



PERTH, WEDNESDAY, 2 FEBRUARY 2022 No. 15 **SPECIAL**

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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF CUNDERDIN

**LOCAL PLANNING SCHEME
NO. 4**

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF CUNDERDIN

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

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Part 1—Preliminary**1. Citation**

This local planning scheme is the Shire of Cunderdin Scheme No. 4.

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked—

Shire of Cunderdin Local Planning Scheme No. 3 gazetted on 14th May 2007.

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

6. Scheme area

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

7. Contents of Scheme

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

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;
- (b) the Scheme Maps; and
- (c) the following plans, maps, diagrams, illustrations or materials—

There are no additional plans, maps, diagrams, illustrations or materials which form part of this Scheme.

(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 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—

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

- (h) To assist the effective implementation of the *State Planning Strategy, State Planning Policy No. 1: State Planning Framework* and other adopted strategies and policies as these apply to the Wheatbelt Region; and
- (i) To make provision for other matters necessary or incidental to town planning and development generally.

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 Cunderdin 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.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the Land Administration Act 1997 section 41.

14. Local reserves

(1) In this clause—

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

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

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

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

Table 1—Reserve Objectives

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

Reserve name	Objectives
Drainage / Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none"> To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Strategic infrastructure	<ul style="list-style-type: none"> To set aside land required for port or airport facilities.

15. Additional uses for local reserves

(1) Table 2 sets out—

- classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
- the conditions that apply to that additional use.

Table 2—Specified additional uses for land in local reserves in Scheme area

No.	Description of land	Additional use	Conditions
AR1	Lot 800 Lundy Avenue, Cunderdin.	Aged Care Facility/Nursing Home and Aged & Dependent Persons Dwelling.	Nil.
AR2	Lot 7 Vanzetti Street, Meckering.	Waste Storage Facility	Nil.

(2) Despite anything contained in clause 14, 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.

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 3—Zone Objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Rural	<ul style="list-style-type: none"> 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.
Rural Residential	<ul style="list-style-type: none"> To provide for lot sizes in the range of 1 ha to 4 ha. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be

Zone name	Objectives
	<ul style="list-style-type: none"> consistent with the amenity of the locality and the conservation and landscape attributes of the land. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Enterprise	<ul style="list-style-type: none"> To provide for light industrial and ancillary residential development on one lot. To provide for lot sizes in the range of 1 ha to 4 ha. To carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses. To notify prospective purchasers of potential amenity impacts from light industrial land uses.
Rural Townsite	<ul style="list-style-type: none"> To provide for a range of land uses that would typically be found in a small country town.
Environmental Conservation	<ul style="list-style-type: none"> To identify land set aside for environmental conservation purposes. To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.
Light Industry	<ul style="list-style-type: none"> To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	<ul style="list-style-type: none"> To provide for a broad range of industrial, service and storage activities, which by the nature of their operations, should be isolated from residential and other sensitive land uses. To accommodate industry that would not otherwise comply with the performance standards of light industry. Seek to manage impacts such as noise, dust and odour within the zone.
Industrial Development	<ul style="list-style-type: none"> To designate land for future industrial development. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.
Commercial	<ul style="list-style-type: none"> To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Service Commercial	<ul style="list-style-type: none"> To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.
Special Use Zone	<ul style="list-style-type: none"> To facilitate special categories of land uses which do not sit comfortably within any other zone. To enable the Council to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows—

Table 4—Zoning Table

USE AND DEVELOPMENT CLASS	ZONES										
	Residential	Rural	Rural Residential	Rural Townsite	Rural Enterprise	Environmental Conservation	Light Industry	General Industry	As Industrial Development	Commercial	Service Commercial
Abattoir	X	A	X	X	X	X	X	X		X	X

USE AND DEVELOPMENT CLASS	ZONES										
	Residential	Rural	Rural Residential	Rural Townsite	Rural Enterprise	Environmental Conservation	Light Industry	General Industry	Industrial Development	Commercial	Service Commercial
Aged Care Facility/Nursing Home	A	X	X	A	X	X	X	X		X	X
Agriculture—Extensive	X	P	X	X	X	X	X	X		X	X
Agriculture—Intensive	X	D	X	X	X	X	X	X		X	X
Amusement Parlour	X	X	X	X	X	X	X	X		A	A
Animal Establishment	X	D	A	A	A	X	D	D		D	A
Animal Husbandry—Intensive	X	D	X	A	X	X	A	A		X	X
Art Gallery	X	A	A	A	P	X	X	X		D	A
Bed & Breakfast	A	D	A	A	X	A	X	X		X	X
Betting Agency	X	X	X	X	X	X	X	X		A	A
Brewery	X	A	X	A	A	X	A	D		A	A
Bulky Goods Showroom	X	X	X	X	X	X	X	X		D	D
Caravan Park	X	A	X	X	X	X	X	X		X	X
Caretaker's Dwelling	X	X	X	A	D	X	I	I		A	A
Car Park	X	X	X	X	X	X	X	X		D	A
Child Care Premises	A	X	X	A	X	X	A	X		A	X
Cinema/Theatre	X	X	X	X	X	X	X	X		A	X
Civic Use	X	X	X	A	X	X	X	X		D	A
Club Premises	X	X	X	A	D	X	X	X		A	X
Commercial Vehicle Parking	A	D	A	A	D	X	I	I		X	I
Community Purpose	A	A	A	P	D	X	A	A		D	A
Consulting Rooms	A	X	X	A	X	X	D	X		D	X
Convenience Store	X	X	X	A	X	X	A	X		P	A
Corrective Institution	X	A	X	X	X	X	X	X		X	X
Educational Establishment	A	A	X	A	X	X	A	X		A	X
Exhibition Centre	A	A	X	A	X	X	X	X		D	A
Family Day Care	A	A	A	A	X	X	X	X		X	X
Fast Food Outlet/Lunch Bar	X	X	X	A	X	X	A	A		D	A
Fuel Depot	X	X	X	X	X	X	X	A		X	X
Funeral Parlour	X	X	X	A	A	X	A	A		A	A
Garden Centre	A	D	X	A	D	X	D	D		A	D
Holiday Accommodation	A	A	X	A	X	X	X	X		X	X
Holiday Home	A	D	A	A	X	A	X	X		X	X
Home Business	A	X	X	A	X	D	X	X		X	X
Home Occupation	P	P	P	P	P	P	X	X		X	X
Home Office	P	P	P	P	P	P	X	X		X	X
Home Store	A	X	X	A	X	X	X	X		X	X
Hospital	A	X	X	A	X	X	X	X		A	A
Hotel	X	X	X	A	X	X	A	A		A	A
Industry—Extractive	X	A	X	X	X	X	X	X		X	X
Industry	X	X	X	X	X	X	A	A		X	X
Industry—Light	X	X	X	X	P	X	P	P		X	X
Industry—Rural	X	P	X	A	X	X	X	X		X	X
Liquor Store—Large	X	X	X	X	X	X	X	X		A	A
Liquor Store—Small	X	X	X	A	X	X	X	X		A	A
Market	X	I	X	A	X	X	X	X		D	D
Medical Centre	A	X	X	A	X	X	D	X		D	D
Mining Operations	D	D	D	D	D	D	D	D		D	D
Motel	X	X	X	X	X	X	X	X		A	A

