



PERTH, THURSDAY, 2 DECEMBER 2021 No. 202 **SPECIAL**

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER
© STATE OF WESTERN AUSTRALIA

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF PERENJORI

**LOCAL PLANNING
SCHEME NO.3**

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF PERENJORI****LOCAL PLANNING SCHEME NO.3**

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

SHIRE OF PERENJORI LOCAL PLANNING SCHEME No.3—AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

TABLE OF CONTENTS**PART 1—PRELIMINARY**

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

PART 2—RESERVES

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

PART 3—ZONES AND USE OF LAND

16. Zones
17. Zoning table
 - Table 1—Zoning table
18. Interpreting zoning table
19. Additional uses
 - Table 2—Specified additional uses for zoned land in Scheme area
20. Restricted uses
21. Special use zones

Table 3—Special use zones in Scheme area

- 22. Non-conforming uses
- 23. Changes to non-conforming use
- 24. Register of non-conforming use

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

- 25. R-Codes
- 26. Modification of R-Codes
- 27. Application of R-Codes to commercial zoned land
- 28. Other State planning policies to be read as part of scheme
- 29. Modification of State planning policies
- 30. Environmental conditions
- 31. Restrictive covenants
- 32. General development standards and requirements

Table 4—Development table

- 33. Variations to general development standards and requirements
- 34. Caretaker's dwellings
- 35. Rural residential zone
- 36. Tourism zone
- 37. Mining operations
- 38. Local, district and primary distributor roads

PART 5—SPECIAL CONTROL AREAS

- 39. Special control areas

Table 5—Special control areas in scheme area

PART 6—TERMS REFERRED TO IN SCHEME

- 40. Terms used

SCHEDULE A—SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

SCHEDULE 1—EXEMPTED ADVERTISEMENTS FOR WHICH DEVELOPMENT APPROVAL IS NOT REQUIRED

PART 1—PRELIMINARY**1. Citation**

This local planning scheme is the Shire of Perenjori Local Planning Scheme No.3.

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—

Name	Gazettal Date
Shire of Perenjori Local Planning Scheme No.2	28 July 2011

4. Notes do not form part of Scheme

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

5. Responsibility for Scheme

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

6. Scheme area

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

7. Contents of Scheme

- (1) In addition to the provisions set out in this document, this Scheme includes the following—
- the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
 - the supplemental provisions to the deemed provisions contained in Schedule A; and
 - the Scheme Map (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—

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

9. Aims of Scheme

The aims of this Scheme are—

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

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 Perenjori, 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—

(a) Public Open Space

(i) To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005* s.152.

(ii) To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.

(b) Environmental Conservation

(i) To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.

(ii) To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.

(c) Civic and Community

(i) To provide for a range of community facilities which are compatible with surrounding development.

(ii) To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.

(d) Public Purposes

(i) To provide for a range of essential physical and community infrastructure

(e) Infrastructure Services

(i) Public Purposes which specifically provide for a range of essential infrastructure services.

(f) Education

(i) Public Purposes which specifically provide for a range of essential education facilities.

(g) Government Services

(i) Public Purposes which specifically provide for a range of government services.

(h) Cemetery

(i) To set aside land required for a cemetery.

(i) Strategic infrastructure

(i) To set aside land required for airport facilities.

(j) Railways

(i) To set aside land required for passenger rail and rail freight services.

(k) Primary Distributor Road

(i) 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.

(l) Local Distributor Road

(i) To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.

(m) Local Road

(i) To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

15. Additional uses for local reserves

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

PART 3—ZONES AND USE OF LAND**16. Zones**

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

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

(a) **Residential**

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

(b) **Rural**

- To provide for the maintenance or enhancement of specific local rural character.
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

(c) **Rural Residential**

- To provide for lot sizes in the range of 1 ha to 4 ha.
- To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
- To set aside areas for the retention of vegetation and landform or other features which distinguish the land.

