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PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Moora

Town Planning Scheme No. 4—Amendment No. 9

Ref: TPS/0023/2

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Moora local planning scheme amendment on 3 March 2011 for the purpose of—

1. In the Scheme Text—

- (a) replacing “*Town Planning and Development Act 1928*” and “*Town Planning and Development Act 1928* (as amended)” wherever the terms occur with “*Planning and Development Act 2005*”;
- (b) replacing “Town Planning Scheme” wherever the term occurs with “Local Planning Scheme”;
- (c) replacing “Residential Planning Codes” wherever the term occurs with “Residential Design Codes”;
- (d) replacing “Council” with “local government” wherever the term occurs except for reference in Part 5 to the Heritage Council of WA and where the word occurs in the term “Moora Shire Council”;
- (e) replacing “sub clause” with “clause” wherever the term occurs;
- (f) replacing “Notwithstanding” with “Despite” wherever the term occurs;
- (g) replacing “pursuant to” with “under” wherever the term occurs;
- (h) deleting “Arrangement” under the heading of “Scheme Text” and inserting—

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(i) In clause 1.1 deleting “hereinafter called “the Scheme”” and inserting therein “the Scheme”;

(j) deleting clause 1.2 and inserting therein—

“1.2 RESPONSIBLE AUTHORITY

The Shire of Moora is the responsible authority for implementing the Scheme.”

(k) replacing “General development requirements” with “Development Requirements” as the heading for Part 4 in clause 1.6;

(l) replacing “Heritage Precincts and Places of cultural significance” with “Heritage Protection” as the heading for Part 5 in clause 1.6;

(m) deleting clause 1.8 and inserting therein—

“1.8 DEFINITIONS

1.8.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—

(a) in the Planning and Development Act 2005; or

(b) if they are not defined in that Act—

(i) in the Dictionary of defined words and expressions in Schedule 1; or

(ii) in the Residential Design Codes.

1.8.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes—

(a) in the case of a residential development, the definition in the Residential Design Codes prevails; and

(b) in any other case the definition in the Dictionary prevails.”

(n) inserting clause 1.9—

“1.9 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.”

(o) deleting clauses 2.1 to 2.4 and inserting therein—

“2.1 RESERVES

Certain lands within the Scheme area are classified as Local Reserves.

2.2 LOCAL RESERVES

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

2.3 USE AND DEVELOPMENT OF LOCAL RESERVES

2.3.1 A person must not—

(a) use a Local Reserve; or

(b) commence or carry out development on a Local Reserve,

without first having obtained planning approval under Part 7 of the Scheme.

2.3.2 In determining an application for planning approval the local government is to have due regard to—

(a) the matters set out in clause 7.4; and

(b) the ultimate purpose intended for the Reserve.

2.3.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.”

(p) deleting clause 3.1.1 and inserting therein—

“3.1.1 There are hereby created the several zones set out hereunder—

RESIDENTIAL
TOWN CENTRE
RURAL TOWNSITE
SPECIAL MIX RESIDENTIAL

LIGHT INDUSTRIAL
INDUSTRIAL
DEVELOPMENT
SPECIAL USE
RURAL RESIDENTIAL
RURAL SMALLHOLDING
GENERAL AGRICULTURE”

- (q) deleting clause 3.2.2 and inserting therein—
“3.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings—
‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 7.3;
‘X’ means a use that is not permitted by the Scheme.”
- (r) deleting clause 3.2.3, and re-numbering clauses 3.2.4 and 3.2.5 as 3.2.3 and 3.2.4 respectively;
- (s) replacing “SA” with “A” in clause 3.2.4 (b);
- (t) deleting clauses 3.4 to 3.12 inclusive and inserting—

3.4 RESTRICTED USES

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

3.5 SPECIAL USE ZONES

3.5.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

3.5.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

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

3.6 RESIDENTIAL ZONE

3.6.1 Objectives

- (a) to provide for the predominant form of residential development to be single houses whilst providing for diversity with higher density close to the town centre.
- (b) to provide for diversity of lifestyle choice with a range of residential densities.
- (c) to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

3.6.2 Site Requirements

In accordance with the Residential Design Codes.

3.6.3 Parking of Commercial Vehicles

In a Residential zone, a person is not to—

- (a) park, or allow to remain stationary for more than 4 hours consecutively—
 - (i) more than 2 commercial vehicles and if there are 2 such vehicles 1 at least must be housed in a domestic garage or domestic outbuilding; or,
 - (ii) any vehicle which due to size or load is not capable of being completely housed within a domestic garage or domestic outbuilding having a maximum floor area of 70 square metres and in which no horizontal dimension is more than 10 metres; or
 - (iii) a vehicle which together with the load thereon exceed 2.75 metres in height;
- (b) repair, service, or clean a commercial vehicle unless such work be carried out whilst the vehicle is housed in a domestic garage or domestic outbuilding provided however that such work does not cause injury to or

prejudicially affect the amenity of the neighbourhood including (but without limited the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products.

3.7 TOWN CENTRE ZONE

3.7.1 Objectives

- (a) to ensure the town centre remains the principal place for retail, commercial, civic, and administrative functions within the district.
- (b) to encourage development will not adversely affect local amenities, and will enhance the character of the town centre.
- (c) to provide sufficient parking spaces for vehicles without compromising pedestrian movements through the town centre.
- (d) to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.

3.7.2 Site Requirements

At the discretion of the local government.

3.7.3 Development Requirements

- (a) Development shall not exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised.
- (b) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government shall have regard to—
 - (i) the colour and texture of external building materials; the local government may require the building facade and side walls to be constructed in masonry;
 - (ii) building size, height, bulk, roof pitch;
 - (iii) setback and location of the building on its lot;
 - (iv) architectural style and design details of the building;
 - (v) function of the building;
 - (vi) relationship to surrounding development; and
 - (vii) other characteristics considered by the local government to be relevant.
- (c) Landscaping shall be provided to complement the appearance of the proposed development and the town centre.
- (d) The layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

3.8 RURAL TOWNSITE ZONE

3.8.1 Objectives

To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities.

3.8.2 Site Requirements

In accordance with the Residential Design Codes.

3.9 SPECIAL MIX RESIDENTIAL ZONE

3.9.1 Objectives

- (a) to ensure that the area develops primarily for residential purposes but with an opportunity for restricted light industrial development in conjunction with those dwellings;
- (b) to ensure that the character of the area remains predominantly residential;
- (c) to ensure that the combination of uses, the density, the scale, character, size, bulk, appearance, and activities carried out are compatible with—
 - (i) the existing residential development;
 - (ii) the capacity of the existing street system and any modifications proposed thereto in order to accommodate any increase in vehicular traffic; and,
 - (iii) the capacity of existing services and any modifications proposed thereto.