As per clause 32 Additional site and development requirements

USE AND DEVELOPMENT CLASS	ZONES										
	Residential	Rural	Rural Residential	Rural Townsite	Rural Enterprise	Environmental Conservation	Light Industry	General Industry	Industrial Development	Commercial	Service Commercial
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	X	X	A	A		A	D
Motor Vehicle Repair	X	X	X	A	A	X	A	D		A	A
Motor Vehicle Wash	X	X	X	X	A	X	A	D		A	A
Office	A	X	X	A	I	X	I	I		P	D
Park Home Park	X	A	X	X	X	X	X	X		X	X
Place of Worship	X	A	X	X	X	X	X	X		A	X
Reception Centre	X	X	X	X	X	X	X	X		D	X
Recreation—Private	X	A	X	A	A	X	A	A		A	A
Renewable Energy Facility	X	A	X	X	X	X	X	X		X	X
Re-Purposed Dwelling	D	D	D	D	D	D	X	X		X	X
Residential (R-Codes)											
• Aged & Dependent Persons Dwelling	P	X	X	D	X	X	X	X		X	X
• Grouped Dwelling	P	D	X	D	X	X	X	X		X	X
• Multiple Dwelling	D	X	X	D	X	X	X	X		X	X
• Single House	P	P	P	P	D	D	X	X		X	X
Resource Recovery Centre	X	X	X	A	A	X	A	D		X	X
Restaurant/ Café	X	I	X	A	X	X	X	X		D	A
Restricted Premises	X	X	X	X	X	X	A	A		A	X
Road House	X	X	X	X	X	X	A	A		A	A
Rural Home Business	X	D	D	A	D	X	X	X		X	X
Rural Pursuit/ Hobby Farm	X	P	D	A	X	X	X	X		X	X
Second-Hand Dwelling	D	D	D	D	D	D	X	X		X	X
Serviced Apartment	X	I	X	X	X	X	X	X		A	X
Service Station	X	X	X	A	X	X	A	D		A	A
Shop	X	I	X	A	X	X	X	X		P	A
Small Bar	X	X	X	X	X	X	X	X		A	X
Tavern	X	X	X	X	X	X	X	X		A	A
Telecommunications Infrastructure	A	A	A	A	A	A	A	A		A	A
Tourist Development	A	A	X	A	X	X	X	X		A	A
Trade Display	X	X	X	A	X	X	I	I		I	I
Trade Supplies	X	X	X	A	D	X	D	D		A	A
Transport Depot	X	A	X	A	A	X	A	D		A	A
Tree Farm	X	A	X	X	X	X	X	X		X	X
Veterinary Centre	X	A	X	A	A	X	A	X		A	A
Warehouse/ Storage	X	X	X	X	A	X	A	D		A	D
Waste Disposal Facility	X	A	X	X	X	X	X	X		X	X
Waste Storage Facility	X	X	X	X	X	X	A	D		X	X
Winery	X	A	X	A	A	X	X	X		X	X
Workforce Accommodation	A	A	X	X	X	X	X	I		X	X

As per clause 32 Additional site and development requirements

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 advertising the application in accordance with clause 64 of the deemed provisions;
- X** means that the use is not permitted by this Scheme.

Note:

1. *The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 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 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;
 - (c) a community layout plan.

19. Additional uses

There are no additional uses for zoned land that apply to this Scheme.

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

(1) Table 5 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 5—Special uses zones in Scheme area

No.	Description of Land	Special Use	Conditions
SU1	Lot 74 Olympic Avenue, Cunderdin	Tourist Development, Caravan Park & Caretaker's Dwelling.	<ol style="list-style-type: none"> 1. Notwithstanding anything else in the Scheme, development on the site shall be subject to application to the local government for approval to commence development. 2. The local government may require development applications to be advertised in accordance with Clause 64 of the deemed provisions.

(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 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—
- (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**Dual Residential Density Codes**

(1) Where on the Scheme Map an area is identified as having a dual density coding in the form of a split R-Code, when considering an application for development approval, or when making a recommendation to the Commission in respect of subdivision, the local government is to apply the lower of the two R-Codes to the proposal unless—

- (a) it is consistent with all relevant planning instruments governing the control of the development to the satisfaction of the local government; and
- (b) it retains the heritage values of the premises where included on the heritage list in accordance with the Scheme and any relevant local planning policy to the satisfaction of the local government; and
- (c) the lot is connected to reticulated sewerage.