(d) **Rural Townsite**

- To provide for a range of land uses that would typically be found in a small country town.
- To provide for the variety of predominantly commercial, service, social and administrative uses required to service the needs of local residents and visitors alike.

(e) **Light Industry**

- To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in the Commercial zone.
- To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

(f) **General Industry**

- To provide a location for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.
- To accommodate industry that would not otherwise comply with the performance standards of light industry.
- Seek to manage impacts such as noise, dust and odour within the zone.

(g) **Commercial**

- To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites.
- To ensure that development is not detrimental to the streetscape and amenity of adjoining owners and residential properties in the locality.

(h) **Tourism**

- To promote and provide for tourism opportunities.
- To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.
- To allow limited residential uses where appropriate.
- To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

(i) **Special Use**

- To facilitate special categories of land uses which do not sit comfortably within any other zone.

- To enable the imposition of specific development conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows—

TABLE 1—ZONING TABLE

Use and development class	Residential	Rural townsite	Rural residential	Rural	Commercial	Tourism	Light Industry	General Industry
Abattoir	X	X	X	A	X	X	X	X
Agriculture—extensive	X	X	X	P	X	X	X	X
Agriculture—intensive	X	X	X	D	X	X	A	D
Amusement parlour	X	A	X	X	D	D	X	X
Ancillary dwelling	P	P	D	D	D	X	X	X
Animal establishment	X	X	X	A	X	X	A	A
Animal husbandry—intensive	X	X	X	A	X	X	X	A
Bed and breakfast	A	A	D	D	D	P	X	X
Betting agency	X	A	X	X	P	X	X	X
Bulky goods showroom	X	A	X	X	P	X	P	A
Caravan park	X	A	X	X	X	P	X	X
Caretaker's dwelling	X	X	X	X	X	X	I	I
Car park	D	P	X	D	P	D	D	P
Child care premises	A	A	A	X	D	X	X	X
Cinema/Theatre	X	D	X	X	P	D	X	X
Civic use	D	D	D	D	D	D	A	X
Club premises	X	A	X	X	D	X	X	X
Commercial vehicle parking	X	X	X	A	P	X	P	P
Community purpose	A	A	X	X	P	X	X	X
Consulting rooms	X	A	X	X	D	X	D	X
Convenience store	A	A	X	X	P	X	X	X
Educational establishment	X	A	X	A	D	X	I	X
Exhibition centre	X	A	X	A	D	A	A	X
Family day care	A	A	A	X	D	X	X	X
Fast food outlet	X	A	X	X	D	D	X	X
Fuel depot	X	X	X	A	X	X	D	D
Funeral parlour	X	A	X	X	A	X	D	D
Garden centre	X	A	A	A	P	X	D	D
Grouped dwelling	D	D	X	D	D	X	X	X
Holiday accommodation	A	A	A	A	A	P	X	X
Holiday house	A	A	A	A	A	P	X	X
Home business	D	D	D	D	D	D	X	X
Home occupation	P	P	P	P	D	D	X	X
Home office	P	P	P	P	P	P	X	X
Home store	A	A	A	A	D	D	X	X
Hospital	X	A	X	X	X	X	X	X
Hotel	X	A	X	X	A	A	X	X
Independent living complex	D	D	X	X	X	X	X	X
Industry	X	X	X	X	X	X	D	P
Industry—cottage	X	A	A	D	D	X	X	X
Industry—extractive	X	X	X	A	X	X	X	X
Industry—light	X	A	X	X	X	X	P	D
Industry—rural	X	X	A	P	X	X	A	P