3.9.2 Site Requirements

The minimum building setbacks shall be—

- Front: 7.5m
- Rear: 9.0m
- Side: 1.5m

3.9.3 Development Requirements

- (a) Not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.
- (b) Light industry use shall not be permitted on any lot unless a dwelling exists on that lot.
- (c) Not more than 1 light industrial use shall be conducted on each lot.
- (d) A dwelling on a lot shall only be occupied by either the owner of the lot, or the manager, or an employee of the light industry.
- (e) Retail sales shall not be permitted on any lot without the prior written approval of the local government.
- (f) No lot, or property thereon, shall be subdivided, leased, or licensed for separate light industrial purposes to those of the predominant residential use and/or occupancy.
- (g) In considering any application for planning approval the local government will have regard to and may impose conditions relating to—
 - (i) the objectives of the Scheme and the Zone;
 - (ii) the provisions of the Scheme;
 - (iii) the proposed hours of operation; which shall be 6.00 am—8.00 pm or at the local government's discretion within maximum stated hours, road vehicles excluded;
 - (iv) the demand upon and adequacy of roads, drainage, waste disposal, and utility services;
 - (v) any detailed development plans, design code or policy adopted by the local government pertaining to the land to which the application applies;
 - (vi) any detrimental circumstances which in particular unduly affect surrounding dwellings that could originate from the proposed use including noise, time of operation, vibration, smell, light, traffic operation, potential safety or health hazards, electrical interference, fumes, smoke, dust, oil, and other waste products;
 - (vii) the character of the proposed development in relation to the surrounding residences in terms of its size, bulk, appearance, building materials, location, provision of outside storage, and reflective glare;
 - (viii) representation made by any public authority, person, or body;
 - (ix) the adequacy of the proposed means of entrance to and egress from the site and the provision for the loading, unloading and parking of vehicles on site; and,
 - (x) advertising signs, which may be permitted at the local government's discretion.

3.9.4 The maximum site coverage shall be 25%, and not less than 40% of a lot shall be landscaped to the satisfaction of the local government.

3.10 LIGHT INDUSTRIAL ZONE**3.10.1 Objectives**

- (a) to provide for the needs of light and service industries, and showroom uses to support the community;
- (b) to achieve and maintain a high standard of presentation to Moora-Dongara Road at the northern entry and to the Bindoon-Moora Road at the southern entry to Moora;
- (c) to ensure appropriate buffers are provided and maintained between the light industrial uses and adjacent uses, so as to avoid land use conflicts.

3.10.2 Site Requirements

The minimum building setbacks shall be—

Front: 7.5m
 Rear: 7.5m
 Side: 5.0m on one side

3.10.3 Development Requirements

- (a) The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to 2 streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.
- (b) The whole of any wall or building facing any street shall be constructed in brick, concrete or masonry, provided however, that an owner may apply to

the local government for permission to use materials other than those prescribed and the local government may permit the use of such other materials where it is satisfied that such use will not detract from the amenity of the area.

- (c) Each open yard shall be screened from any street by a closed fence or wall not less than 1.8 metres high unless exempted by the local government of the need to comply with this requirement.

3.11 INDUSTRIAL ZONE

3.11.1 Objectives

- (a) to provide for the needs of industry to support the community.
- (b) to provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.
- (c) to provide landscaped buffers along the branch of the Moore River to the established industrial area.
- (d) to avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the branch of the Moore River.
- (e) to avoid non-industry related uses establishing in the industrial area.

3.11.2 Site Requirements

The minimum building setbacks shall be—

- Front: 7.5m
- Rear: 7.5m
- Side: 5.0m on one side

3.11.3 Development Requirements

- (a) the first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to 2 streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.
- (b) prior to the issue of planning approval for an industry in the Industrial zone, the local government will ascertain the appropriate buffer for that industry, and such industry may only be granted planning approval if the relevant buffer can be accommodated wholly within the zone.
- (c) in considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of Environment and Conservation, and the granting of planning approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

3.12 DEVELOPMENT ZONE

3.12.1 Objectives

- (a) For land in this zone to be progressively developed for purposes, including, residential development and for other uses normally associated with residential development.
- (b) Prior to any subdivision or development occurring in the zone, ensure that an Outline Development Plan has been adopted.
- (c) Establish zoning and density coding for land in the zone through the adoption of an Outline Development Plan.

3.12.2 Development requirements

- (a) Prior to granting approval for any development or recommending approval for subdivision of land in this zone, an Outline Development Plan shall be required to be adopted in accordance with the Outline Development Plan provisions stipulated in Part 4 of the Scheme.
- (b) Despite the requirements of the Scheme, the local government may permit the land to be used for various purposes shown in the approved Outline Development Plan.

3.12.3 Outline development plan

Further to the Outline Development Plan provisions in Part 4 of the Scheme, an Outline Development Plan in the Development zone shall show—

- (a) The topography of the area.
- (b) The existing major road systems.
- (c) The location and width of proposed roads.
- (d) The location and quantity of shopping, civic, and public facilities proposed, including the nomination of the appropriate zone or reserve to be applied, together with an analysis of the factors used in the determination of the need for such facilities.

- (e) The approximate location of the recreation and open space areas proposed and the nomination of the appropriate reserve to be applied, with the location of open space to be related to creeklines, native vegetation, and other natural features.
- (f) The population and residential densities proposed.
- (g) Landholdings adjacent to or near the area the subject of the Outline Development Plan, including any buffers required from adjoining development.
- (h) Mapping of flood plain and flood fringe of the Moore River.
- (i) The staging of the development proposed, the method of carrying out the development and the projected times of completion of each stage of development.
- (j) Such other information as shall be required by the local government.

3.13 RURAL RESIDENTIAL ZONES

3.13.1 Objectives

- (a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- (b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

3.13.2 Site Requirements

The minimum building setbacks shall be—

Front: 15.0m
 Rear: 15.0m
 Side: 10.0m

3.13.3 General Provisions

- (a) The local government will require the owner(s) of the land to prepare a submission supporting the creation of the Rural Residential zone and such submission shall include—
 - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
 - (ii) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
 - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
 - (iv) in the absence of a Local Rural Strategy, it will be the responsibility of each applicant for rezoning to Rural Residential to prepare a land capability and suitability assessment to the satisfaction of the local government and in accordance with the Commission's Policy and guidelines.
- (b) The Scheme provisions for a specific Rural Residential zone shall include a plan of subdivision showing, amongst other things—
 - (i) the proposed subdivision including lot sizes and dimensions.
 - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate.
 - (iii) those physical features it is intended to conserve.
- (c) In addition to the plan of subdivision, the Scheme provisions for a specific Rural Residential zone shall specify—
 - (i) any facilities which the purchasers of the lots will be required to provide (e.g. their own potable water supply, liquid or solid waste disposal, etc.).
 - (ii) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.
 - (iii) any special provisions appropriate to secure the objectives of the zone.
- (d) The provisions for controlling subdivision and development in specific Rural Residential zones shall be as laid down in Schedule 10 and future subdivision will generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer and approved by the Commission and such plan of subdivision shall show the minimum lot size for subdivision.

