existing cleared areas on a lot and fencing is required to be erected to contain livestock and protect remnant vegetation.</p> <p>(b) Where, in the opinion of the Local Government, the continued presence of any animal(s) on any portion of land is likely to cause or is causing adverse environmental impacts such as damage to natural vegetation; pollution (such as noise, dust, water); offensive odours; soil erosion; or any other form of land degradation, the Local Government may take action to abate the adverse impacts and any costs incurred by the Local Government shall be recoverable from the landowner.</p> <p>(12) Effluent Disposal On-site disposal is required to service any dwelling and shall be responsibility of the individual landowner in accordance with the requirements set out in Table 8.</p> <p>(13) Water Supply A potable water supply is required to each dwelling and shall be the responsibility of the landowner in accordance with the requirements set out in Table 8.</p>
Rural Smallholdings	<p>The following general provisions shall apply to all development within the Rural Small Holding zone, in addition to any special provisions set out in Schedule 2 which are specifically applicable to that land—</p> <p>(1) Building Design, Materials and Colours—</p> <p>(a) A dwelling and/or outbuilding shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.</p> <p>(b) All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.</p> <p>(c) In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.</p> <p>(d) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i> or any document superseding it.</p> <p><i>Note—</i></p> <p>1. <i>Unpainted zincalume is considered a reflective material and colours similar to Colorbond Surfsmist is considered white/off-white.</i></p> <p>2. <i>Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.</i></p>

Zone Name	Additional Provisions
	<p data-bbox="651 237 1399 331">3. "Height" is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the structure.</p> <p data-bbox="571 342 1399 376">(2) Variations to Building Setbacks The Local Government may permit variations to the building setback, where it is satisfied that the modification—</p> <ul style="list-style-type: none"> <li data-bbox="639 427 1182 454">(a) Is consistent with the objectives for the zone;</li> <li data-bbox="639 456 1399 506">(b) Preserves areas of remnant vegetation, creek lines and other areas of environmental significance;</li> <li data-bbox="639 508 1399 557">(c) Provides sufficient area for the development of any low fuel zone and/or hazard separation area on the lot;</li> <li data-bbox="639 560 1321 586">(d) Is required due to the topography or shape of the lot; and</li> <li data-bbox="639 589 1399 638">(e) Will have no adverse impact on the amenity of existing residences on adjoining lots</li> </ul> <p data-bbox="571 640 730 674">(3) Fencing—</p> <ul style="list-style-type: none"> <li data-bbox="639 676 1399 725">(a) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and</li> <li data-bbox="639 728 1399 801">(b) Where boundary fencing is permitted by the Local Government it shall be of rural construction comprising posts and wire or similar materials.</li> <li data-bbox="639 804 1399 931">(c) The Local Government shall only approve the keeping of stock, animals and/or any Rural Pursuit activity if confined to existing cleared areas of a lot. The Local Government will require fencing to contain any livestock and protect remnant vegetation as a condition of approval.</li> </ul> <p data-bbox="571 934 1225 967">(4) Remnant Vegetation Protection and Clearing Controls No clearing of any remnant vegetation shall occur except for—</p> <ul style="list-style-type: none"> <li data-bbox="639 987 1399 1122">(a) Any clearing authorised by a clearing permit obtained from the relevant State Government authority and any clearing exempt in accordance with Schedule 6 or Regulation 5 of the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> of the <i>Environmental Protection Act 1986</i>.</li> <li data-bbox="639 1124 1399 1198">(b) That clearing required to establish any low fuel buffer, firebreak and/or to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended);</li> <li data-bbox="639 1200 1399 1249">(c) Trees that are dead, diseased or dangerous and present an imminent danger to residents;</li> <li data-bbox="639 1252 1399 1301">(d) Clearing within a designated building envelope required to construct an approved building and curtilage;</li> <li data-bbox="639 1303 1399 1352">(e) It is to gain vehicular access to an approved dwelling and/or building envelope; and</li> <li data-bbox="639 1355 1399 1460">(f) An area of up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by the Local Government. In these areas the land shall be slashed with a view to preventing soil erosion.</li> </ul> <p data-bbox="616 1462 1399 1615">Clearing of remnant vegetation for any purpose other than the above exceptions, shall require the planning approval of the Local Government and as a condition of granting approval, the Local Government may require the planting and maintenance, for a period of at least three years, of endemic native trees of species and in locations approved by the Local Government</p> <p data-bbox="571 1617 810 1650">(5) Effluent Disposal On-site disposal is required to service any dwelling and shall be responsibility of the individual landowner in accordance with the requirements set out in Table 8.</p> <p data-bbox="571 1720 770 1753">(6) Water Supply A potable water supply is required to each dwelling and shall be the responsibility of the landowner in accordance with the requirements set out in Table 8.</p>
General Industry	<p data-bbox="523 1832 858 1865">Development Requirements—</p> <p data-bbox="571 1868 1177 1901">(1) The following minimum building setbacks apply—</p> <ul style="list-style-type: none"> <li data-bbox="660 1901 959 1928">Front Boundary: 20m</li> <li data-bbox="660 1930 1086 1957">Side Boundary: 15m on one side</li> <li data-bbox="660 1960 959 1986">Rear Boundary: 20m</li> </ul> <p data-bbox="571 1989 1399 2051">(2) In considering an application for planning approval for an industrial activity, the Local Government may require the applicant to demonstrate—</p> <ul style="list-style-type: none"> <li data-bbox="639 2054 1399 2103">(a) That the intended industrial activity meets environmental guidelines in terms of gaseous and particulate, noise, dust and</li> </ul>