Use and development class	Residential	Rural townsite	Rural residential	Rural	Commercial	Tourism	Light Industry	General Industry
Liquor store—small	X	A	X	X	P	I	X	X
Lunch bar	X	A	X	X	D	D	X	X
Market	X	A	A	X	D	A	A	X
Medical centre	A	A	X	X	D	X	X	X
Mining operations	X	X	X	D	X	X	X	X
Motel	X	A	X	X	D	A	X	X
Motor vehicle, boat or caravan sales	X	A	X	X	D	X	D	X
Motor vehicle repair	X	A	X	X	D	X	P	P
Motor vehicle wash	X	A	X	X	D	X	P	P
Multiple dwelling	D	D	X	X	D	D	X	X
Nature based park	X	X	X	A	X	A	X	X
Office	X	A	X	X	P	X	I	I
Park home park	X	A	X	X	A	A	X	X
Place of worship	A	A	X	X	A	X	X	X
Reception centre	X	A	X	A	P	X	X	X
Recreation—private	X	A	X	A	A	X	A	X
Renewable energy facility	X	X	X	A	X	X	A	A
Repurposed dwelling	A	A	A	D	A	A	X	X
Residential building	A	A	X	X	D	A	X	X
Residential aged care facility	D	D	X	X	X	X	X	X
Restaurant/cafe	X	A	X	D	P	D	X	X
Road house	X	A	X	A	D	A	A	A
Rural home business	X	A	A	D	D	X	X	X
Rural pursuit/hobby farm	X	X	A	D	X	X	X	X
Second-hand dwelling	A	A	A	A	A	A	X	X
Service station	X	A	X	X	D	X	D	D
Shop	X	A	X	I	P	D	A	X
Single house	P	P	P	P	A	A	X	X
Tavern	X	A	X	X	A	A	X	X
Telecommunications infrastructure	A	A	A	A	D	A	D	D
Tourist development	X	A	X	A	D	P	X	X
Trade display	X	A	X	A	P	X	P	P
Trade supplies	X	A	X	A	P	X	P	P
Transport depot	X	A	X	D	X	X	P	P
Tree farm	X	X	A	D	X	X	X	X
Veterinary centre	X	A	X	A	A	X	D	X
Warehouse/storage	X	A	X	A	D	X	P	P
Waste disposal facility	X	X	X	A	X	X	X	A
Waste storage facility	X	X	X	A	X	X	X	A
Winery	X	A	A	A	D	A	D	D
Workforce Accommodation	A	A	X	A	X	A	X	X
Wayside Stall	X	D	X	D	X	X	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 all 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 all 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 advertising the application in accordance with clause 64 of the deemed provisions;
- X means that use is not permitted by this Scheme.

Note—

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.
 2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (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 advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P use 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 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) a local development plan.

19. Additional uses

- (1) Table 2 sets out—
- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that additional use.

TABLE 2—SPECIFIED ADDITIONAL USES FOR ZONED LAND IN SCHEME AREA

No	Description of land	Additional use	Conditions
A1	Lot 74 Russell Street, Perenjori	medical centre	1. Development is not permitted unless the local government has exercised its discretion by granting development approval.
A2	Lots 1, 2, 95, 96 and 97 Farrell Street, Perenjori	transport depot; office	1. Development is not permitted unless the local government has exercised its discretion by granting development approval and the land use(s) must— (a) be carried out in association with the continuation of the predominant use of the lot(s); and (b) be located to the rear of the lot(s).

- (2) Despite anything contained in the zoning table, land that is specified in Table 2 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) Table 3 sets out—

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

TABLE 3—SPECIAL USE ZONES IN SCHEME AREA

No	Description of land	Special use	Conditions
SU1	Lot 202 Oversby Road, Perenjori	place of worship; club premises; community purpose	1. Development is not permitted unless the local government has exercised its discretion by granting development approval.
SU2	Lot 150 Downer Street, Perenjori	transport depot; commercial vehicle parking; office; caretaker's dwelling; workforce accommodation	1. Development is not permitted unless the local government has exercised its discretion by granting development approval. 2. The local government may require the applicant as a condition of approval to prepare, and meet the requirements of, a management plan.

(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.

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 objectives of the zone in which the land is situated.

24. Register of non-conforming use

(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 ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (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 must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (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 if—
- (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

There are no modifications to the R-Codes.