3.13.4 Development Requirements

Development in a Rural Residential zone shall comply with the requirements of the following—

- (a) planning approval is required for all development including a single house and such application shall be made in writing to the local government and be subject to the provisions of clause 7.2.
- (b) not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.
- (c) when the first application for planning approval is made for building on a lot under clause 3.13.4 (a) the applicant shall nominate for the local government's approval a building envelope of regular shape and not exceeding 4000 square metres in area and which complies with minimum building setbacks in clause 3.13.2. All buildings(s) including the building(s) subject of the first application shall be contained within the building envelope approved by the local government.
- (d) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the local government.
- (e) in order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the local government.
- (f) a person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- (g) with the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural Residential zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.
- (h) the local government may require provision to be made for bush fire control.

3.13.5 Development Standards

So as to achieve a high standard of development within a rural residential zone, and to minimise the visual impacts of development the local government will have regard to the following—

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development; and
- (f) other characteristics considered by the local government to be relevant.

3.14 RURAL SMALLHOLDING ZONE

3.14.1 Objectives

- (a) To provide for closer settlement for residential use in association with a rural pursuit and/or home business, and such uses as hobby farms, equestrian activities, and permaculture as well as for conservation lots.
- (b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

3.14.2 General Provisions

- (a) Before making provision for a Rural Smallholding Zone, the local government will require the owner(s) of the land to prepare a submission supporting the creation of the Rural Smallholding Zone and such submission shall include—
 - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
 - (ii) a plan or plans showing contours at such intervals as to adequately depict the land-form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
 - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.

- (iv) information on the environmental values pertaining to the site.
- (v) details of surrounding land uses and the potential for land use conflict.
- (b) The Scheme provisions for a Rural Smallholding Zone shall include a subdivision guide plan showing, amongst other things—
 - (i) the proposed ultimate subdivision including lot sizes and dimensions.
 - (ii) areas to be set aside for conservation, horse trails, community facilities, and the like as may be considered appropriate.
 - (iii) those physical features it is intended to conserve.
 - (iv) the proposed staging of the subdivision where relevant.
- (c) In addition to the subdivision guide plan, the Scheme provisions for a specific Rural Smallholding Zone shall specify—
 - (i) any facilities which the purchasers of the lots will be required to provide such as their own potable water supply, liquid or solid waste disposal, and the like.
 - (ii) proposals for the control of land uses and development to ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.
 - (iii) commitments to environmental management and repair to ensure that the natural environment is not adversely impacted by subdivision or development.
 - (iv) any special provisions appropriate to secure the objectives of the zone.
- (d) The provisions for controlling subdivision and development in specific Rural Smallholding Zones shall be as laid down in Schedule 11 and future subdivision will generally accord with the subdivision guide plan for the specified area certified by the Chief Executive Officer and approved by the Commission and such subdivision guide plan shall show the minimum lot size for subdivision.

3.15 GENERAL AGRICULTURE ZONE

3.15.1 Objectives

- (a) to ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities.
- (b) to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- (c) to allow for facilities for tourists and travellers, and for recreation uses.

3.15.2 Site Requirements

The following minimum building setbacks shall apply—

Front: 20.0m

Rear: 15.0m

Side: 15.0m”

- (u) deleting Table 1—Zoning Table and inserting therein—

“TABLE 1—ZONING TABLE

USES	RESIDENTIAL	DEVELOPMENT	TOWN CENTRE	RURAL TOWNSITE	SPECIAL MIX RESIDENTIAL	LIGHT INDUSTRIAL	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE
1 aged or dependent persons' dwelling	D	USES SHOWN ON AN APPROVED OUTLINE DEVELOPMENT PLAN—SEE CLAUSE 3.12	X	X	X	X	X	X	X	X
2 agriculture-extensive	X		X	X	X	X	X	X	D	P
3 agriculture-intensive	x		X	X	X	X	X	X	D	P
4 animal establishment	X		X	X	X	X	X	X	A	A
5 animal husbandry-intensive	X		X	X	X	X	X	X	X	A
6 ancillary accommodation	D		X	D	D	X	X	D	D	D
7 ancillary tourist use	X		X	A	A	D	X	X	A	D
8 caretaker's dwelling	X		D	D	X	D	D	X	X	D
9 club premises	X		D	D	X	X	X	X	D	D
10 consulting rooms	A		P	D	X	X	X	X	X	X
11 education establishment	A		X	D	X	X	X	X	X	A
12 fast food outlet	X		A	A	X	X	X	X	X	X
13 fuel depot	X		X	A	X	D	P	X	X	X

USES	RESIDENTIAL	DEVELOPMENT	TOWN CENTRE	RURAL TOWNSITE	SPECIAL MIX RESIDENTIAL	LIGHT INDUSTRIAL	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE
14 grouped dwelling	D		D	D	X	X	X	X	X	X
15 home business	A		X	X	X	X	X	X	A	D
16 home occupation	D		X	D	P	X	X	D	D	D
17 hotel	X		D	D	X	X	X	X	X	X
18 industry—cottage	D		X	D	D	X	X	D	D	D
19 industry—extractive	X		X	X	X	X	X	X	A	D
20 industry—general	X		X	X	X	X	P	X	X	X
21 industry—light	X		X	A	D	P	P	X	X	X
22 Industry—mining	X		X	X	X	X	X	X	X	A
23 industry—noxious	X		X	X	X	X	A	X	X	A
24 industry—rural	X		X	X	X	X	D	A	A	D
25 industry—service	X		D	D	X	P	P	X	X	X
26 motel	A		D	D	X	X	X	X	X	X
27 motor vehicle, boat or caravan sales	X		D	D	X	P	D	X	X	X
28 motor vehicle repair	X		X	D	X	P	P	X	X	X
29 office	X		P	D	A	D	X	X	X	X
30 public amusement	X		D	D	X	D	X	X	X	X
31 public utility	D		D	D	D	D	D	D	D	D
32 place of worship	D		P	D	X	X	X	X	X	X
33 residential building	D		X	D	X	X	X	X	X	D
34 restaurant	X		P	D	X	X	X	X	X	A
35 rural home business	X		X	X	X	X	X	X	A	D
36 rural pursuit	X		X	X	X	X	X	A	A	P
37 service station	X		A	D	X	D	D	X	X	D
34 shop	X		P	D	X	X	X	X	X	X
35 single house	P		X	D	D	X	X	P	P	P
36 short-stay accommodation	A		D	D	A	X	X	A	X	D
37 showroom	X		D	D	X	P	D	X	X	X
38 tavern	X		A	A	X	X	X	X	X	X
39 transport depot	X		X	A	X	D	P	X	X	A
39 veterinary centre	X		A	A	A	D	P	D	X	D

(v) replacing “General Development Requirements” with “Development Requirements” as the heading for Part 4;

(w) in clause 4.1.1 replacing “the Statement of Planning Policy No. 1”, with “State Planning Policy No. 3.1”, and deleting the words “hereinafter called the”;

(x) in clause 4.1.3 replacing “those Codes” with “the R Codes”;

(y) deleting clause 4.1.4 and inserting therein;

“4.1.4 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.”