Zone Name	Additional Provisions
	<p>odour emissions and will not adversely impact on any surrounding existing or anticipated land use activities; and</p> <p>(b) That the intended industrial activity will not result in the need for an off-site buffer to be provided to avoid future impacts upon adjoining land uses and zones.</p> <p>(3) Where an industrial activity involves the production and discharge of industrial or noxious liquid effluent, the Local Government will require the development to either—</p> <p>(a) If the effluent (types and/or volumes) is suitable for disposal into the reticulated sewer network, connection to the reticulated sewerage system; or</p> <p>(b) If the effluent is not suitable for disposal into the reticulated sewerage system, it is serviced by an on-site collection system and disposal method/process.</p>
Commercial	<p>Site and Development Requirements—</p> <p>(1) Development shall complement the scale and articulation of existing buildings and streetscapes and to ensure the continuity of the built form, buildings shall generally be built from side to side property boundaries.</p> <p>(2) Buildings shall not exceed 2-storeys in height except where the Local Government has approved a variation and provided the development—</p> <p>(a) will enhance the appearance of the town centre, and</p> <p>(b) includes a community facility or other local benefit or planning outcome that will lead to a significant improvement to the amenity of the local area or built environment.</p> <p>(3) Developments constructed up to the street boundary shall where practical provide pedestrian shelter, a minimum of 2.5m wide, over the pavement in the form of an awning, canopy, balcony or verandah.</p> <p>(4) Temporary or 'Pop-Up' Shops will be permitted to operate from any existing premises for a maximum period of 3 months, after which time the approval shall lapse and the use cease.</p> <p>(5) Residential use may be permitted in the upper storey(s) of buildings where there is a mixture of commercial and residential activity over two levels in the same building and the commercial activity shall be located on the ground floor.</p> <p>(6) All development shall make adequate arrangements for efficient and safe movement and parking of vehicles.</p> <p>(7) Landscaping equal to 5% of the site area shall be provided to complement the appearance of the town centre area.</p> <p>(8) No internal alteration to a building that creates any additional internal floor area is permitted without the planning approval of the Local Government.</p> <p>(9) Where buildings are demolished within the Commercial Zone and, for whatever reason, redevelopment of the site is delayed for more than 3 months, the following site works are required to be carried out by the applicant—</p> <p>(a) Removal of all rubble, debris and demolition materials;</p> <p>(b) Grading to the same level as the adjoining footpath and/or road; and</p> <p>(c) Stabilisation to ensure no sediment runoff from the site occurs.</p> <p>(10) Signs associated with an approved development shall be incorporated into the fabric of buildings and structures and the use of bunting is not permitted.</p>
Enterprise Zone	<p>(1) Where a lot is situated within the Enterprise Zone, a person may only—</p> <p>(a) Develop or establish or allow to be developed or established a light industry where a dwelling is first erected and forms an integral component of the development;</p> <p>(b) Develop a Single House that accords with the requirements of the R25 Code and industrial components of any development that accord with the standards specified in the Scheme;</p> <p>(c) Allow the residence to be occupied by either the owner, lessee, manager or employee,</p> <p>(d) Establish an industry that is of a nature, as determined by the Local Government, that can operate compatibly with residential living and with minimal impact on adjoining properties; and</p> <p>(e) Establish an industry at the rear of the residential dwelling that is essentially a single person operation.</p>

Zone Name	Additional Provisions
	<p>(2) In considering an application for planning approval in the Enterprise Zone, the Local Government will require—</p> <p>(a) The provision of access, parking and service areas to the Local Government's specification and satisfaction;</p> <p>(b) All machines used in conducting the business to be dampened or muffled for noise suppression to eliminate electrical and television interference;</p> <p>(c) Noise levels to be within limits set by the Environmental Protection (Noise Regulations 1997 for residential areas;</p> <p>(d) Operating hours to be restricted to reasonable levels in recognition of the residential use of the area; and</p> <p>(e) The provision of vehicle access to the rear of the lot with a minimum width of 5 metres.</p>

### 17. Zoning Table

The zoning table for this Scheme is as follows—

**Table 4—Zoning table**

Land Use	Residential	Urban Development	Rural	Rural Residential	Rural Smallholdings	General Industry	Industrial Development	Enterprise Zone	Commercial
agriculture—extensive	X	X	P	X	D	A	I	X	X
agriculture—intensive	X	X	D	X	A	X	I	X	X
agroforestry	X	X	P	X	D	X	I	X	X
ancillary tourist use	I	I	I	I	I	I	X	A	I
animal establishment	X	X	D	X	A	X	D	A	X
animal husbandry—intensive	X	X	D	X	X	X	D	A	X
bed and breakfast	A	D	D	D	D	X	X	A	A
betting agency	X	X	X	X	X	X	X	X	P
caretaker's dwelling	X	X	D	X	X	D	D	X	D
child care premises	D	A	X	X	X	X	X	A	A
cinema/theatre	X	X	X	X	X	X	X	X	P
civic use	D	A	D	X	X	D	X	D	P
club premises	X	X	D	X	X	X	D	D	D
community purpose	D	A	D	X	X	D	D	D	P
consulting rooms	X	A	X	X	X	X	X	X	D
educational establishment	A	A	A	X	X	X	D	X	A
exhibition centre	D	X	A	X	A	D	D	X	P
family day care	D	D	D	D	D	X	X	D	A
farm supply centre	X	X	X	X	X	P	P	X	P
farm workers accommodation	X	X	D	X	D	X	D	X	X
fast food outlet/lunch bar	X	X	X	X	X	D	D	X	D
fuel depot	X	X	X	X	X	D	D	X	D
funeral parlour	A	X	X	X	X	D	D	X	D
garden centre	D	X	D	D	D	D	D	A	P
grouped dwelling	D	D	X	X	X	X	X	X	D
holiday accommodation	D	D	A	A	A	X	X	A	P
home business	D	D	D	A	A	X	X	D	D
home occupation	P	P	P	P	P	X	X	D	P
home office	P	P	P	P	P	X	X	P	P
hotel	X	X	X	X	X	X	X	X	A
industry	X	X	X	X	X	P	P	X	A

