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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF BROOKTON

**LOCAL PLANNING SCHEME
No. 4**

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF BROOKTON

LOCAL PLANNING SCHEME No. 4

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

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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF BROOKTON

LOCAL PLANNING SCHEME No. 4**PART 1—PRELIMINARY****1. Citation**

This local planning scheme is the *Shire of Brookton Local Planning 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 Brookton Local Planning Scheme No. 3 gazetted on 25 September 1998.

4. Notes do not form part of Scheme

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

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

5. Responsibility for Scheme

The Shire of Brookton 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);
- (b) the supplemental provisions to the deemed provisions contained in Schedule A of the scheme text; and
- (c) the Scheme Map (Sheets 1 and 4).

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

8. Purposes of Scheme

The purposes of this Scheme are to—

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

9. Aims of Scheme

The aims of this Scheme are—

- (a) encourage and control the orderly development of the Brookton townsite and its surrounds;

- (b) protect, conserve and enhance the region's environmental and heritage values and natural resources by promoting sustainable development;
- (c) promote and enhance a high standard of residential, rural and rural living environments by providing for a range of compatible land uses and development with high levels of safety, amenity and servicing;
- (d) avoid and minimise land use conflicts by providing a comprehensive planning framework that plans for sensitive land uses, facilities consistent planning decision-making and protects public health.
- (e) facilitate the growth of the Brookton townsite in a sustainable manner that protects and conserves rural land for rural uses, retains the existing character and amenity of the district, as well as provides housing choice and diversity;
- (f) diversify employment and economic growth by identifying suitable land for retail, commercial, industrial and tourism development, as well as providing for opportunities for home-based employment; and
- (g) secure natural resources, including basic raw materials, and where appropriate provide for their appropriate extraction.

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 Brookton which apply to the Scheme area.

12. Relationship with region planning scheme

There is 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.
State Forest	<ul style="list-style-type: none"> • To identify areas of State Forest.
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.
Public Purposes	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure.
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.

Reserve name	Objectives
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.
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.
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.

15. Additional uses for local reserves

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

PART 3—ZONES AND USE OF LAND

16. Zones

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

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

Table 2—Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> • 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 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 Smallholdings	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 4 ha to 40 ha. • To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
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.

Zone name	Objectives
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.
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.

17. Zoning Table

The zoning table for this Scheme is as follows—

Table 3—Zoning Table

USE AND DEVELOPMENT CLASS	ZONES							
	Residential	Rural Residential	Rural Smallholdings	Rural Enterprise	Rural	Commercial	Light Industry	General Industry
Abattoir	X	X	X	X	A	X	X	X
Agriculture—extensive	X	X	D	X	P	X	A	P
Agriculture—intensive	X	X	A	X	D	X	X	X
Amusement parlour	X	X	X	X	X	D	X	X
Ancillary dwelling	D	D	D	D	D	D	X	X
Animal establishment	X	A	A	X	A	X	A	A
Animal husbandry—intensive	X	X	A	X	A	X	X	X
Art gallery	X	X	A	X	A	P	X	X
Bed and breakfast	D	D	D	X	D	P	X	X
Betting agency	X	X	X	X	X	D	X	X
Brewery	X	X	A	A	A	A	P	P
Bulky goods showroom	X	X	X	A	X	P	D	D
Caravan park	X	X	A	X	A	A	X	X
Caretaker's dwelling	X	X	X	I	I	I	I	X
Car park	X	X	X	P	X	P	P	P
Child care premises	A	X	X	X	X	D	X	X
Cinema/theatre	X	X	X	X	X	D	X	X
Civic use	D	D	D	D	D	D	D	D
Club premises	X	X	X	X	A	D	X	X
Commercial vehicle parking	A	A	A	D	D	D	D	P
Community purpose	A	A	X	X	A	P	X	X
Consulting rooms	A	X	X	X	X	P	X	X
Convenience store	X	X	X	X	X	P	X	X
Corrective institution	X	X	X	X	X	X	X	X
Educational establishment	A	X	X	X	A	D	X	X
Exhibition centre	A	A	X	X	X	P	X	X
Family day care	D	D	D	X	D	D	X	X
Fast food outlet	X	X	X	A	X	D	D	D
Fuel depot	X	X	X	A	X	X	A	D
Funeral parlour	X	X	X	D	X	D	D	D
Garden centre	X	D	D	D	D	D	D	D
Grouped dwelling	D	X	X	X	A	D	X	X