(z) inserting a new clause 4.2 and renumbering existing clause 4.2 to 4.12 inclusive as clauses 4.3 to 4.13 inclusive—

“4.2 SPECIAL APPLICATION OF THE RESIDENTIAL DESIGN CODES

Within areas with split coding the local government may permit development above the lower code (R12.5) to the higher code (R25) specified on the Scheme map, provided that the development is consistent with the Scheme and complies with the following requirements—

(a) the development is not located in the floodway as defined on the *Flood Zone Classifications Map* contained in Schedule 12 of the Scheme; and

(b) it can be connected to reticulated sewerage.”

(aa) in clause 4.4.2 (b) replacing “locality, or” with “locality.”;

(ab) deleting the clause numbering for clause 4.5.1, and deleting clause 4.5.2;

(ac) in clause 4.6 deleting the words “As a condition of the issue of a building licence each” and inserting therein “Prior to occupancy a”;

(ad) in clause 4.7.1 deleting the words “Within the Scheme Area”;

- (ae) in clause 4.7.2 deleting “a building licence” and inserting therein “planning approval”, and deleting “of twelve months from the issue of a building licence for such a dwelling” and inserting therein “specified by the local government.”;
- (af) deleting clauses 4.7.3 and 4.7.4;
- (ag) deleting clause 4.8 and inserting therein—

“4.8 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS

Despite anything elsewhere appearing in the Scheme planning approval is required for all development including a single house on a lot which abuts an unconstructed road or a lot which does not have frontage to a constructed road and which is not within a gazetted townsite. In considering such an application 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; or
 - (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) require such other arrangements are made for permanent access as shall be to the satisfaction of the local government.”
- (ah) in clause 4.9.1 deleting “No person shall in any zone” and inserting therein “A person shall not”, and deleting paragraphs (a) to (d) inclusive and inserting therein—
 - “(a) a means of access;
 - (b) the daily parking of vehicles;
 - (c) the loading and unloading of vehicles;
 - (d) trade display with the prior approval of the local government; or
 - (e) landscaping which only in the Town Centre zone and then only with the specific approval of the local government may include an awning, pergola, or similar structure and when in front of a take-away food outlet or restaurant may provide for alfresco dining.”
 - (ai) deleting clause 4.11 and inserting therein—

“4.11 FLOOD CONTROL AREA

4.11.1 Purpose

- (a) To avoid inappropriate development of land subject to flooding during an event of similar magnitude to the March 1999 events.
- (b) To protect the free passage of floodwater in floodways by avoiding inappropriate development.
- (c) To ensure proposed development has adequate flood protection.

4.11.2 Application requirements

Except where in the opinion of the local government the proposed development is for a minor outbuilding or improvement to an existing building, planning approval is required for all development, including a single house on land that is subject flooding (located in the floodway or flood fringe) as outlined on the *Flood Zone Classifications Map* contained in Schedule 12 of the Scheme.

4.11.3 Relevant considerations

- (a) The local government in considering applications for planning approval is to have due regard to the recommendations of the *Moora Floodplain Definition Study* and any local planning policy.
- (b) Development which involves the construction of a building or structure which may obstruct the free passage of floodwater will not be permitted on land defined as a floodway on the *Flood Zone Classifications Map* contained in Schedule 12 of the Scheme unless the building or structure replaces an existing approved building or structure, and subject to building conditions to ensure the proposed development is consistent with clause 4.11.1 (a) and the flooding risk is not increased.
- (c) On-site effluent treatment or disposal will not be permitted on land defined as a flood way on the *Flood Zone Classifications Map* contained in Schedule 12 of the Scheme unless it is a replacement of an approved on-site effluent treatment or disposal system and the flooding, environmental and health risks are not increased.
- (d) A habitable building is to have a finished floor level not less than 300mm above the March 1999 flood level as defined in the *Moora Floodplain Definition Study* unless the local government considers the proposed development to be a minor extension to an existing approved building or structure.
- (e) The local government will set the minimum floor level for non-habitable buildings and structures based on matters, including size, location, use, existing nearby development and flood risk.

- (f) The local government has the discretion to approve a minimum floor level of 0.15m above the March 1999 flood level as defined in the *Moora Floodplain Definition Study* for non-habitable buildings such as outbuildings, industrial, commercial and non residential uses subject to flood proofing conditions and having regard for the recommendations of the *Moora Floodplain Definition Study*.
- (g) When determining applications for planning approval the local government may impose conditions relating to—
 - (i) flood proofing for new industrial development;
 - (ii) best practice agricultural and soil conservation methods to mitigate flood risk; and
 - (iii) any other conditions designed to reduce flood risk.

4.11.4 Referral of Applications

All applications for planning approval are to be referred by the local government to the Department of Water and the local government is to have due regard to recommendations / advice from the Department of Water when determining applications."

- (aj) in clause 4.12.1 (a) deleting the words "Town Planning" before the word "Act" and inserting therein the words "*Planning and Development*", and deleting the words "Signs, Hoarding and Bill Posting";
- (ak) in clause 4.12.1 (b) deleting "Additional Information Sheet in the form set out in Schedule 5" and inserting therein "Additional Information Form set out in Schedule 7";
- (al) in clause 4.12.2 (a) deleting "approval of this Scheme" and inserting therein "gazetted date of the Scheme";
- (am) in clause 4.12.2 (b) deleting "approval of this Scheme" and inserting therein "gazetted date of the Scheme", and deleting the words "hereinafter in this Part referred to as";
- (an) in clause 4.12.4 deleting "*Main Roads (Control of Signs) Regulations 1983*" and inserting therein "*Main Roads (Control of Advertisements) Regulations 1996*";
- (ao) deleting clause 4.12.7 (c) and inserting therein—
 - "(c) A person upon whom a notice is served under this clause may appeal in accordance with Part 14 of the *Planning and Development Act*, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and, shall thereafter have effect according to that decision."
- (ap) in clause 4.12.8 deleting the words "Signs, Hoarding and Bill Posting";
- (aq) in clause 4.12.9 deleting the words "in this clause";
- (ar) in clauses 4.13.1, 4.13.3, 4.13.6, and 4.13.8 (a) deleting "Western Australian Planning Commission" and inserting therein "Commission";
- (as) in clause 4.13.7 deleting "this Scheme" and inserting therein "the Scheme";
- (at) deleting "Heritage—Precincts and Places of Cultural Significance" and inserting therein "Heritage Protection" as the heading for Part 5;
- (au) in clause 5.1 deleting "The purpose and intent of the heritage provisions is:" and inserting therein "The purpose and intent of the heritage provisions is to:";
- (av) in clause 5.2.2 deleting "(as amended)";
- (aw) in clauses 5.3.2 and 5.3.3 deleting "policy statement" and inserting therein "local planning policy";
- (ax) in clause 5.3.4 (a) deleting "consider" and inserting therein "considers";
- (ay) in clause 5.3.4 (b) deleting "paragraph (a) above" and inserting therein "clause 5.3.4 (a)";
- (az) in clause 5.3.5 deleting the words "or any policy statement which relates to it";
- (ba) in clause 5.4.4 deleting "no person shall" and inserting therein "a person shall not";
- (bb) in clause 5.4.5 deleting the words "Town Planning" before the word "Act" and inserting therein the words "*Planning and Development*", and replacing the paragraph numbering "(i)" and "(ii)" with "(a)" and "(b)" respectively;
- (bc) in clause 5.5.1 (e) deleting the words "indicates that it";
- (bd) in clause 5.8.3 deleting "(as amended)";
- (be) deleting clauses 5.9 and 5.10;
- (bf) deleting clauses 6.1 to 6.5 inclusive and inserting therein—