Land Use	Residential	Urban Development	Rural	Rural Residential	Rural Smallholdings	General Industry	Industrial Development	Enterprise Zone	Commercial
industry—cottage	D	D	P	D	D	X	X	D	D
industry—extractive	X	X	D	X	X	X	A	X	X
industry—light	X	X	X	X	X	P	P	D	P
industry—primary production	X	X	P	A	D	D	P	A	A
market	A	X	D	X	X	D	D	D	P
medical centre	X	X	X	X	X	X	X	X	P
mining operations	X	X	D	X	X	D	A	X	X
motel	X	X	X	X	X	X	X	X	D
motor vehicle, boat or caravan sales	X	X	X	X	X	P	P	X	P
motor vehicle repair	X	X	X	X	X	P	P	X	D
motor vehicle wash	X	X	X	X	X	P	P	A	P
multiple dwelling	A	A	X	X	X	X	X	X	A
nightclub	X	X	X	X	X	X	X	X	A
office	X	I	I	X	X	I	I	I	P
place of worship	A	A	A	X	A	D	X	D	A
public utility	D	D	D	D	D	D	D	D	D
recreation—private	A	A	A	A	A	D	D	A	D
residential aged care	D	A	X	X	X	X	X	X	A
residential building	D	A	X	X	X	X	X	X	D
restaurant/cafe	X	X	D	X	X	X	X	X	P
restricted premises	X	X	X	X	X	X	D	X	A
rural home business	X	X	D	A	D	X	X	X	X
rural pursuit	X	D	P	D	D	X	A	X	X
second-hand dwelling	D	D	D	D	D	X	X	D	A
service station	X	X	D	X	X	A	D	X	D
shop	X	X	X	X	X	X	X	X	P
bulky goods showroom	X	X	X	X	X	X	D	X	P
single house	P	D	P	P	P	X	X	D	D
tavern	X	X	X	X	X	X	X	X	D
tourist development	X	X	A	X	X	X	X	X	P
transport depot	X	X	A	X	A	P	D	X	A
tree plantation	X	X	D	X	D	X	X	X	X
veterinary centre	X	X	D	A	A	D	D	D	D
warehouse/storage	X	X	D	X	D	D	D	D	A
workforce accommodation	X	A	D	X	X	X	D	X	X

### 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.

(A symbol must appear in the cross-reference of a use class against all the zones in the zoning table.)

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 5—Specified additional uses for zoned land in Scheme area**

No.	Description of land	Additional use	Conditions
A1	Pt. Lot 201 Warren Road, Katanning	Microbrewery and associated complimentary commercial activities including recreation, function centre, restaurant/cafe, toilets, caretaker's dwelling as approved by the Local Government.	(1) Prior to development of any of the additional uses on the site, the proponent shall submit an overall Local Development Plan to the Local Government for endorsement. (2) All development to be generally in accordance with a Local Development Plan prepared by the proponent and adopted by the Local Government. (3) Development standards/requirements shall be determined by the Local Government upon application.
A2	Sunbeam Caravan Park/Camping Ground	Caravan Park Camping Ground	Development standards/requirements shall be determined by the Local Government upon application.

(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) The Table sets out—

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

**Table 6—Special use zones in Scheme area**

No.	Description of land	Special use	Conditions
SU1	Lot 100 Beaufort Street, Katanning <i>St Patrick's Church and Private School</i>	Place of Worship Educational Establishment (Private)	Development standards/requirements shall be determined by the Local Government upon application.
SU2	Lots 85 and 86 Amherst Street, Katanning <i>Katanning Club</i>	Private Club and Holiday Accommodation. Other associated complementary uses approved by the Local Government	Development standards/requirements shall be determined by the Local Government upon application.
SU3	Lot 3 Tait Terrace, Braeside Road, Synott Avenue and Carinyah Gardens, Katanning	Private Club and Recreation Residential Uses Other associated complementary uses approved by the Local Government	Development standards/requirements shall be determined by the Local Government upon application.
SU4	Lot 131 Kobeelya Avenue, Katanning <i>Kobeelya</i>	Place of Worship Educational Establishment (Private) Function Centre Boarding House Residential (R2.5) Residential Aged Care Recreation—Private Other associated complementary uses approved by the Local Government	Development standards/requirements shall be determined by the Local Government upon application. Any residential subdivision or development shall be in accordance with the <i>Residential Design Codes</i> as they apply to land zoned 'R2.5'. Any residential or aged care development is subject to appropriate servicing in accordance with the Government Sewerage Policy.
SU5	Lots 2, 4 and 130 Round Drive, Katanning <i>Katanning Country Club</i>	Private Club Recreation—Private 'Golf Course' private residential estate.	Development standards/requirements shall be determined by the Local Government upon application. Any residential development is subject to appropriate servicing in accordance with the Government Sewerage Policy. Any development of residential/accommodation units is to be located within a 400 to 500 metre walkable distance from the club house and restricted to existing cleared area(s).
SU6	Lot 10 Round Drive, Katanning <i>Clay Target Club</i>	Private Club	Development standards/requirements shall be determined by the Local Government upon application.
SU7	Lot 21 Dijon Street and Lot 412 Conroy Street, Katanning <i>Katanning Noongar Community Centre, Kindergarten and Child Care Centre</i>	Child Care Centre Community Centre Educational Establishment Kindergarten Other associated complementary uses approved by the Local Government	Development standards/requirements shall be determined by the Local Government upon application.