Outbuildings

(2) On land coded R12.5 or higher the R-Codes in regard to outbuildings are modified to the following—

- (a) the total area of all outbuildings on the lot shall not exceed 75m² or 10% of the area of the lot, whichever is the lesser;
- (b) the maximum wall height shall be 3.5 metres and the maximum building height shall be 4.5 metres (top of pitched roof);
- (c) the minimum setbacks shall be—
 - (i) 2 metres to any secondary street boundary; and
 - (ii) 1 metre to any side lot boundary; and
 - (iii) 1 metre to any rear lot boundary;
- (d) outbuildings shall be located entirely behind the rear of the dwelling on the lot unless constructed in the same materials as and having colours matching those of the dwelling; and
- (e) the external surface of outbuildings shall be non-reflective and not include metallic silver, white or off-white, except where the total area of all outbuildings on the lot does not exceed 20m².

(3) On land coded R10 the R-Codes in regard to outbuildings are modified to the following—

- (a) the total area of all outbuildings on the lot shall not exceed 90m²;
- (b) the maximum wall height shall be 3.5 metres and the maximum building height shall be 4.5 metres (top of pitched roof);
- (c) the minimum setbacks shall be—
 - (i) 3 metres to any secondary street boundary; and
 - (ii) 1 metre to any side lot boundary; and
 - (iii) 1 metre to any rear lot boundary;
- (d) outbuildings shall be located entirely behind the rear of the dwelling on the lot unless constructed in the same materials as and having colours matching those of the dwelling; and
- (e) the external surface of outbuildings shall be non-reflective and not include metallic silver, white or off-white, except where the total area of all outbuildings on the lot does not exceed 20m².

(4) On land coded R2.5 and R5 the R-Codes in regard to outbuildings are modified to the following—

- (a) the total area of all outbuildings on the lot shall not exceed 100m²;
- (b) the maximum wall height shall be 3.5 metres and the maximum building height shall be 4.5 metres (top of pitched roof);
- (c) the minimum setbacks shall be—
 - (i) 5 metres to any secondary street boundary; and
 - (ii) 1.5 metre to any side lot boundary; and
 - (iii) 1.5 metre to any rear lot boundary;
- (d) outbuildings shall be located entirely behind the rear of the dwelling on the lot unless constructed in the same materials as and having colours matching those of the dwelling; and
- (e) the external surface of outbuildings shall be non-reflective and not include metallic silver, white or off-white, except where the total area of all outbuildings on the lot does not exceed 20m².

(5) Subclauses (2), (3) and (4) only modify the R-Codes where there is an inconsistency between the subclause and the deemed to comply provisions in relation to outbuildings. All other deemed-to-comply requirements and design principles for outbuildings continue to apply.

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 must ensure that State Planning Policy 3.6 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.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

(1) The State planning policies set out in Table 6, modified as set out in clause 30, are to be read as part of this Scheme.

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

State planning policies to be read as part of Scheme

State Planning Policy 3.7: Planning in Bushfire Prone Areas

(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.

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) Schedule 3 sets out requirements relating to development that are additional to those set out in the R- Codes, precinct structure plans, local development plans or State or local planning policies.

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R Codes, a precinct structure 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 or local development plan

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

(1) In this clause—

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

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

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

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

(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) 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(2) of the deemed provisions; and

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

35. Restrictive covenants

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

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

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

Part 5—Special control areas

36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 7.

Table 7—Special control areas in the Scheme area

Name of area	Purpose	Objectives	Additional provisions
SCA 1	Waste Water Treatment Plant Odour Buffer	<ol style="list-style-type: none"> 1. Protect the long-term operation of the water treatment plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's treated waste water; 2. Recognise the potential impacts on amenity from the wastewater treatment plant, including odour and noise nuisance; 3. Avoid the development of incompatible and odour sensitive land uses within the buffer area; and 4. Where necessary and appropriate control development and land use within the buffer area. 	<ol style="list-style-type: none"> 1. Despite the land use permissibility indicated in Table 4 or any provisions elsewhere in the Scheme, a Development Application is required for any proposed use or development within the Special Control Area as depicted on the Scheme Map. 2. When determining applications for development within the Special Control Area, the local government shall— <ol style="list-style-type: none"> (a) Consider the compatibility of the use or development with waste water treatment infrastructure having regard to potential odour and noise emissions from the waste water treatment plant; (b) Consider whether the use or development would have a detrimental impact on the long-term operation of the waste water treatment plant; (c) Obtain and have regard to the advice and recommendations of the Water Corporation, Department of Water and Environment Regulation, Western Australian Planning Commission; and any other relevant authorities, and any policies related thereto; (d) Impose conditions as appropriate to any development approval to attenuate or minimize odour and noise impacts; and (e) Notwithstanding clause 18, not approve any development application within the buffer that, in the opinion of the local government, would

Name of area	Purpose	Objectives	Additional provisions
			suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant.

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 –

Term	Definition
building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
building exclusion area	means the area of land within which buildings, effluent disposal facilities and any other works on a lot must not be located or carried out.
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.
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 <i>Mining Act 1978</i> 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.

Term	Definition
non-conforming use	has the meaning given in the <i>Planning and Development Act 2005</i> 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.
Scheme commencement day	means the day on which this Scheme comes into effect under section 87(4) of the Act.
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 –

Land Use	Definition
abattoir	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
aged care facility/nursing home	mean a premises used to provide accommodation and personal or nursing care for the aged and may include recreational, health or laundry facilities and services for residents of the facility.
agriculture—extensive	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture—intensive or animal husbandry—intensive.
agriculture—intensive	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following— (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture.
amusement parlour	means premises— (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines.
animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre.
animal husbandry—intensive	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.
art gallery	means premises— (a) that are open to the public; and (b) where artworks are displayed for viewing or sale.