6.1 NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent—

- (a) the continued use of any land or building for the purpose for which it was being lawfully used immediately prior to the Gazetted date;

- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
 - (c) subject to clause 4.11.2, the continued display of advertisements which were lawfully erected, placed, or displayed prior to the Gazettal date.
- Note: "Land" has the same meaning as in the *Planning and Development Act 2005* and includes houses, buildings and other works and structures.

6.2 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

6.2.1 A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained planning approval under the Scheme.

6.2.2 An application for planning approval under this clause is to be advertised in accordance with clause 7.3.

6.2.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

6.3 DISCONTINUANCE OF NON-CONFORMING USE

Where a non-conforming use of any land or buildings has been discontinued for a period of 6 months such land or building must not be used after that period otherwise than in conformity with the provisions of the Scheme.

6.4 TERMINATION OF A NON-CONFORMING USE

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 190 and 191 of the *Planning and Development Act 2005* enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a local planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

6.5 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

When a building used for a non-conforming use is destroyed to 75% or more of its value the building is not to be repaired, rebuilt, altered, or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government."

- (bg) in clause 7.1.2 (a) deleting "reserve" and inserting therein "local reserve";
- (bh) deleting clause 7.1.2 (b) and inserting therein—
 - "(b) the erection on a lot of a single house including ancillary outbuildings in a zone where the use is a permitted ("P") use in the zone in which that land is situated, except where—
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
 - (ii) the proposal is on land the abutting an unconstructed road; or
 - (iii) the proposal is for a transportable or relocated structure intended to be modified for use as a dwelling and is located within a townsite as shown on the scheme maps; or
 - (iv) is located on land that is subject to flooding as outlined on the *Flood Zone Classifications Map* contained in Schedule 12 of the Scheme."
- (bi) deleting clause 7.1.2 (d) and inserting therein—
 - "(d) the erection of a fence to a side or rear boundary except as otherwise required by the Scheme."
- (bj) inserting after clause 7.1.2 (g) "(h) a home office";
- (bk) deleting clauses 7.1.3 to 7.6 inclusive and inserting therein—

"7.2 APPLICATION FOR PLANNING APPROVAL

Every application for planning approval shall be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

7.3 ADVERTISING OF APPLICATIONS

7.3.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (a) an 'A' use as referred to in clause 3.2.2; or
- (b) a use not listed in the Zoning Table

the local government is not to grant approval to that application unless notice is given in accordance with clause 7.3.3

7.3.2 Despite clause 7.3.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 7.3.3

7.3.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways—

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the option of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specific date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

7.3.4 The notice referred to in clauses 7.3.3 (a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

7.3.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

7.3.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

7.4 CONSULTATION WITH OTHER AUTHORITIES

7.4.1 In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

7.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

7.5 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application—

- (a) the aims and provisions of the Scheme and any other relevant local planning schemes operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment or region scheme or amendment, which has been granted consent for public submission to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any local planning policy adopted by the local government under clause 8.7, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 5.2, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;

- (k) the cultural significance of any place or areas affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under Clause 7.4;
- (za) any other planning consideration the local government considers relevant.

7.6 DETERMINATION OF APPLICATIONS

In determining an application for planning approval the local government may—

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

7.7 FORM AND DATE OF DETERMINATION

7.7.1 As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's determination.

7.7.2 Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

7.8 TERM OF PLANNING APPROVAL

7.8.1 Where the local government grants planning approval for the development of land—

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not been substantially commenced before the expiration of that period.

7.8.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 7.8.1.

7.9 TEMPORARY PLANNING APPROVAL

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

7.10 SCOPE OF PLANNING APPROVAL

Planning approval may be granted—

- (a) for the use or development for which the approval is sought;

(b) for that use or development, except for a specified part or aspect of that use or development; or

(c) for a specific part or aspect of that use or development.

7.11 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

7.11.1 Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and other such matters as the local government thinks fit.

7.11.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

7.11.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

7.12 DEEMED REFUSAL

7.12.1 Subject to clause 7.12.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such time as is agreed in writing between the applicant and the local government.

7.12.2 An application for planning approval which is the subject of a notice under clause 7.3 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

7.12.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in Clause 7.12.1 or 7.12.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

7.13 APPROVAL OF EXISTING DEVELOPMENTS

7.13.1 The local government may give approval of a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring the local government's approval prior to the commencement of the development.

7.13.2 The application to the local government for approval under clause 7.13.1 shall be made in accordance with clause 7.2.

7.13.3 A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of the approval under this clause it is permissible.

7.13.4 The approval by the local government of an existing development shall not affect the power of the local government to take appropriate action for a breach of the Scheme or the *Planning and Development Act* in respect of the commencement of the development without approval."

- (bl) in the heading of clause 8.1 deleting "scheme" and inserting therein "local government";
- (bm) in clauses 8.1 (b) and (c) deleting the words "Town Planning" before the word "Act" and inserting therein the words "*Planning and Development*";
- (bn) in clause 8.1 (e) deleting "8.2" and inserting therein "7.3";
- (bo) deleting clauses 8.2 to 8.7 inclusive and inserting therein—

"8.2 PERSON MUST COMPLY WITH PROVISIONS OF SCHEME

A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area—
 - (i) otherwise than in accordance with the Scheme;
 - (ii) unless all approvals required by the Scheme have been granted and issued;
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and

- (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Note: Section 218 of the *Planning and Development Act* provides that a person who—

- (a) contravenes the provisions of a planning scheme; or
- (b) commences, continues or carries out any development in any part of an area the subject of a local planning scheme or improvement scheme otherwise than in accordance with the provisions of the planning scheme; or
- (c) commences, continues or carries out any such development which is required to comply with a planning scheme otherwise than in accordance with any condition imposed under the Act or the scheme with respect to the development, or otherwise fails to comply with any such condition,

commits an offence.

Penalty: \$50 000, and a daily penalty of \$5 000.

8.3 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

8.3.1 Under section 214(6) of the *Planning and Development Act*, 60 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

8.3.2 The local government may recover expenses under section 215(2) of the *Planning and Development Act* in a court of competent jurisdiction.