No.	Description of land	Special use	Conditions
SU8	Northern portion of Lot 3 Great Southern Highway, Katanning <i>WAMMCO</i>	Abattoir, water storage, stockyards and skin-drying sheds Other associated complementary uses approved by the Local Government	Development standards/requirements shall be determined by the Local Government upon application.

(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) R25 Density Coded Areas

For any lot with density coding of R25 on the Scheme Map, the maximum permitted density for any residential development where the development is not able to be connected to reticulated sewer infrastructure shall be R10.

### (2) Ancillary Dwellings

The maximum plot ratio area for an ancillary dwelling, excluding any attached garage/carport/verandah areas, shall be 150m<sup>2</sup>.

### (3) Aged or Dependent Persons' Dwellings

The maximum plot ratio area for an aged or dependent persons' dwelling, excluding any attached garage/ carport/verandah, shall be—

- (a) Single house or grouped dwelling—150m<sup>2</sup>; and
- (b) Multiple dwellings—100m<sup>2</sup>.

### (4) Single Bedroom Dwellings

The maximum plot ratio area for a single bedroom dwelling, excluding any attached garage/carport/verandah areas, shall be 100m<sup>2</sup>.

## 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 7**

<b>State planning policies to be read as part of Scheme</b>	
There are no other State planning policies that are to be read as part of the Scheme	

- (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 8—Additional requirements that apply to land in Scheme area**

No.	Description of land	Requirement
1.	Water Management and integration	(1) The local government may approve the use of fit-for-purpose water (wastewater recycling and reuse) and its availability of water for public open space management.

No.	Description of land	Requirement
		<p>(2) The local government may condition development approvals to include a requirement for groundwater hydrology studies, particularly seasonal depths, and the relationship of groundwater to stormwater management.</p> <p>(3) In determining an application for planning approval, the local government may consider the groundwater characteristics of the site on which development is proposed, and of the surrounding area, including maximum seasonal groundwater levels, and water quality, particularly acidity and salinity.</p> <p>(4) Where the local government considers it would help mitigate against land degradation (e.g. salinity), protect a waterway and its riparian buffer, or improve the visual appearance of a development, the local government may impose conditions on any development approval requiring the retention and protection of existing vegetation (e.g. through fencing) and/or the planting of additional vegetation.</p>
2.	Land Subject to Flooding and/or Inundation	<p>(1) Development in the 100 year ARI floodway is prohibited.</p> <p>(2) In areas subject to periodic inundation or flooding, all development shall be undertaken to—</p> <ul style="list-style-type: none"> <li>(a) Prevent disruption to the natural drainage system; and</li> <li>(b) Ensure that developments do not increase the flood levels that would be experienced within the catchment; and</li> <li>(c) Limit the potential for damage to buildings caused by flooding and/or inundation by ensuring buildings are constructed above known flood levels; and</li> <li>(d) Maintain the natural ecological and drainage function of areas to store and convey stormwater within the watercourse, drainage system or floodplain.</li> </ul> <p>(3) Where in the opinion of Local Government, a development is to be sited on land that has the potential to be flooded and/or inundated, or is subject to high groundwater levels, the Local Government may require as a condition of planning approval, one or more of the following requirements to be implemented—</p> <ul style="list-style-type: none"> <li>(a) All buildings to be constructed with a minimum finished floor level height of 500mm above the known flood level; and/or</li> <li>(b) The subsoil adjacent to the proposed development to be effectively drained; and/or</li> <li>(c) The surface of the ground beneath the building to be regraded or filled and provided with adequate drainage outlets to prevent the accumulation of water beneath the building; and/or</li> <li>(d) The surface of the ground beneath the building to be covered with an approved damp-resistant material (moisture barrier); and/or</li> <li>(e) The landowner to provide written acknowledgement that the building and its contents may be subject to periodic flooding and/or inundation.</li> <li>(f) Groundwater hydrology assessment may be required at the time of lodgement of a development application or as a condition planning approval as deemed necessary.</li> </ul>
3.	Vehicle Access	<p>(1) Approval from the relevant road control authority is required for the construction of a vehicle access/egress point onto a Primary Distributor Road shown on the Scheme Map.</p> <p>(2) When considering an application for approval to have access/egress onto a Primary Distributor Road, the Local Government is to have regard to and may impose conditions requiring—</p> <ul style="list-style-type: none"> <li>(a) Restriction of vehicle access/egress to one point from any lot;</li> <li>(b) That an alternative access/egress point be provided;</li> <li>(c) That the access/egress points and driveway to be sealed and drained to prevent the export of any materials from the lot onto the Primary Distributor Road; or</li> </ul>