27. Application of R-Codes to commercial zoned land

- (1) The R-Code for land zoned Commercial shall be R10/30 unless otherwise indicated on the Scheme Map.
- (2) Subdivision of land zoned Commercial for non-residential development is to comply with the minimum lot size requirement set out in the R-Codes for the relevant R-Code indicated on the Scheme map or that specified in subclause (1).

28. Other State planning policies to be read as part of scheme

- (1) The State planning policies set out as follows, modified as set out in clause 29, are to be read as part of this Scheme—
- State Planning Policy 2.5—Rural Planning;
 - State Planning Policy 3.6—Development Contributions for Infrastructure;
 - State Planning Policy 3.7—Planning in Bushfire Prone Areas; and
 - State Planning Policy 5.2—Telecommunications Infrastructure.
- (2) The local government must ensure that each State planning policy referred to in subclause (1) is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

29. Modification of State planning policies

There are no modifications to a State planning policy that, under Clause 28 is to be read as part of the Scheme.

30. Environmental conditions

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

31. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant—
- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

32. General development standards and requirements

(1) Subdivision and Development of land with a dual density coding under Clause 25 shall be in accordance with the lower density, unless the land is connected to reticulated sewerage where development may be in accordance with either density coding.

(2) Except where otherwise provided in this Scheme, site and development requirements shall be in accordance with Table 4—Development Table.

TABLE 4—DEVELOPMENT TABLE

USE CLASS	MINIMUM BOUNDARY SETBACK (metres)			MAXIMUM PLOT RATIO	MINIMUM LANDSCAPED AREA + (percentage)	MINIMUM NUMBER OF CAR PARKING BAYS
	FRONT	REAR (average)	SIDES			
club premises	*	*	*	0.5	*	1 for every 45m ² of gross floor area.
consulting rooms	*	*	*	0.4 in Residential zone 0.5 in all other zones	30 in Residential zone	1 for every 30m ² of gross floor area, plus 1 for each employee.
child care premises	7.5	7.5	*	*	*	1 for each employee.
community purpose	*	*	*	*	10	1 for every 4 persons whom the building is designed to accommodate.
educational establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus additional bays for students as determined by the local government.
funeral parlour	*	*	*	*	10	As determined by the local government otherwise a minimum of 6.
hotel/tavern	*	*	*	*	10	1 for every bedroom plus per 2m ² of bar and lounge area.
industry—light	7.5	7.5	*	*	10	1 per 2 employees.
industry	7.5	7.5	*	*	15	1 per 2 employees.
motel	11.0	7.5	3.0 per storey	1.0	30	1 per unit, plus 1 per 25m ² of service area.
motor vehicle, boat or caravan sales	*	*	*	*	5	1 for every 250m ² of sales area, plus 1 for each employee on site.

USE CLASS	MINIMUM BOUNDARY SETBACK (metres)			MAXIMUM PLOT RATIO	MINIMUM LANDSCAPED AREA + (percentage)	MINIMUM NUMBER OF CAR PARKING BAYS
	FRONT	REAR (average)	SIDES			
office	*	*	*	*	*	1 for every 30m ² plot ratio area.
restaurant/cafe	*	*	*	*	*	1 for every 10m ² of gross floor area or 1 for every 4 seats provided, whichever is the greater.
service station	11.0	7.5	5	*	5	1 for every working bay, plus 1 for each employee on site.
shop	*	*	*	*	*	1 for every 15m ² of gross floor area.
bulky goods showroom	*	*	*	*	10	1 for every 100m ² of gross floor area.

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

ii) + means landscaping to be generally at the street frontage.

(3) Industrial development

Unsewered industrial development is restricted to 'dry industry' type—industries that are predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1000m².

(4) Residential development in the Rural zone

(a) In the Rural zone a residential dwelling shall conform to the setbacks prescribed in this subclause, unless determined otherwise by the local government in each particular case.

Minimum Setbacks (metres)

Primary Street	Secondary Street	Other/rear
20	10	10

(b) Development of more than one dwelling or for short-term accommodation purposes upon a lot in the Rural zone shall only be permitted where it is incidental to the agricultural use of the land, or the predominant use of the land as determined by the local government provided that use complies with the relevant objectives, development standards and requirements of this Scheme.