8.4 COMPENSATION

8.4.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 173 of the *Planning and Development Act*—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

not later than 6 months after the application is refused or the permission granted.

8.4.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 8.4.1.

Note: A claim for compensation under section 173 of the *Planning and Development Act* may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

8.5 PURCHASE OR TAKING OF LAND

8.5.1 If, where compensation for injurious affection is claimed under the *Planning and Development Act*, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

8.5.2 The local government may deal with or dispose of land acquired by it for the purpose of a local reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Section 190 and 191 of the *Planning and Development Act* empowers the local government to purchase or compulsorily acquire land comprised in a Scheme.

8.6 RIGHTS OF APPEAL

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may appeal under Part 14 of the *Planning and Development Act*.

8.7 LOCAL PLANNING POLICIES

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area so as to apply—

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the local planning policy.

Note: Local planning policies are guidelines used to assist the local government in making decisions under the Scheme. Although local planning policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant local planning policies as required under clause 7.5.

8.7.1 Relationship of local planning policies to scheme

- (a) If a provision of a local planning policy is inconsistent with the Scheme, the Scheme prevails.
- (b) A local planning policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8.7.2 Procedure for making or amending a local planning policy

If a local government resolves to prepare a local planning policy, the local government—

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
 - (i) where the draft local planning policy may be inspected;
 - (ii) the subject and nature of the draft local planning policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed local planning policy in such other manner and carry out such other consultation as the local government considers appropriate.

8.7.3 After the expiry of the period within which submissions may be made, the local government is to—

- (a) review the proposed local planning policy in the light of any submissions made; and
- (b) resolve to adopt the local planning policy with or without modification, or not to proceed with the Policy.

8.7.4 If the local government resolves to adopt the local planning policy, the local government is to—

- (a) publish notice of the local planning policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the local planning policy affects the interests of the Commission, forward a copy of the local planning policy to the Commission.

8.7.5 A local planning policy has effect on publication of a notice under clause 8.7.4(a).

8.7.6 A copy of each local planning policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

8.7.7 Clauses 8.7.1 to 8.7.6, with any necessary changes, apply to the amendment of a local planning policy.

8.8 REVOCATION OF LOCAL PLANNING POLICY

A local planning policy may be revoked by—

- (a) the adoption by a local government of a new Policy under clause 8.7.2 that is expressed to supersede the existing local planning policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

8.9 DELEGATION OF FUNCTIONS

8.9.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

8.9.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 8.9.1.

8.9.3 The exercise of the power of delegation under clause 8.9.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

8.9.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act."

(bp) deleting Schedules 1 to 5 inclusive and inserting therein—

“SCHEDULE 1

DEFINITIONS

The general definitions in Schedule 1 of the Model Scheme Text as current including any amendments apply.

The land use definitions in Schedule 1 of the Model Scheme Text as current including any amendments apply with the following exceptions: definitions are added for “abattoir”, “ancillary tourist use”, “Commission”, “constructed road”, “grain depot”, “industry-noxious”, “produce store”, “short-stay accommodation”, “stockyard”, and “rural home business”.

abattoir: means premises used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

ancillary tourist use: means premises used for—

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

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

Commission: means the Western Australian Planning Commission constituted under the *Planning and Development Act 2005*;

constructed road: means for the purposes of clause 4.7 of the Scheme a track which has been graded and stabilised within a dedicated road reserve.

grain depot: means the use of premises for the receipt, storage, treatment, and despatch of grain.

industry—noxious: means an industry which is an offensive trade within the meaning of Schedule 2 of the *Health Act 1911*, but where an offensive trade is also included as a category of prescribed premises set out in Schedule 1 of the *Environmental Protection Regulations*, Schedule 2 of the *Health Act 1911* prevails and includes a waste facility, but does not include a fish shop, dry cleaning premises, laundromat, piggery, poultry farm, or rabbit farm;

produce store: means premises wherein fodders, fertilisers and grain are displayed and offered for sale.

short-stay accommodation: means the occupation of a chalet, caravan, camp or any other form of accommodation approved by the local government, by persons for a period of not more than a total of 3 months in any 12 month period.

stockyard: means any premises used for holding and/or sale of animal stock.

rural home business: means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 5 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 200 square metres;
- (d) does not involve the retail sale, display, or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties because of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and unless approved by the local government does not involve the presence, use or calling of more than 3 vehicles of more than 3.5 tonnes tare weight;
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone; and
- (g) does not have an adverse impact on the rural character of the area;

SCHEDULE 2

ADDITIONAL USES

No.	Description of Land	Additional Use	Conditions
1	Lot 1 and Pt Lot 235 Moora-Dongara Road, Moora	The additional use may be the manufacture of concrete products including but not limited to water tanks, culvert sections, pipes, etc.	Subject to planning approval being granted by the local government.

No.	Description of Land	Additional Use	Conditions
2	Lot 55 Lee Steere Light Industry Street, Moora	Light Industry	<p>1. The following matters will be considered in determining an application for the establishment of a light industrial use on the Lot—</p> <p>(a) Appropriate landscaping and use of building colours, heights, materials and design to minimise any visual impact of buildings on streetscape and ensure that size and scale of any development is compatible with adjacent residential dwellings;</p> <p>(b) Provision of appropriate services and infrastructure.</p> <p>2. Noise, vibration, light and emissions to the atmosphere are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.</p>

**SCHEDULE 3
RESTRICTED USES**

No.	Description of Land	Restricted Use	Conditions
1	Part of Lot 77 Bindi Bindi—Toodyay Road, Bindi Bindi.	Industry-rural	<p>(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system.</p> <p>(b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.</p>
2	Part of Railway Reserve Kiaka Road, Coomberdale	Industry-rural	<p>(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system.</p> <p>(b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.</p>

No.	Description of Land	Restricted Use	Conditions
3	Lot 3967 Miling West Road, and part of Lots 954 and 4089, and Lot 100 Richardson Street, Miling	Industry-rural	(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system. (b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.
4	Lot 4171 Wheatbin Road and Lot 4300 and part of Lot 101 Findlater Street, Moora	Industry-rural	(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system. (b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.
5	Lot 101 Grain Lane, and Lots 1171, 501, and 502, and Lot 4002 (Reserve 34331), Watheroo	Industry-rural	(a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system. (b) Noise, vibration, light, and emissions to the atmosphere, are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.