No.	Description of land	Requirement
		<p>(d) The shared use of access/egress points, driveways and/or car parking areas on adjoining land parcels through reciprocal rights of access agreements prepared by the landowner.</p> <p><i>Note: Applications for access or any works within a Primary Distributor Road such as Great Southern Highway are required to gain Main Roads WA approval.</i></p> <p>(3) All vehicle access points, other than in the Residential zone, shall be designed so that all vehicles can enter and leave the lot in a forward gear.</p> <p>(4) No vehicle crossover shall be located within the corner truncation of any lot having two or more street frontages.</p> <p>(5) The Local Government in dealing with an application for planning approval on land abutting a road proposed to be widened, is to have regard to, and may impose conditions that—</p> <p>(a) Limit development on the land affected by the road widening;</p> <p>(b) Require the owner to cede free of cost the affected land; and/or</p> <p>(c) Require an increased setback to protect the development</p> <p>(6) The Local Government shall require an area to be provided on-site other than a car parking bay, for the loading and unloading and servicing or dispatch or receipt of goods and materials associated with any commercial or industrial use. All loading and servicing areas and associated vehicle crossings required to be provided shall comply with the following requirements—</p> <p>(a) Be located, constructed, drained, paved, lit and screened from public view to the satisfaction of the Local Government;</p> <p>(b) Designed to ensure that vehicles using them are able to enter and leave the premises in a forward gear;</p> <p>(c) Constructed to prevent traffic conflict with any adjoining vehicle crossovers, parking areas, public roads or rights- of-way;</p> <p>(d) Be marked on-site and permanently retained for that exclusive use;</p> <p>(e) Be suitably designed and treated to ensure that activities carried out in the loading and service area do not cause nuisance to adjoining land uses due to the emission of noise, dust, smoke, light or other pollutants; and</p> <p>(f) No person shall alter any loading or service area forming part of a planning approval for a development without having first obtained the subsequent planning approval of the Local Government.</p>
4.	Use of Setback Areas	<p>(1) A person shall only use land within the setback area for one or more of the following purposes—</p> <p>(a) A means of access/egress;</p> <p>(b) Display of approved public artworks;</p> <p>(c) The daily parking of passenger vehicles in an approved car parking area;</p> <p>(d) Loading and unloading of delivery vehicles;</p> <p>(e) Landscaping with lawns, gardens, trees, shrubs and structures;</p> <p>(f) Private open space in the case of group and multiple dwellings;</p> <p>(g) In an industry zone, a trade display; or</p> <p>(h) In a commercial zone, a balcony, verandah, awning, pergola or the like to provide weather protection to clients, for the display of goods or for other similar activity.</p>

No.	Description of land	Requirement
5.	Bin and Refuse Storage Areas	<p>(1) The Local Government may require an area be set aside on-site for bin and refuse storage purposes for grouped/multiple dwelling, tourist, commercial, or industrial use.</p> <p>(2) All bin and refuse storage areas shall comply with the following requirements—</p> <ul style="list-style-type: none"> <li>(a) Be located, constructed/drained, paved and screened from public view to the satisfaction of the Local Government and;</li> <li>(b) Be permanently retained for that exclusive use.</li> </ul>
6.	Landscaping Requirements	<p>(1) When landscaping is required, the Local Government may impose conditions concerning—</p> <ul style="list-style-type: none"> <li>(a) The position and type of plants;</li> <li>(b) The removal and disposal of environmental weeds;</li> <li>(c) Management of landscaping; and</li> <li>(d) The extent of landscaping located within the building setback areas.</li> </ul> <p>(2) No person shall alter any landscaping area, with the exception of any replanting or maintenance of approved areas.</p>
7.	Deep Sewerage and On-site Effluent Disposal	<p>(1) Any development that is required to dispose of liquid domestic effluent shall be connected to the reticulated sewerage system or where not able to be connected to the sewerage system provided with an approved on-site effluent disposal system, in accordance with the Government Sewerage Policy. No dwelling shall be occupied without the prior approval and installation of such a disposal system.</p> <p>(2) The Local Government may require the use of alternative treatment unit effluent disposal systems in the following situations—</p> <ul style="list-style-type: none"> <li>(a) Where soil conditions are not conducive to the retention of nutrients;</li> <li>(b) In low lying areas; and</li> <li>(c) In areas where there is a known high groundwater level.</li> <li>(d) In accordance with the Government Sewerage Policy</li> </ul>
8.	Potable Water Supplies	<p>(1) No dwelling shall be constructed and occupied unless it is connected to the reticulated water supply network or connected to an alternative supply of potable water approved by the Local Government with on-site storage having a capacity of 135,000 litres or greater as deemed necessary by the Local Government.</p> <p>(2) Each landowner shall ensure that all water tanks are designed with the bottom one quarter of the tank set aside for firefighting purposes and fitted with a suitable dual tap or coupling system.</p>
9.	Caretaker's Dwelling	<p>(1) Notwithstanding any other requirement of the Scheme, all caretakers' dwellings require the planning approval of the Local Government.</p> <p>(2) A maximum of one caretaker's dwelling is permitted on any lot.</p> <p>(3) When considering an application for a caretaker's dwelling, the Local Government is to have regard to, and may impose conditions concerning—</p> <ul style="list-style-type: none"> <li>(a) The maximum floor area for the caretaker's dwelling shall be restricted to 150m<sup>2</sup> not including any attached garage/carport/verandah areas;</li> <li>(b) here being an existing approved predominant land use operating on the lot requiring the caretaker to be resident on the lot;</li> <li>(c) Occupation of the dwelling being restricted to the proprietor, manager or authorised person in charge of the approved land use, and their immediate family; and</li> <li>(d) The caretaker dwelling use shall cease upon the closure of the approved predominant land use.</li> </ul>