Land Use	Definition
bed and breakfast	means a dwelling— <ul style="list-style-type: none"> (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 <i>Racing and Wagering Western Australia Act 2003</i> .
brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .
bulky goods showroom	means premises— <ul style="list-style-type: none"> (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes— <ul style="list-style-type: none"> (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 children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools. or (b) used to sell goods and accessories by retail if— <ul style="list-style-type: none"> (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 <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1).
caretaker's dwelling	means a dwelling on the same site as a building, operation or plant, 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— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> 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 <i>Child Care Services Act 2007</i> 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— <ul style="list-style-type: none"> (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.

Land Use	Definition
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 300m ² nla.
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 <i>Education and Care Services National Law (Western Australia)</i> is provided.
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.
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 50m ² ; 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 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.

Land Use	Definition
home occupation	<p>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—</p> <ul style="list-style-type: none"> (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 20m²; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; 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— <ul style="list-style-type: none"> (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 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	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation—</p> <ul style="list-style-type: none"> (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	<p>means a shop attached to a dwelling that—</p> <ul style="list-style-type: none"> (a) has a net lettable area not exceeding 100m²; and (b) is operated by a person residing in the dwelling.
hospital	<p>means premises that are a hospital within the meaning given in the <i>Health Services Act 2016</i> section 8(4), but does not include a nursing home.</p>
hotel	<p>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.</p>
independent living complex	<p>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.</p>
industry	<p>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—</p> <ul style="list-style-type: none"> (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—extractive	<p>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—</p> <ul style="list-style-type: none"> (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.

Land Use	Definition
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—rural	means premises used for an industry that— (a) supports and/or is associated with primary production; or (a) services plant or equipment used in primary production.
liquor store—large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m ² .
liquor store—small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m ² .
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 <i>Mining Act 1978</i> section 8(1), is carried out.
motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> — (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 retreading of tyres.
motor vehicle wash	means premises primarily used to wash motor vehicles.
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 <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions.
recreation—private	means premises that are— (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
renewable energy facility	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.
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 facilities 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.
resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste.

Land Use	Definition
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 <i>Liquor Control Act 1988</i> .
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— <ul style="list-style-type: none"> (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i>; and (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— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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 200m²; 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 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— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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 <i>Liquor Control Act 1988</i> .

Land Use	Definition
tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
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— <ul style="list-style-type: none"> (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 any of the following purposes including goods which may be assembled or manufactured off the premises— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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 <i>Carbon Rights Act 2003</i> 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— <ul style="list-style-type: none"> (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods.
waste disposal facility	means premises used— <ul style="list-style-type: none"> (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.
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— <ul style="list-style-type: none"> (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.

Schedules—

- A. Supplemental Provisions to the Deemed Provisions
 1. Exempted Advertisements
 2. Rural Residential Areas
 3. Additional Site and Development Requirements

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*.

4A. Transitional arrangements for local planning policies

Where a local planning policy has been prepared in accordance with the requirements of Local Planning Scheme No. 3, it shall continue to have effect, and may be amended or revoked as if it were a local planning policy adopted under Local Planning Scheme No. 4.

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 or installation of a sign or advertisement of a class specified in Schedule 1 of this Scheme that applies in respect of the sign.	The works are not located in a heritage-protected place.
23.	The erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone where the R Codes do not apply, in which that lot is located and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied.	The works are not located— <ul style="list-style-type: none"> (a) on a lot which does not have access to a dedicated and/or constructed road; or (b) upon land affected by a known buffer as indicated on the Local Planning Strategy; or (c) in a heritage-protected place.
24.	The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone where the R Codes do not apply and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied.	The works are not located— <ul style="list-style-type: none"> (a) on a lot which does not have access to a dedicated and/or constructed road; or (b) upon land affected by a known buffer as indicated on the Local Planning Strategy; or (c) in a heritage-protected place.
25.	The erection of any farm sheds or outbuildings on any lot in the Rural zone where the development standards set out in the Scheme for that particular zone are satisfied.	The works are not located in a heritage-protected place.
26.	The demolition of any building or structure except where the building or structure.	The works are not located in a heritage-protected place.
27.	The erection of a boundary fence in a zone where the R- Codes do not apply and the development standards set out in the Scheme for that particular zone are satisfied.	
28.	The construction of a dam in the Rural zone.	<ul style="list-style-type: none"> (a) It has been approved or does not require approval from any State Government agency or authority; and (b) It does not alter or affect existing waterways or the water table or involve removal of remnant vegetation; and (c) Runoff from the dam can be contained on site or directed to a watercourse and does not impact adjoining properties; and (d) Its wall(s) or structure is not more than 3 metres in height; and (e) The lower edge of the dam wall, and any other part of the dam including the stored water is further than 20 metres from boundaries of the subject lot; and (f) It is not located in a heritage-protected place.