**SCHEDULE 4
SPECIAL USE ZONES**

No.	Description of Land	Special Use	Conditions
1	Lot 1 Dandaragan Road and Lot 2444 Airstrip Road, Moora	Golf course and club	
2	Lots 24-27 Dandaragan Road, Kintore/Clinch/Long Streets, Moora	Private School	
3	Crown Reserve 27836 Moore Street, Moora	Caravan Park	
4	Lot 4 Lee Steere Street, Moora	Motor vehicle repair	
5	Lot 2 Atbara Street, Moora	Local shop	
6	Lot 59 Lee Steere Street, Moora	Builder's storage yard and joinery	
7	Lots 34 to 42 inclusive, Gardiner Street, Moora	Private recreation (tennis club)	

SCHEDULE 5
EXEMPTED ADVERTISEMENTS

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the Change of Posters or Poster Signs and Applies to Non-Illuminated Signs unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Local Laws.	Not Applicable
Industrial and Warehouse Premises	A maximum of four 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 and excluding signs which are connected to a pole, wall, or other building. A maximum of two free-standing advertisement signs not exceeding 5 metres in height above ground level.	Total area of such advertisements shall not exceed 15m ² Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²
Showroom, racecourses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not Applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a municipality, and (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or under any statute or regulation or	Not Applicable Not Applicable

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the Change of Posters or Poster Signs and Applies to Non-Illuminated Signs unless otherwise stated)	Maximum Area of Exempted Sign
<p>Railway Property and Reserves</p> <p>Advertisements within Building</p> <p>All classes of buildings other than single family dwellings</p>	<p>the like made under powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p> <p>Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.</p> <p>All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.</p> <p>One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.</p>	<p>No sign shall exceed 2m² in area.</p> <p>Not Applicable</p> <p>0.2m²</p>
Temporary Signs	Exempted Sign Type And Number (All Non-Illuminated unless otherwise stated)	Maximum Area of Exempted Sign
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows—</p> <p>(a) Dwellings</p> <p>(b) Multiple dwellings, shops, commercial and industrial properties</p> <p>(c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for a) above.</p> <p>One additional sign showing the name of the project builder.</p>	<p>2m²</p> <p>5m²</p> <p>5m²</p>
<p>Sales of goods or livestock</p>	<p>One sign per lot displayed for a period not exceeding three (3) months advertising the Ale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.</p>	<p>2m²</p>
<p>Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and</p>		

Temporary Signs	Exempted Sign Type And Number (All Non-Illuminated unless otherwise stated)	Maximum Area of Exempted Sign
negotiated as follows— (a) Dwellings (b) Multiple dwellings, shops, commercial and industrial properties	One sign per street frontage for each property relating to the Ale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. One sign as for (a) above.	Each sign shall not exceed an area of 2m ² Each sign shall not exceed an area of 5m ²
(c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.	One sign as for (a) above	Each sign shall not exceed an area of 10m ²
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection	(a) One sign for each dwelling on display. (b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

SCHEDULE 6

FORM OF APPLICATION FOR PLANNING APPROVAL

The form of application for planning approval in Schedule 6 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 7

FORM OF ADDITIONAL INFORMATION FOR ADVERTISEMENTS

The form of additional information for advertisements in Schedule 7 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 8

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

The notice of public advertisement of planning proposal in Schedule 8 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 9

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

The notice of determination on application for planning approval in Schedule 9 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 10
RURAL RESIDENTIAL ZONES

No.	Particulars of Land	Requirements
1	Lot 114 Long Street, Moora	<ol style="list-style-type: none"> 1 The minimum lot size for subdivision should be 2.0 hectares in accordance with the Subdivision Guide Plan adopted by the local government. 2 A building on a lot must be erected within the building envelope defined on the Subdivision Guide Plan adopted by the local government. 3 A person shall not destroy any indigenous vegetation or trees or clear land unless with the prior approval in writing of the local government and where such vegetation is dangerous, dead or diseased, or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, on-site effluent disposal system, and/or driveways. 4 On-site effluent disposal systems servicing development on the lots shall be to the specifications and satisfaction of both the local government and the Department of Health. 5 Stormwater shall be contained on site to the satisfaction of the local government within any direct drainage outlet to a water course. 6 Keeping of animals— <ol style="list-style-type: none"> (i) Stocking rates shall not exceed those recommended by the Department of Agriculture and Food for the applicable pasture types. (ii) The keeping of horses, sheep, goats, and other grazing animals shall be restricted to within an area which is set back 100 m from any watercourse. This area shall be fenced to the satisfaction of the local government.
2	Land bounded by Bindoon-Moora Road, Stack/Long/Cooper/Halligan/Webb Streets, Moora	<p>The minimum lot size for subdivision should be no less than 1.0 hectares where a reticulated water supply is available to the proposed Lots, and subject to—</p> <ol style="list-style-type: none"> (i) the preparation by the proponent of a land capability assessment to the satisfaction of the local government and the Commission; and (ii) a Subdivision Guide Plan prepared by the proponent in accordance with the findings of the land capability assessment; and (iii) building envelopes being identified in the Subdivision Guide Plan having regard to the extent of land liable to flooding; and (iv) a statement of arrangements for drainage and on-site effluent disposal to the satisfaction of the local government.
3	All other lots in the Moora townsite	<p>The minimum lot size for subdivision should be no less than 1.0 hectares where a reticulated water supply is available to the proposed Lots, and subject to—</p> <ol style="list-style-type: none"> (i) the preparation by the proponent of a land capability assessment to the satisfaction of the local government and the Commission; and (ii) a Subdivision Guide Plan prepared by the proponent in accordance with the findings of the land capability assessment; and (iii) building envelopes being identified in the Subdivision Guide Plan having regard to the extent of land liable to flooding; and (iv) a statement of arrangements for drainage and on-site effluent disposal to the satisfaction of the local government.

No.	Particulars of Land	Requirements
4	Lots 2416, 3467 Pryre Street, Coomberdale	The Subdivision Guide Plan shall be the existing cadastral pattern as at the gazettal date, but further subdivision may be supported by the local government to create lots of not less than 2.0 hectares.
5	Lot 43 Murray Street; Lots 34 and 35 Murray Street; Lots 37-42 and 74-79 south of Murray Street, Watheroo	The Subdivision Guide Plan shall be the existing cadastral pattern as at the Gazettal date, but further subdivision may be supported by the local government to create lots of not less than 2.0 hectares.
6	Lots 26 and 4008 Atbara Street Moora	<p>1 Subdivision Subdivision of the land is to generally accord with a subdivision guide plan approved for the land by the local government; the minimum lot size for subdivision may be 1 hectare subject to a reticulated water supply being provided to the proposed Lots. Lot boundaries should be laid out clear of areas of remnant vegetation.</p> <p>2 Development Despite the site requirements in clause 3.13.2, all proposed buildings are to be setback a minimum of 50 metres from the perimeter lot boundary of Lot 26. Reduced setbacks may be considered by the local government where in the opinion of the local government sufficient vegetated buffers are proposed along the perimeter boundary of Lot 26.</p> <p>3 Clearing In addition to the requirement in clause 3.13.4 (d), areas of remnant vegetation are to be retained and fenced if stock is to be grazed on lots containing the remnant vegetation.</p> <p>4 Flora Corridor In addition to the requirement in clause 3.13.4 (e), a flora corridor is to be provided linking the remnant vegetation on the central ridge to adjoining Lot 4091.</p> <p>5 Drainage All surface water drainage is to be contained within the land.</p> <p>6 Effluent Disposal No on-site effluent disposal systems are to be located within the areas of remnant vegetation.</p> <p>7 Keeping of Animals Stocking rates are to accord with Department of Agriculture and Food recommendations.</p>
7	Lot 16 Ferguson Road, Moora	<p>1 Subdivision of the land is to generally accord with a Subdivision Guide Plan certified by the Chief Executive Officer and approved by the Western Australian Planning Commission.</p> <p>2 Despite clause 3.13.2, no residential development shall be permitted to occur within the flood fringe as defined on the Flood Zone Classifications Map contained in Schedule 12 of the Scheme.</p> <p>3 On-site effluent disposal systems servicing the lots shall be to the specifications and satisfaction of both the local government and the Department of Health and shall be limited to high environmental performance systems that have the ability to attenuate nutrients.</p>