No.	Description of land	Requirement
10.	Relocated Dwellings	<p>(1) Notwithstanding any other requirement of the Scheme, all relocated dwellings require the planning approval of the Local Government.</p> <p>(2) When considering an application for planning approval for a relocated dwelling, the Local Government is to have regard to, and may impose conditions concerning—</p> <ul style="list-style-type: none"> <li>(a) The external appearance and material finishes, the screening of sub-floor spaces, the addition to or any modifications to be undertaken to the dwelling;</li> <li>(b) The proposed appearance of the completed dwelling and its visual impact on any surrounding housing in the street/area;</li> <li>(c) The timeframe submitted by the applicants to complete the specified work and to connect the dwelling to servicing infrastructure;</li> <li>(d) Limiting the period of approval for works to be completed;</li> <li>(e) The method of construction and structural adequacy to relocate the building;</li> <li>(f) The completion of landscaping and/or screening of the building and/or site; and</li> <li>(g) The provision of a bond or bank guarantee in favour of the Local Government as surety for the completion of the building to a standard of presentation acceptable to the Local Government within a specified time.</li> </ul> <p>(3) Where the provision of a bond or bank guarantee is required, the Local Government shall retain the funds and refund the monies upon satisfactory completion of the specified works.</p>
11.	Tourist Accommodation	<p>(1) Where any premises are approved for tourist accommodation purposes such as bed and breakfast/farmstay, caravan park, camping ground, hotel, motel or the like, the duration of occupancy by any person in those premises shall be limited to a maximum of 3 months during any 12-month period.</p>
12.	Industry—Extractive	<p>(1) When considering an application for an industry—extractive use or development, the Local Government is to have regard to and may impose conditions concerning—</p> <ul style="list-style-type: none"> <li>(a) All excavation activity is setback a minimum of 200m from any residence not located on the subject lot;</li> <li>(b) The proposed extraction site is to be setback a minimum of 40m from a public road;</li> <li>(c) No excavation activity is to occur within 50m of a watercourse or water body;</li> <li>(d) No excavation activity is to intercept the water table without prior approval</li> <li>(e) The control, management and frequency of extraction activities during the life of the pit;</li> <li>(f) The reparation/rehabilitation of the land following the closure of extraction activities;</li> <li>(g) The visibility of the pit from major public tourist vantage points and completion of landscaping and/or screening of the site;</li> <li>(h) The purpose of the pit/materials, proposed operating life of the pit and its potential impact on the natural environment and surrounding area;</li> <li>(i) The suitability of the location in terms of the road network capabilities;</li> <li>(j) Limiting the period of approval for the extractive industry to operate; and</li> <li>(k) The provision of a bond or bank guarantee in favour of the Local Government as surety for the completion of the rehabilitation of the pit site to a standard acceptable to the Local Government within a specified time.</li> </ul> <p>(2) Where a bond or bank guarantee is paid by the applicant, the Local Government shall retain the funds and refund the monies upon satisfactory completion of the specified rehabilitation works.</p>

No.	Description of land	Requirement
13.	Agriculture— Intensive & Animal Husbandry— Intensive	(1) In considering an application for planning approval for an agriculture-intensive and animal husbandry-intensive use or development, the Local Government is to have regard to and may impose conditions concerning— <ul style="list-style-type: none"> <li>(a) Preparation of a land capability/suitability analysis and site management plan to support and justify the proposal and detail management actions to be undertaken during the operations of the activity to control any potential nuisances including noise, dust and odour generated by the land use;</li> <li>(b) Incorporation of a buffer separation distance to protect any adjoining sensitive uses; and</li> <li>(c) Completion and implementation of a Nutrient and Irrigation Management Plan in accordance with the guidelines in the Department of Water's Water Quality Protection Note 33 or any replacement guidelines applicable at the time of application.</li> </ul>
14.	Home Business Home Occupation	(1) A planning approval granted by the Local Government for any home business or home occupation is specific to the applicant/occupant and shall cease and is not transferable upon sale of the property and/or vacation of the premises by the approved applicant/occupant.

(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

The Table sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.

**Table 9—Additional requirements that apply to land covered by structure plan, activity centre plan or local development plan**

Area No.	Description of land	Land Use Expectations	Matters to be addressed in Structure Plans	Associated Provisions
1	Piesse Lake The land bounded by Synott Avenue, Carinya Gardens, Tait Terrace, Braeside Road, Adam, Clive and Federal Streets and to the rear of lots fronting Conroy Street.	Residential R25 to R50	<ul style="list-style-type: none"> <li>• Existing development</li> <li>• Servicing</li> <li>• Drainage and water management, including integration of stormwater and groundwater management</li> <li>• Land tenure and reservation/zoning</li> <li>• Tree retention</li> <li>• Pedestrian linkage to implement a Multiple Use Corridor</li> <li>• Provision of a variety of dwelling types</li> <li>• Provision of potential aged accommodation</li> <li>• Rationalisation and provision of high amenity public open space.</li> </ul>	<p>Environmental assessment shall be undertaken as part of structure plan process.</p> <p>Revegetation of cleared native and regrowth revegetation shall be at least double the area of clearing to allow for revegetation failure.</p> <p>All lots created must be connected to the reticulated water and sewerage systems.</p>
2	Northern Residential Expansion	Residential R15 to R30	<ul style="list-style-type: none"> <li>• Fire management with adjoining golf course bushland.</li> <li>• Existing and proposed servicing requirements.</li> <li>• Vegetation protection.</li> <li>• Provision for future street and pedestrian connectivity for potential additional long term northern townscape expansion.</li> </ul>	<p>All lots created must be connected to the reticulated water and sewerage systems.</p> <p>Revegetation of cleared native and regrowth revegetation shall be at least double the area of clearing to allow for revegetation failure.</p>