Schedule 1—Exempted Advertisements

Zone / Reserve	Exempted Sign	Maximum Area & Number
All	<u>Real Estate & Building Construction Signs—</u> <ul style="list-style-type: none"> • Building construction signs displayed on a development site only for the duration of the construction period. • Real estate and property transaction signs displayed on a property for sale or lease for the duration of the period over which property transactions are offered. • A maximum of 50% of the sign content to comprise details of the selling or leasing agent or the developer. • Erected or installed wholly within the sale lot boundaries. 	Two signs per site with a maximum area of 10m ² .
	<u>Temporary Event Signage—</u> <ul style="list-style-type: none"> • Signs, including banners, displayed in conjunction with special events may be erected for up to 2 weeks prior to the event without prior approval. • All temporary signage must be removed within 2 days of the completion of the event. The event has been granted any required local government approvals. 	N/a
Residential, Rural Residential & Rural Townsite	<u>Home Business, Home Occupation & Rural Home Business—</u> <ul style="list-style-type: none"> • Advertisement describing the nature of the home occupation. 	One sign with a maximum area of 0.2m ² .
Commercial & Service Commercial	<u>Awning & Building Signs—</u> <ul style="list-style-type: none"> • All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of the building that do not project beyond the outer frame or edges of the awning. 	One sign per tenancy/occupant of the building.
	<u>Flag Signs</u> <ul style="list-style-type: none"> • The flag and its supporting structures shall not project more than 600mm from the facade of the building. • Minimum headway clearance of 2.4m from the ground level immediately below the flag to its lowermost portion. • Overall maximum height of the flag and its supporting structures shall not exceed 3m. 	Two flags per street frontage with a maximum area of 2m ² .
	<u>Ground Based Signs, including A-Frame Signs—</u> <ul style="list-style-type: none"> • Located wholly within the property boundary during business hours. 	One sign with a maximum area of 0.2m ² .
	<u>Under Awning Sign—</u> <ul style="list-style-type: none"> • Orientated at right angles to the wall of the building that the sign is erected upon. On corner sites the sign may be orientated at an angle so as to be visible from both streets. • Does not project beyond the extent of the awning. • Where illuminated, it does not flash, pulsate or flicker and the light intensity shall not cause annoyance to the public. 	One sign per tenancy with a maximum of 2.4m in length and 600mm in height.

Zone / Reserve	Exempted Sign	Maximum Area & Number
General Industry & Light Industry	<ul style="list-style-type: none"> All advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level. 	Maximum of four signs that with a maximum area of 6m ² individually and not exceeding 15m ² in total area.
Public Open Space & Recreation Reserves	<ul style="list-style-type: none"> Sponsorship signs that are not visible from outside the sporting complex or facility concerned, either from other private land or from public places and streets and have approval from the controlling organisation. 	N/a

Schedule 2—Rural Residential Areas

No.	Description of Land	Provisions
RR1	Lot 1 Coronation Street, Cunderdin	<ol style="list-style-type: none"> Minimum lot size shall be 1.0ha. No direct access onto Great Eastern Highway shall be permitted. The keeping of stock is only permitted with prior approval from the local government. Effluent disposal is to be through the use of local government approved Alternative Treatment Units.
RR2	Lots 9, 77, 101-110 and 284 Watts Street, Cunderdin	<ol style="list-style-type: none"> Minimum lot size shall be 1.0 ha. Effluent disposal is to be through the use of local government approved Alternative Treatment Units. The keeping of stock is only permitted with prior approval from the local government.
RR3	Lots 127 and 128 Cubbine Street, Cunderdin	<ol style="list-style-type: none"> Minimum lot size shall be 1.0 ha. Effluent disposal is to be through the use of local government approved Alternative Treatment Units. The keeping of stock is only permitted with prior approval from the local government.
RR4	All freehold land bounded by Stewart Road, Wilson Street and Carter Road, Meckering	<ol style="list-style-type: none"> Minimum lot size shall be 1.0 ha. Effluent disposal is to be through the use of local government approved Alternative Treatment Units. The keeping of stock is only permitted with prior approval from the local government.
RR5	Lot 30 Combley Street, Lots 31-32 Throssell Street, Lots 33-34 Leeming Street and Lots 35-37 Dempster Street, Meckering	<ol style="list-style-type: none"> Minimum lot size shall be 1.0 ha. Effluent disposal is to be through the use of local government approved Alternative Treatment Units. The keeping of stock is only permitted with prior approval from the local government.

Schedule 3—Additional Site and Development Requirements

1. Site and development standards

- (a) Unless otherwise provided by the Scheme, all development is required to comply with the requirements of Table 8 as follows—

Table 8—Site and development standards

Zone	Controls			Minimum effective frontage (m)	Maximum plot ratio	Minimum car parking spaces	Minimum landscape area (%)
	Minimum boundary setback (m)	Front	Rear				
All Residential zones	In accordance with the Residential Design Codes.						
Rural	20	20	20	n/a	n/a	n/a	n/a
Rural Residential	15	10	10	n/a	n/a	n/a	n/a
Rural Townsite	In accordance with the Residential Design Codes.						

Controls Zone	Minimum boundary setback (m)			Minimum effective frontage (m)	Maximum plot ratio	Minimum car parking spaces	Minimum landscape area (%)
	Front	Rear	Sides				
Rural Enterprise	20	15	15	n/a	n/a	1 per 75m ² of nla	10
Environmental Conservation	All development to be within approved building envelope.						
General & Light Industry	10	10	3 ^a	20	0.5	1 per 75m ² of nla	10
Commercial	Nil	Nil	Nil	5	1.5	1 per 40m ² of nla	10
Service Commercial	10	10	3 ^a	20	0.5	1 per 75m ² of nla	10

(b) The 'a' symbol used in 8 means a minimum side setback of 3 metres is required on one side where the alternate side setback may be reduced in accordance with the provisions of the Building Code of Australia.

2. Development of Land without Constructed/Dedicated Road Frontage or Access

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

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

3. Rural zone

- (a) Subdivision and development in the Rural zone shall comply with the requirements of Table 8 and the objectives for that zone as outlined in Part 3 and any relevant State Planning Policies.
- (b) Within the Rural zone the local government will not generally support the erection of more than one (1) dwelling per lot. The local government may only consider granting development approval for additional dwellings under the following circumstances—
 - (i) where the land owner clearly demonstrates that the development is required for farm management or tourist activity purposes;
 - (ii) the additional dwelling(s) will only accommodate a family member, workers employed for agricultural activities on that lot or tourists;
 - (iii) the additional dwelling(s) are clustered in one location so as to avoid future subdivision pressure and minimise constraints on adjoining uses; and
 - (iv) all essential services to the additional dwelling(s) from the lot boundary (including access roads) are to be shared with any existing dwelling(s) where practicable.
- (c) The existence of more than one dwelling on a lot in the Rural zone shall not be construed as a basis for the local government's support to the subdivision of the lot.
- (d) All proposals for development in the Rural zone must have regard to both on-site and off-site impacts and, where deemed necessary by the local government, such proposals shall be accompanied by information identifying—
 - (i) environmental values and any environmental risks;
 - (ii) the potential for land use conflict;
 - (iii) the potential impacts and restrictions on approved uses on adjacent or nearby locations; and
 - (iv) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site.