33. Variations to general development standards and requirements

(1) In this clause *general development standards and requirements* means requirements set out in clauses 32 and 34 to 37.

(2) The local government may approve an application for a development approval that does not comply with the general development standards and 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 a general development standard and requirement will mean the development is likely to adversely affect any owners or occupiers in the locality or in an area adjoining the site of the development the local government must—

- consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
- 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(2) of the deemed provisions;
- (b) the non-compliance with the general development standards and requirements 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.

(6) Combined uses

Where two or more uses are combined in a single development, the development shall conform to the general development standards and requirements for each use respectively, or where such general development standards and requirements are deemed by the local government to be inappropriate in the particular circumstances, to such general development standards and requirements as the local government shall determine, subject to the provisions of subclauses (4) and (5).

34. Caretaker's dwellings

- (1) A caretaker's dwelling is to be located on the same lot as a building, operation or plant used for industry and occupied by a supervisor of that building, operation or plant used for industry;
- (2) A caretaker's dwelling is to be incidental to the predominant industrial use of the lot;
- (3) Only one caretaker's dwelling is permitted on a lot;
- (4) A caretaker's dwelling shall not exceed a total floor area of 100m² measured from the external face of walls;
- (5) Open verandas may be permitted for a caretakers dwelling but must not be enclosed by any means unless the floor area remains within the 100m² total floor area;
- (6) A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation;
- (7) A caretaker's dwelling shall be located at the rear of the lot containing the industrial use;
- (8) A caretaker's dwelling shall contain only 1 bedroom;
- (9) A caretaker's dwelling may constitute a building or structure not previously used as a dwelling which has been repurposed for use as a caretaker's dwelling, or as a dwelling that has been in a different location and has been dismantled and transported to the lot for use as a caretaker's dwelling.

35. Rural residential zone

- (1) All dwellings in the Rural Residential zone shall be developed in accordance with the provisions of the R-Codes R2 density code, with the exception of lot area.
- (2) All dwellings in the Rural Residential zone shall be connected to a reticulated potable water supply provided by a licensed service provider or have appropriate provision for alternative potable water supply to the satisfaction of the local government.
- (3) All dwellings in the Rural Residential zone shall be connected to an appropriate effluent disposal or domestic waste water system(s) of a type that is, and which is installed, to the satisfaction of the local government and the Department of Health.

36. Tourism zone

Development shall address the interface and compatibility with surrounding sensitive land uses and school sites, including access and parking, impact on amenity and safety.

37. Mining operations

Whilst mining operations are exempt from the need for development approval under the *Mining Act 1978*, local government may exercise its discretion to inform the Minister for Mines and Petroleum and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy. In providing advice to the Minister for Mines and Petroleum on the suitability of mining operations, the local government will be guided by the permissibility of this use in the zoning table.

38. Local, district and primary distributor roads

Where development, the subject of an application for development approval under this Scheme, propose a new or modified vehicular access to a local, district or primary distributor road, a transport assessment and access plan in accordance with the Western Australian Planning Commission's *Transport Impact Assessment Guidelines*, may be required.

PART 5—SPECIAL CONTROL AREAS

39. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 5.
- (3) The provisions contained in Table 5 apply in addition to the provisions that apply to the underlying zone and/or local reserve.