Area No.	Description of land	Land Use Expectations	Matters to be addressed in Structure Plans	Associated Provisions
3	Industrial—Agricultural Business	Industrial	<ul style="list-style-type: none"> <li>• Retention and management of sales yards.</li> <li>• Demand assessment for planning and investment.</li> <li>• Determination and justification for lot sizes for intended land uses.</li> <li>• Removal of land from agricultural production.</li> <li>• Servicing and infrastructure requirements.</li> </ul>	<p>Environmental assessment shall be undertaken as part of structure plan process.</p> <p>Revegetation of cleared native and regrowth revegetation shall be at least double the area of clearing to allow for revegetation failure.</p>
4	Henry Street Industry and Agricultural Foods	Limited rural based Industrial expansion	<ul style="list-style-type: none"> <li>• Provision for rural based industries to complement existing abattoir operations that require large lot sizes not available within existing industrial zoned land.</li> <li>• Demand assessment for planning and investment.</li> <li>• Buffer and transitional land use requirements to existing abattoir and residential land uses to be incorporated within structure plan area.</li> <li>• Buffers to be internal within structure plan area and not encroach on surrounding lots.</li> <li>• Drainage Management, including integration of stormwater and groundwater management.</li> <li>• Protection of creekline, associated riparian zone and water quality.</li> <li>• Servicing and infrastructure requirements.</li> <li>• Highway visual impact.</li> </ul>	<p>Environmental assessment shall be undertaken as part of structure plan process.</p> <p>Revegetation of cleared native and regrowth revegetation shall be at least double the area of clearing to allow for revegetation failure.</p>
5	O'Callaghan Park	Various forms residential and short stay uses including but not limited to Low Density Residential, low cost temporary workers, migrant, student and mine accommodation, caravan park.	<ul style="list-style-type: none"> <li>• Provision of transitional and mining camp accommodation as a substantial community and economic benefit.</li> <li>• Potential for land swap to secure underutilised O'Callaghan Park for development.</li> <li>• Highway buffer noise and development setbacks.</li> <li>• Vegetation assessment and clearing.</li> <li>• Fire management.</li> <li>• Servicing and infrastructure.</li> <li>• Highway and road access.</li> </ul>	<p>Environmental assessment shall be undertaken as part of structure plan process.</p> <p>Revegetation of cleared native and regrowth revegetation shall be at least double the area of clearing to allow for revegetation failure.</p>

Area No.	Description of land	Land Use Expectations	Matters to be addressed in Structure Plans	Associated Provisions
			<ul style="list-style-type: none"> <li>• Transitional landuses to adjoining residential and rural residential development.</li> <li>• Land swap to convert Shire owned rural residential lots to a Parks and Recreation Reserve.</li> <li>• Onsite land use connectivity and compatibility.</li> <li>• Servicing and potential for onsite effluent disposal for Low Density Residential.</li> </ul>	

#### 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

(8) 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.

(9) 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 10.

Table 10—Special control areas in Scheme area

Name of area	Purpose	Additional provisions
SCA1 WWTP	To protect the Wastewater Treatment Plant present and future operations from potential conflict with incompatible development and land uses.	<p>(1) The Local Government will refuse applications for residential land use or development of any other incompatible uses which would, in the opinion of the Local Government, suffer adverse impacts from the emissions of odours from the plant and this shall include any part of a premises that is partially within or projects into the Special Control Area.</p> <p>(2) In considering an application for planning approval within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area, the Local Government shall have particular regard to—</p> <ul style="list-style-type: none"> <li>(a) The nature and position of the proposed development within the Special Control Area mapping;</li> <li>(b) The compatibility of the proposed development with odour emissions from the Wastewater Treatment Plant; and</li> <li>(c) Any specific advice and recommendations on the proposal received from the Water Corporation.</li> </ul> <p>(3) The Local Government may grant planning approval for non-habitable buildings to be developed within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area provided that the Local Government deems the development and/or land use compatible with the purpose of the Special Control Area and any necessary measures have been incorporated into the design for the premises.</p> <p>(4) The Local Government shall not support the further subdivision of any land within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area such where it will create a greater potential for future land use conflict to be generated between sensitive uses and the odour buffer around the Wastewater Treatment Plant.</p> <p>(5) Where subdivision is supported within the Special Control Area, the Local Government shall request the Commission impose a condition on the approval for the creation of any new lots created as a result of subdivision within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area to be required to have a memorial notice placed on the Certificate of Title advising that the land may be subject to odour emissions from the adjoining/nearby Water Corporation Wastewater Treatment Plant.</p>

## 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;

**agroforestry** means land, other than a tree plantation, used commercially for tree production in conjunction with traditional agricultural activities such as grazing/cropping for the purposes of—

- (a) providing shelter belts or windbreaks;
- (b) preventing soil erosion on steep slopes; or
- (c) to assist in the maintenance of water quality in watercourses, streams or drainage lines;

**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;

**ancillary tourist use** means premises used for—

- (a) recreation or entertainment;
- (b) consumption of food and / or beverages,
- (c) the sale of produce,
- (d) the sale of arts and crafts, and / or,
- (e) conducting excursions for tourists,

where such use is incidental to and directly related to the predominant use of the land.