- (e) The development of tourist activities in the Rural zone including a caravan park, holiday accommodation, holiday home, tourist development, serviced apartment and bed and breakfast accommodation will only be supported by the local government where the use is complementary and does not limit the agricultural use of the land, and is not impacted by surrounding rural land uses.
- (f) In considering applications for development approval in the Rural zone where scheme water is not available the local government may require the provision of a drinking water supply to the standards specified in the *Australian Drinking Water Guidelines 1996* published by the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand.

4. Rural Residential zone

- (a) In the Rural Residential zone—
 - (i) subdivision and development shall comply with the requirements of 8 and the objectives for that zone as outlined in Part 3;
 - (ii) all buildings, service roads and firebreaks constructed in the zone shall be designed and sited so as to minimise any adverse impacts on the environment, landscape and scenic values;
 - (iii) outbuildings shall—
 - (aa) not exceed an aggregate area of 200m²; and
 - (bb) have a maximum wall height of 4.5 metres; and
 - (cc) have a maximum building height of 6.0 metres (top of pitched roof); and
 - (dd) not be constructed of second-hand materials; and
 - (ee) be constructed of materials of low-reflectivity;
- (b) A sustainable potable water supply shall be provided to each lot in the Rural Residential zone in accordance with the Western Australian Planning Commission policies with preference given to connection to an approved reticulated water supply.
- (c) In considering any application under the Scheme for the keeping of animals in the Rural Residential zone, the Shire shall only grant approval if it is satisfied that the land is capable of supporting the number of animals proposed, having regard to the land management practices to be implemented. In this respect, the Shire shall have due regard to any policies or guidelines adopted by the Shire relating to the keeping of animals. The Shire may refuse an application, or may impose conditions on any approval limiting the numbers of animals to be kept and/or such other conditions as the Shire sees fit, in order to prevent adverse impacts to the landscape, amenity and environmental values of the site and locality, including damage to trees, dust pollution and soil erosion.
- (d) Subdivision and development within a Rural Residential Area shown on the Scheme Map and described in Schedule 2—Rural Residential Areas shall comply with the corresponding provisions in Schedule 2.
- (e) If a provision in Schedule 2 conflicts with any other provision of the Scheme, the provision in the Schedule shall prevail.

5. Rural Enterprise zone

- (a) Prior to subdivision and development in the Rural Enterprise zone, a structure plan shall be prepared and approved, demonstrating the ability to—
 - (i) separate light industrial and residential uses via the use of building envelopes and/or dual frontages; and
 - (ii) achieve a clear delineation between light industrial and residential vehicles in access arrangements to the lots.
- (b) In the Rural Enterprise zone—
 - (i) dwellings must be incidental to the predominant use of the site for light industry;
 - (ii) unless otherwise provided in the Scheme, the development of dwellings shall be in accordance with the R2 density code provisions of the R-Codes, with the exception of the minimum lot size area, which is not applicable;
 - (iii) no more than one dwelling will be permitted on each lot;
 - (iv) the local government shall not grant development approval for a dwelling prior to the predominant use being either approved or constructed;
 - (v) where a dwelling has been granted development approval, it shall not be occupied until the predominant use has been established and is operational on site;
 - (vi) lots shall be connected to a network electricity supply and reticulated potable water supply provided by a licensed service provider; and
 - (vii) notifications on title may be used to advise prospective purchasers of potential noise, dust, odour or other amenity impacts that may arise from light industrial uses.

6. Environmental Conservation zone

- (a) The local government will not support further subdivision of lots in the Environmental Conservation zone.
- (b) In the Environmental Conservation zone—
- (i) A demonstrated and sustainable water supply for development is to be provided in accordance with Western Australian Planning Commission Policy;
 - (ii) Where connection to reticulated sewer is not available, domestic sewerage shall be disposed of by means of an alternative effluent disposal system to the satisfaction of the local government and the Department of Health;
 - (iii) Development and on-site effluent disposal systems shall be contained within a building envelope or outside of a building exclusion area, which shall be—
 - (aa) at a size and location determined by the local government through consideration of an application for development approval;
 - (bb) located to avoid any native vegetation or any area recognised for protection or rehabilitation;
 - (cc) located to ensure on-site effluent disposal meets the minimum setback requirements from drainage lines, watercourses, wetlands and other areas as determined by the local government;
 - (dd) located outside of any identified and/or designated buffer areas; and
 - (ee) located in accordance with any bushfire management plan approved for the land;
 - (iv) Notwithstanding subclause (c), the local government may permit a variation to a previously approved building envelope, prior to the construction of any building, if it can be demonstrated to the satisfaction of the local government that the location of the proposed new building envelope will not be detrimental to the environmental qualities of the land and other adjoining properties;
 - (v) Within areas designated as a building exclusion area or located outside of an approved building envelope, no indigenous trees or vegetation may be felled or removed except for—
 - (i) trees which are dead, diseased or dangerous;
 - (ii) establishment of a firebreak required under a regulation or bylaw;
 - (iii) access to a building site;
 - (iv) an area up to two metres in width for the purpose of a fence line;
 - (v) vegetation being removed or disturbed as part of a verge/native tree replanting programme carried out with local government's knowledge and approval; and
 - (vi) Nothing in this clause shall be construed to mean that any person can clear a portion of a road reserve.