TABLE 5—SPECIAL CONTROL AREAS IN SCHEME AREA

Name of area	Purpose	Objectives	Additional provisions
Perenjori Waste Disposal Facility Special Control Area 1 (SCA 1).	To identify land which may be affected by the Perenjori Waste Disposal Facility. To guide land use and development within the special control area.	<ol style="list-style-type: none"> 1. To protect the facility from incompatible/sensitive land use and development. 2. To ensure that decision making regarding land use and development applications for land within the SCA 1 provides for outcomes that will— <ol style="list-style-type: none"> (a) either avoid, minimise or manage the potential conflict with and from the facility; and (b) ensure that use and development of land is compatible with the effective and efficient operations of the facility. <p>For the purposes of these objectives 'sensitive land use' has the same meaning as it has in <i>State Planning Policy 2.5—Rural Planning</i>.</p>	<ol style="list-style-type: none"> 1. Despite any other provision of this Scheme, development approval is required for the use and development of land, including a single house. 2. In addition to the other provisions of this Scheme, all development applications shall be referred to the environmental protection agency for advice and the local government shall have due regard to the advice received when determining development applications.

PART 6—TERMS REFERRED TO IN SCHEME

40. Terms used

(1) A word, expression or a category of land use in this Scheme—

- (a) has the same meaning it has in the *Planning and Development Act 2005*; or
- (b) if not defined in that Act—has the same meaning as it has in the R-Codes; or
- (c) has the same meaning as it has in the *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended); or
- (d) has the meaning as listed below—

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

independent living complex means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

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

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

industry—rural means premises used for industry that—

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production;

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

nature based park means premises used for a nature based park as defined in the *Caravan Parks and Camping Grounds Regulations 1997*;

repurposed dwelling means a building or structure not previously used as a single house which has been repurposed for use as a dwelling;

residential aged care facility means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes—

- (a) appropriate staffing to meet the nursing and personal care needs of residents
- (b) meals and cleaning services
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;

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 modular home or transportable dwelling;

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

SCHEDULE A—SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

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

61. Development for which development approval not required

(1) Development approval is not required for works if—

- (a) the works are of a class specified in Column 1 of an item in the Table; and
- (b) if conditions are set out in Column 2 of the Table opposite that item—all of those conditions are satisfied in relation to the works

Table

	Column 1 Works	Column 2 Conditions
22.	The erection of, or alterations or additions to, a single house on a lot.	(a) where in the Rural zone; and (b) where the Scheme development standards and requirements for the zone are satisfied; and (c) the development is not located in a place that is— i. a heritage-protected place; or ii. abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve. iii. designated as a bushfire prone area by the Fire and Emergency Services Commissioner.
23.	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house— (a) outbuilding; (b) external fixture; (c) boundary wall or fence; (d) patio; (e) pergola; (f) veranda; (g) garage; (h) carport; (i) deck.	(a) where in the Rural zone; and (b) where the Scheme development standards and requirements for the zone are satisfied; and (c) the development is not located in a place that is— i. a heritage-protected place; or ii. designated as a bushfire prone area by the Emergency Services Commissioner.
24.	The erection or installation of a sign or advertisement.	(a) where the sign or advertisement complies with the relevant requirements specified in Schedule 1; and (b) is not located in a place is a heritage-protected place.

(2) Development approval of the local government is not required for the following uses—

- (i) the use of land in a reserve, where such land is owned or vested in the local government or a public authority, and the use is—
(a) for the purpose for which the land is reserved under this Scheme; or
(b) for any purpose for which such land may be lawfully used by the local government or the public authority.