**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;

**art gallery** means premises—

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

**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*;

**brewery** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

**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;

- car park** means premises used primarily for parking vehicles whether open to the public or not but does not include—
- (a) any part of a public road used for parking or for a taxi rank; or
  - (b) any premises in which cars are displayed for sale;
- 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;
- commercial vehicle parking** means premises used for parking of one or 2 commercial vehicles but does not include—
- (a) any part of a public road used for parking or for a taxi rank; or
  - (b) parking of commercial vehicles incidental to the predominant use of the land;
- 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 m<sup>2</sup> 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;
- 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;
- farm supply centre** means premises used for the supply and sale of seeds, fertilisers, agricultural chemicals, stock foods, tractors/farm equipment, implements and/or components and/or irrigation equipment for agriculture/primary production purposes;
- farm workers accommodation** means premises used as quarters for staff employed in the use of land for rural purposes, such as agriculture, intensive animal husbandry and forestry, conducted on a lot in the same ownership whether or not such quarters are self-contained;
- fast food outlet/lunch bar** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten—
- (a) without further preparation; and
  - (b) primarily off the premises;
- freeway service centre** means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services—
- (a) service station facilities;
  - (b) emergency breakdown repair for vehicles;
  - (c) charging points for electric vehicles;
  - (d) facilities for cyclists;
  - (e) restaurant, cafe or fast food services;
  - (f) take-away food retailing;
  - (g) public ablution facilities, including provision for disabled access and infant changing rooms;
  - (h) parking for passenger and freight vehicles;
  - (i) outdoor rest stop facilities such as picnic tables and shade areas;

**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;

**holiday house** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

**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 m<sup>2</sup>; 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 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; 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 m<sup>2</sup>; 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—cottage** means a trade or light industry producing arts and craft goods which does not fall within the definition of a home occupation and which does not cause injury to or adversely affect the amenity of the neighbourhood—

- (a) where operated in a residential zone,
- (b) does not employ any person other than a member of the occupier's household;
- (c) is conducted within an outbuilding which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m<sup>2</sup>; and
- (e) does not display a sign exceeding 0.2m<sup>2</sup> 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;

**liquor store—large** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m<sup>2</sup>;

**liquor store—small** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m<sup>2</sup>;

**marina** means—

- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
- (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;

**marine filling station** means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

**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;

**park home park** means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;

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

**public utility** means any work or undertaking constructed or maintained by a government agency or the Local Government as may be required to provide water, sewerage, electricity, gas, drainage or other similar services;

**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;

**residential aged care** means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility

**resource recovery centre** means premises other than a waste disposal facility used for the recovery of resources from waste;

**restaurant/cafe** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *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;

**road house** means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services—

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;

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

- (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 200 m<sup>2</sup>; 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 more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

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

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

**second-hand dwelling** means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

**serviced apartment** means a group of units or apartments providing—

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

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

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

- shop** means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
- small bar** means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;
- 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;
- trade supplies** means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises—
- (a) automotive repairs and servicing;
  - (b) building including repair and maintenance;
  - (c) industry;
  - (d) landscape gardening;
  - (e) provision of medical services;
  - (f) primary production;
  - (g) use by government departments or agencies, including local government;
- transport depot** 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;
- waste disposal facility** means premises used—
- (a) for the disposal of waste by landfill; or
  - (b) the incineration of hazardous, clinical or biomedical waste;
- waste storage facility** means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;
- 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.
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**Schedule 1****RURAL RESIDENTIAL ZONE**

In addition to the general requirements for land within the zone set out in Table 3, the following special provisions and requirements shall apply to the areas identified in the Schedule below—

No.	Name of Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
RR1	Pinwernying Rural Residential zone PREVIOUS SR1 AREA	<ol style="list-style-type: none"> <li>1. Subdivision of RR1 shall generally be in accordance with the relevant approved Structure Plan.</li> <li>2. The minimum lot size shall be 2 hectares.</li> <li>3. Notwithstanding the minimum setbacks in Table 3, all buildings shall be setback a minimum of 30m to Dumbleyung Road.</li> </ol>
RR2	Prosser Street West Katanning Rural Residential zone PREVIOUS SR2 AREA	<ol style="list-style-type: none"> <li>1. Subdivision of RR2 shall generally be in accordance with the relevant approved Structure Plan.</li> <li>2. The minimum lot size shall be 2 hectares.</li> </ol>
RR3	Illareen Road West Katanning Rural Residential zone (Lots E41 and E42 of Pt Kojonup Location 256 and Kojonup Locations 2979 and 304). PREVIOUS SR4 AREA	<ol style="list-style-type: none"> <li>1. Subdivision of RR3 shall generally be in accordance with the relevant approved Structure Plan.</li> <li>2. The minimum lot size shall be 1 hectare.</li> </ol>

**Schedule 2****RURAL SMALLHOLDING ZONE**

In addition to the general requirements for land within the zone set out in Table 3, the following special provisions and requirements shall apply to the areas identified in the Schedule below—

No.	Name of Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone

**Council Resolution to Advertise Local Planning Scheme—**

Adopted by resolution of the Council of the Shire of Katanning at the Ordinary Meeting of Council held on the fifteenth of December 2015.

J. MURPHY, Chief Executive Officer.  
L. GIARDINA, President.

**Council Resolution to Support Scheme for Approval—**

Council resolved to support approval of the draft Scheme of the Shire of Katanning at the Ordinary Meeting of Council held on the 27th September 2016.

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

J. MURPHY, Chief Executive Officer.  
L. GIARDINA, President.

**WAPC Recommended for Approval—**

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

Date: 6 November 2017.

**Approval Granted—**

R SAFFIOTI, Minister for Planning.

Date: 24 January 2018.