No.	Particulars of Land	Requirements
		<p>4 The site is within an area of high susceptibility to phosphorus export. Use of fertilisers on the site should therefore be minimised.</p> <p>5 All lots are to be connected to reticulated water supply.</p> <p>6 Stocking rates shall not exceed those recommended by the Department of Agriculture and Food.</p> <p>7 Landowners of proposed Lots 2-10 as shown on the Subdivision Guide Plan shall be advised that there are established neighbouring agricultural land uses.</p> <p>8 The local government shall recommend that the Western Australian Planning Commission place a condition on subdivision that a Notification or Memorial be placed on the Certificate of Title;</p> <p style="padding-left: 40px;">(i) For proposed Lots 10-12 as shown on the Subdivision Guide Plan advising that they may be affected by activities associated with the Moora Racecourse.</p> <p style="padding-left: 40px;">(ii) For all lots advising that there is a Fire Management Plan and owners have responsibilities that need to be met in accordance with the approved FMP.</p> <p style="padding-left: 40px;">(iii) For proposed Lots 10-12 as shown on the Subdivision Guide Plan advising that residential development in the flood fringe as defined on the Flood Zone Classifications Map contained in Schedule 12 of the Scheme is prohibited.</p> <p>9 The subdivider shall prepare a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the local government and the Fire and Emergency Services Authority. The approved Fire Management Plan shall be implemented prior to subdivision of the land.</p>

SCHEDULE 11

RURAL SMALLHOLDING ZONES

No.	Description of Land	Requirements
1	Land bounded by Cooper/Halligan/Webb/Molloy Streets, Moora	<p>The minimum lot size should be no less than 4.0 hectares for subdivision but any subdivision shall be subject to the following first being Satisfied—</p> <p style="padding-left: 40px;">(i) the preparation by the proponent of a land capability assessment to the satisfaction of the local government and the Commission; and</p> <p style="padding-left: 40px;">(ii) the approval by the local government and the Commission of a Subdivision Guide Plan prepared by the proponent in accordance with the findings of the land capability assessment; and</p> <p style="padding-left: 40px;">(iii) building envelopes being identified in the Subdivision Guide Plan having regard to the extent of land liable to flooding; and</p> <p style="padding-left: 40px;">(iv) arrangements to the satisfaction of the local government for drainage and on-site effluent disposal.”</p>

SCHEDULE 12
FLOOD ZONE CLASSIFICATIONS MAP

2. On the Scheme Map, as depicted on the Scheme Amendment Maps—
- (a) in the Legend on the Scheme Map including “Rural Smallholding” zone in the list of Zones;
 - (b) rezoning all of the Lots bounded by Cooper / Halligan / Webb / Molloy Streets, Moora from “Special Rural zone” to “Rural Smallholding” zone;
 - (c) in the Legend on the Scheme Map replacing “Special rural” zone with “Rural Residential” zone in the list of Zones and renaming all remaining Lots in the Scheme Area that are in the “Special Rural” zone as “Rural residential” zone;
 - (d) in the Legend on the Scheme Map replacing “Farming” zone with “General agriculture” zone in the list of Zones and renaming all Lots in the Scheme Area that are in the “Farming” zone as “General agriculture” zone;
 - (e) rezoning Lots 1 and 2 Riley Road, Moora, from “Rural Residential” zone to “Light Industrial” zone;
 - (f) rezoning Lot 55 Lee Steere Street, Moora from Special Use zone to Residential zone with R12.5/25 density code and inserting “Additional Use 2”;
 - (g) rezoning Lot 2444 Airstrip Road, Moora, from “General Agriculture zone” to “Special use” zone (“SU 1”);
 - (h) rezoning Lot 241 Berkshire Valley Road / Barber Street, Moora, from “Special use” zone to “Rural residential” zone;
 - (i) reclassifying Lots 34 to 41 inclusive, Gardiner Street, Moora, from “Local Reserve for Recreation and Open Space” to “Town centre” zone;
 - (j) designating the “Rural Townsite zone” with the R Codes density R10;
 - (k) reclassifying part of Lot 77 Bindi Bindi—Toodyay Road, Bindi Bindi, from “Local Reserve for Railway” to “Industrial” zone with a Restricted Use (“RU 1”) for “industry-rural”;
 - (l) reclassifying part of Railway Reserve Kiaka Road, Coomberdale, from “Local Reserve for Railway” to “Industrial” zone with a Restricted Use (“RU 2”) for “industry-rural”;
 - (m) reclassifying Lot 3967 Miling West Road, and part of Lots 3847, 3954 and 4089 (Reserve 26009), Miling, from “Local Reserve for Railway” to “Industrial” zone with a Restricted Use (“RU 3”) for “industry-rural”; and rezoning Lot 100 Richardson Street, Miling, from “General agriculture” zone to “Industrial” zone with a Restricted Use (“RU 3”) for “industry-rural”;
 - (n) reclassifying Lot 4300 Findlater Street, and part of Lot 4171 (Reserve 33359) Wheatbin Road, Moora, from “Local Reserve for Public Purpose” to “Industrial” zone with a Restricted Use (“RU 4”) for “industry-rural”; rezoning part of Lot 101 Findlater Street, Moora, from “General agriculture” zone to “Industrial” zone with a Restricted Use (“RU 4”) for “industry-rural”; and reclassifying part of Lot 4171 from “Local Reserve for Public Purpose” to “Local Reserve for Railway”;
 - (o) rezoning Lot 101 Grain Lane, and Lots 1171, 501, and 502, Watheroo, from “General agriculture” zone to “Industrial” zone with a Restricted Use (“RU 5”) for “industry-rural”; and reclassifying Lot 4002 (Reserve 34331), Watheroo from “Local Reserve for Railway” to “Industrial” zone with a Restricted Use (“RU 5”) for “industry-rural”;
 - (p) reclassifying Lot 104 (part of Reserve 30131) George Street and Elliot Way, Watheroo, from “Rural townsite” zone to “Local Reserve for Recreation and Open Space”.

S. A. BRYAN, Shire President.
L. M. O'REILLY, Chief Executive Officer.