SCHEDULE 1—EXEMPTED ADVERTISEMENTS FOR WHICH DEVELOPMENT APPROVAL IS NOT REQUIRED

LAND USE AND/OR DEVELOPMENT	EXEMPTED ADVERTISEMENT [subject to Schedule A clause 61(1)(o)] Includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated	MAXIMUM SIZE/AREA
dwellings	One professional name-plate as appropriate.	0.2m ²
home occupation	One advertisement sign describing the nature of the home occupation.	0.2m ²
place of worship, club premises, community purpose, civic use	One advertisement sign detailing the function and/or the activities of the institution concerned.	0.2m ²
cinema, theatre	A maximum of two advertisement signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the advertisement signs are displayed.	Each advertisement sign shall not exceed 5m ²
shops, bulky goods showroom and other uses appropriate to a shopping area	All advertisement signs affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	No maximum size/area
industrial, warehouse/storage	A maximum of four advertisement signs applied to or affixed to the walls of the building but not projecting above the eaves or the ridge of the roof of the building. A maximum of two free-standing advertisement signs not exceeding 5 metres in height above ground level.	Total area of any such advertisement signs, shall not exceed 15m ² Total area of the advertisement signs shall not exceed 10m ² and individual advertisement sign shall not exceed 6m ²
recreation-private	All advertisement signs provided that, in each case, the advertisement sign is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	No maximum size/area
public places and reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of a Government department, a public authority or the local government, excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body. (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, public walkway or thoroughfare, railway or waterway or other public infrastructure where such advertisement sign has been constructed or exhibited by or at the direction of a Government department, a public authority or the local government. (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any act, statute, regulation or similar instrument, provided that any such advertisement sign is constructed and/or exhibited strictly in accordance with the requirements, if any, specified in the applicable act, statute, regulation or instrument.	No maximum size/area No maximum size/area No maximum size/area
railway property and reserves	Advertisement signs exhibited on such land provided that the advertisement sign relates to the railway functions of the property or reserve.	No advertisement sign shall exceed 2m ² in area

LAND USE AND/OR DEVELOPMENT	EXEMPTED ADVERTISEMENT [subject to Schedule A clause 61(1)(o)] Includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated	MAXIMUM SIZE/AREA
advertisements within buildings	All advertisement signs placed or displayed within a building and not visible to a person outside of the building.	No maximum size/area
all classes of buildings other than a single house	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
<u>building construction sites</u> advertisement signs displayed only for the duration of construction as follows— (a) dwellings (b) shops, commercial and industrial properties (c) large development or redevelopment projects involving shopping centres, offices or other buildings exceeding 3 storeys in height	One advertisement sign per street frontage containing details of the project and the contractors undertaking the construction work. One advertisement sign as for a) above. One advertisement sign as for a) above. One additional advertisement sign showing the name of the project builder.	2m ² 5m ² 10m ² 5m ²
<u>property transactions</u> advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows— (a) dwellings (b) shops, commercial and industrial properties (c) large development or redevelopment projects involving shopping centres, offices or other buildings exceeding 4 storeys in height and rural properties in excess of 5 hectares	One advertisement sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the advertisement sign is, or the advertisement signs are displayed. One advertisement sign as for a) above. One advertisement sign as for a) above.	Each advertisement sign shall not exceed an area of 2m ² Each advertisement sign shall not exceed an area of 5m ² Each advertisement sign shall not exceed an area of 10m ²
<u>display homes</u> advertisement signs displayed for the period over which	(a) one advertisement sign for each dwelling on display.	2m ² 5m ²

LAND USE AND/OR DEVELOPMENT	EXEMPTED ADVERTISEMENT [subject to Schedule A clause 61(1)(o)] Includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated	MAXIMUM SIZE/AREA
homes are on display for public inspection	(b) In addition to a) above one advertisement sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	
sale of goods or livestock	One advertisement sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the advertisement sign is exhibited provided that the land is not normally used for that purpose.	2m ²

COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the Shire of Perenjori at the Ordinary Meeting of the Council held on the 16 April 2020.

CHRIS KING, Shire President.
M. ROMEO, Chief Executive Officer.

COUNCIL ADOPTION FOR APPROVAL

Adopted for submission to the Minister for Planning for approval by resolution of the Council of the Shire of Perenjori at the Ordinary Meeting of the Council held on the 18 February 2021 and the Common Seal of the Shire of Perenjori was hereunto affixed by the authority of a resolution of the Council in the presence of—

CHRIS KING, Shire President.
M. ROMEO, Chief Executive Officer.

WAPC RECOMMENDATION/SUBMITTED FOR APPROVAL

C. MEAGHAN, Delegated under s.16 of
the *Planning and Development Act 2005*.

Dated: 5 October 2021

APPROVAL GRANTED

R. SAFFIOTI, Minister for Planning.

Dated: 16 November 2021