7. General and Light Industry zones

In the General and Light industry zones—

- (a) Subdivision and development shall comply with the requirements of 8 and the objectives for that zone as outlined in Part 3;
- (b) The front façade of all buildings shall be orientated to the street and constructed in brick, concrete or masonry. This provision may be varied where the local government is satisfied that such variation will not detract from the amenity of the area;
- (c) Buildings occupied or intended to be occupied by more than one separate business establishment (i.e. factory tenement buildings) shall be constructed so that every occupancy—
 - (i) has a floor area of at least 100m² and neither its width or length is less than 8 metres;
 - (ii) has an adjacent open yard area no smaller than one-third of the floor area of the occupancy;
 - (iii) has an open yard area with direct access to a service access road not less than 6 metres in width; and
 - (iv) is separated from every other occupancy by a suitable distance or an internal wall or walls constructed of brick, stone, concrete or other material approved by the Building Code of Australia;
- (d) All on-site vehicle access ways and parking areas are required to be sealed and drained to the specifications and satisfaction of the local government;
- (e) The minimum standard fence shall be a 1.8 metre high link mesh security fence unless otherwise approved by the local government; and
- (f) Fencing shall be provided to all boundaries abutting reserved land to prevent vehicular ingress and egress. Such fencing shall be of a uniform design, colour, material and height, to the satisfaction of the local government, so as to not detract from the amenity of the reserved land and the general amenity of the surrounding area.

8. Industrial Development zone

- (a) Prior to subdivision and development in the Industrial Development zone, a structure plan shall be approved and subdivision and development shall be in accordance with the approved structure plan.

- (b) Notwithstanding sub-clause (1), where the local government is satisfied that it will not prejudice the specific purposes, requirements and future development of the zone the local government may recommend subdivision or approve the development of land within the Industrial Development zone prior to a structure plan coming into effect, or approve the following structures otherwise than in accordance with a structure plan—
- (i) water tanks;
 - (ii) windmills;
 - (iii) stock watering and feed troughs; and
 - (iv) roofed structure open on all sides for the purpose of providing shelter to animals.

9. Commercial and Service Commercial zones

In the Commercial and Service Commercial zones—

- (a) Subdivision and Development shall comply with the requirements of 8 and the objectives for each of these zones as outlined in Part 3;
- (b) The front façade of all buildings shall reflect and be compatible with the predominant existing streetscape and architectural style and the local government may impose conditions relating to building setbacks, design, scale, materials and finish to ensure compatibility with the existing streetscape and general architectural style;
- (c) In considering any application for development approval the local government shall have regard to and may require the provision of loading docks and/or rear access. The local government may impose conditions relating to—
 - (i) the size and location of loading docks; and
 - (ii) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to proceed in a forward gear;
- (d) All on-site vehicle access ways and parking areas are required to be sealed and drained to the specifications and satisfaction of the local government; and
- (e) Fencing shall be provided to all boundaries abutting reserved land to prevent vehicular ingress and egress. Such fencing shall be of a uniform design, colour, material and height, to the satisfaction of the local government, so as to not detract from the amenity of the reserved land and the general amenity of the surrounding area.

10. Landscaping

- (a) The landscaping requirement specified in 8 or generally referred to in the Scheme means an open area designed, developed and maintained as garden planning and areas for pedestrian use. At the discretion of the local government natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however waste collection and loading areas, and other open storage areas shall not be included.
- (b) The local government may require an application for development approval to be accompanied by landscaping plans. Prior to the occupation of premises for the purposes of the development approval, landscaping is to be planted and is thereafter to be maintained to the satisfaction of the local government in accordance with the landscaping plan approved by the local government.

11. Provision of car parking

- (a) A person shall not develop or use any land or erect, use or adapt any building unless a suitable number of car parking spaces are provided in accordance with the requirements specified in 8.
- (b) The dimensions of parking spaces required under the provisions of the Scheme, shall be as per Australian Standard 2890 Parking Facilities.
- (c) Reciprocal Parking (Private) and Shared Parking—
 - (i) subject to the provisions of the Scheme, the local government may exercise its discretion in granting development approval to permit a proportion of the total number of car parking bays required under the Scheme to be provided jointly with any one or more other premises within a location, where it is demonstrated to the satisfaction of the local government that reciprocal and/or shared car parking would result in the same number of car parking bays required under the Scheme; and
 - (ii) reciprocal and/or shared car parking shall only be permitted in locations where the following has been demonstrated to the satisfaction of the local government—
 - (aa) reciprocal or shared off-street parking facilities are available in the location that sufficiently accommodates the deficit in required car parking bays; and
 - (bb) the peak hours of operation of land uses so sharing are different and do not substantially overlap, whether or not the premises providing shared car parking separately have the prescribed number of car parking bays; and
 - (cc) that a legally binding agreement has been made to enable those reciprocal or shared off-street parking facilities to be used for that purpose.

Note: Where a reciprocal or shared parking arrangement is proposed as part of an application for development approval, the written consent of the property owner of the reciprocal or shared parking facility must be in the form of a legally binding agreement between both parties that is prepared to the satisfaction of the local government, and at the applicant's/proponents' own cost.

- (d) Where the developer can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in the Scheme landscaping may be provided in lieu of car parking spaces not constructed and the said landscaping shall be included in the calculations as car parking but not as landscaping.
- (e) Cash Contribution in Lieu of providing car parking bays—
 - (i) subject to the provisions of the Scheme, the local government may require an applicant for development approval to provide, or may otherwise agree to accept, a cash contribution in lieu of the provision of a proportion of the total number of car parking bays required under the Scheme' and
 - (ii) a cash contribution in lieu of providing car parking bays shall only be considered in locations where the following has been demonstrated to the satisfaction of the local government—
 - (aa) there is sufficient car parking in the locality; and
 - (bb) a public car park exists or is planned in the locality that adequately services the car parking requirements of both the general public and the proposed development; and
 - (cc) that a legally binding agreement has been made to enable the public car park to be used for the purpose of providing car parking for the proposed development on a permanent basis in accordance with subclause (b).

12. Commercial vehicle parking on Residential zoned land

- (a) A person shall not park, or permit to be parked, more than one commercial vehicle on any lot within a Residential zone.
- (b) No more than one commercial vehicle, of up to a medium rigid vehicle (MRV) design service vehicle type, may be parked on a lot within a Residential Zone, provided that—
 - (i) the vehicle is accommodated entirely on a hard standing area within the property boundary of the lot containing only a single house and associated outbuildings; and
 - (ii) the vehicle does not exceed a maximum of 10 tonnes gross weight; and
 - (iii) the vehicle does not exceed a maximum of 4.5 metres in height, 3.5 metres in width or 10 metres in length; and
 - (iv) any vehicle exceeding eight metres in length is parked on a hard standing area that is located behind the front building line of the property and/or is screened from view from outside of the lot; and
 - (v) the vehicle is not started or manoeuvred on-site between the hours of 7 pm and 7 am Monday to Saturday or 6 pm and 9 am Sunday and public holidays where noise emission from the operation of the vehicle exceeds the assigned levels for noise sensitive receiving premises under the *Environmental Protection (Noise) Regulations 1997*; and
 - (vi) the vehicle is not used or designed to be used for—
 - (aa) the transportation of livestock, or
 - (bb) the transportation or disposal of liquid or solid wastes, or
 - (cc) the transportation of distillate, petrol, oil or lubricants, or
 - (dd) the transportation of hazardous or noxious chemicals or substances, or
 - (ee) a refrigeration unit that is operated on a continuous or intermittent basis; and
 - (ff) all repairs, servicing or cleaning of the vehicle is not undertaken on the lot.

Note: MRV as defined in Australian Standard AS2890.2 Off-street Parking—Part 2: Commercial Vehicle Facilities, as amended.

- (iv) The parking of a commercial vehicle within the road reserve, outside of a designated on street service vehicle parking bay, is not permitted within the Scheme area.

13. Re-purposed dwelling and second-hand dwelling

The local government may only approve a development application for the erection of a re-proposed dwelling or second-hand dwelling on a lot where—

- (a) in its opinion such dwelling is in a satisfactory condition and the design and location of the dwelling is to the satisfaction of the local government and will not adversely affect the amenity of the locality; and
- (b) the proposal complies with the provisions of this Scheme and any local planning policies relating to development, design and maintenance of such dwelling.

14. Extractive industries

- (a) The development of extractive industries in the Scheme area will only be supported by the local government under the following circumstances—
 - (i) where the extraction of basic raw materials avoids, minimises and mitigates detrimental impacts to the environment or amenity in the locality of the operation during or after excavation;
 - (ii) where due consideration is given to the rehabilitation and sequential use of extraction areas early in the planning process; and
 - (iii) where proposals comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time including the Shire of Cunderdin Extractive Industries Local Law.

- (b) All applications for development approval for the establishment of extractive industry operations in the Scheme area are to be accompanied by a management plan and report which—
- (i) describes the physical characteristics of the excavation site including significant environmental features;
 - (ii) identifies appropriate buffer distances required for extraction that are needed to buffer the impact to adjacent operations and measures taken to avoid, minimise and mitigate detrimental impacts to sensitive land uses;
 - (iii) provides details of the proposed use, development and management of the site including the nature and estimated duration of excavation works, environmental and water resource management standards, excavation areas, stock piles, machinery maintenance areas, processing plants, fuel storage and on-site access roads, parking for cars and other vehicles used on the site, and proposals for landscaping to screen activities on the site from public view;
 - (iv) describes arrangements for access to the site, including the roads which are proposed to be used to provide the main vehicular access and likely traffic volumes;
 - (v) provides details of proposed decommissioning and rehabilitation works;
 - (vi) describes future land use and development proposals following completion of decommissioning and rehabilitation works; and
 - (vii) any other information the local government considers relevant
- (c) In determining applications for development approval for the establishment of extractive industry operations in the Scheme area the local government may impose conditions relating but not limited to the following matters—
- (i) hours and methods of operation;
 - (ii) siting of internal access thoroughfares, buildings and plant;
 - (iii) vehicle access arrangements including road upgrade and maintenance contributions;
 - (iv) measures to minimise air, water, noise and visual pollution;
 - (v) location and depth of extraction areas;
 - (vi) stabilisation of extraction areas, stock piles and overburden dumps;
 - (vii) drainage;
 - (viii) protection of the amenity of adjoining land uses including visual screening and buffer requirements;
 - (ix) restoration and rehabilitation of excavation areas; and
 - (x) rehabilitation to ensure consistency with long term planning objectives including sequential land use proposals.

15. Requirement for consultation to commence mining

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

COUNCIL RESOLUTION TO ADOPT SCHEME

ADOPTION

Adopted by resolution of the Council of the Shire of Cunderdin at the Ordinary Meeting of Council held on the 23th day of October 2018.

S HOBLEY, Chief Executive Officer.
A HARRIS, Shire President.

FINAL APPROVAL

Adopted by resolution of the Council of the Shire of Cunderdin at the Ordinary Meeting of Council held on the 28th October 2021 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

S HOBLEY, Chief Executive Officer.
A HARRIS, Shire President.

WAPC Recommended for Approval

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

Date: 7 December 2021

Approval Granted

Hon. RITA SAFFIOTI, MLA, Minister for Planning

Date: 21 December 2021