USE AND DEVELOPMENT CLASS	ZONES							
	Residential	Rural Residential	Rural Smallholdings	Rural Enterprise	Rural	Commercial	Light Industry	General Industry
Holiday accommodation	A	A	A	X	A	X	X	X
Holiday house	D	D	D	X	D	X	X	X
Home business	A	A	A	D	D	D	X	X
Home occupation	D	D	D	D	D	D	X	X
Home office	P	P	P	P	P	P	X	X
Home store	A	X	X	A	X	X	X	X
Hospital	A	X	X	X	X	D	X	X
Hotel	X	X	X	X	X	P	X	X
Industry	X	X	X	X	A	X	X	P
Industry—cottage	A	A	D	P	D	D	P	P
Industry—extractive	X	X	A	X	D	X	X	X
Industry—light	X	X	X	P	A	X	P	P
Industry—primary production	X	X	D	X	D	X	X	X
Market	X	X	X	D	A	D	D	X
Medical centre	A	X	X	X	X	D	X	X
Mining operations	D	D	D	D	D	D	D	D
Motel	X	X	X	X	X	D	X	X
Motor vehicle, boat or caravan sales	X	X	X	X	X	D	X	X
Motor vehicle repair	X	X	X	D	A	A	P	P
Motor vehicle wash	X	X	X	D	X	A	P	P
Nightclub	X	X	X	X	X	A	A	X
Office	X	X	X	I	X	P	I	I
Park home park	X	X	X	X	X	X	X	X
Place of worship	A	A	A	X	A	D	X	X
Reception centre	X	X	D	X	D	D	X	X
Recreation private	X	X	A	X	D	P	X	X
Repurposed dwelling	A	A	A	A	A	A	X	X
Resource recovery centre	X	X	X	A	A	X	A	A
Restaurant / cafe	X	X	A	X	A	P	X	X
Restricted premises	X	X	X	X	X	A	X	X
Rural home business	X	A	A	X	D	X	X	X
Rural pursuit/hobby farm	X	D	D	X	P	X	X	X
Second-hand dwelling	D	D	D	D	D	D	X	X
Service station	X	X	X	P	X	D	P	D
Shop	X	X	X	D	X	P	D	X
Single house	P	P	P	I	P	A	X	X
Small bar	X	X	X	X	X	P	X	X
Tavern	X	X	X	X	X	A	X	X
Telecommunications infrastructure	A	A	A	D	D	A	D	D
Tourist development	X	X	A	X	A	P	X	X
Trade display	X	X	X	P	X	D	P	P
Trade supplies	X	X	X	P	X	D	D	D
Transport depot	X	X	A	A	D	A	D	P
Tree farm	X	X	X	X	D	X	X	X
Veterinary centre	X	X	D	D	D	D	D	X
Warehouse/storage	X	X	X	D	A	D	P	P
Waste disposal facility	X	X	X	X	X	X	X	X
Waste storage facility	X	X	X	X	X	X	X	X
Wind farm	X	X	X	X	A	X	X	X
Winery	X	X	A	D	D	D	D	D
Workforce accommodation	A	X	X	X	A	X	X	X

18. Interpreting zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table

(2) The symbols used in the zoning table have the following meanings—

P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land.

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land.

D means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

X means that the use is not permitted by this Scheme.

Notes:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.
2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

(3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table—

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

(5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

(6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless—

- (a) the development approval application relates to land that is being used for a non-conforming use; and
- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

(7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land—

- (a) a structure plan;
- (b) an activity centre plan; and
- (c) a local development 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 4 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 4—Special use zones in Scheme area

No.	Description of land	Special use	Conditions
SU1	Lot 511 Whittington Street	Residential care complex (D)	Purpose of this zone is to provide for the development of aged persons accommodation with ancillary associated facilities. Development approval of the local government is required.

(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

22. Non-conforming uses

(1) Unless specifically provided, this Scheme does not prevent—

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of development on land if—
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

(2) Subclause (1) does not apply if—

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

(3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government—

- (a) purchases the land; or
- (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

(1) A person must not, without development approval—

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

(2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

(3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use—

- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
- (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

(1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

(2) A register prepared by the local government must set out the following—

- (a) a description of each area of land that is being used for a non-conforming use;
- (b) a description of any building on the land;
- (c) a description of the non-conforming use;
- (d) the date on which any discontinuance of the non-conforming use is noted.

(3) If the local government prepares a register under subclause (1) the local government—

- (a) must ensure that the register is kept up-to-date; and
- (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
- (c) may publish a copy of the register on the website of the local government.

(4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

(1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.

- (2) The local government—
- (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3) or in a provision of the Scheme that applies the R-Codes.

26. Modification of R-Codes

- (1) Residential development in the Commercial zone shall comply with the R40 code.
- (2) With the exception of site area, residential development in the Rural Residential, Rural Smallholdings and Rural Enterprise zones shall comply with the R2 code.
- (3) In areas shown on the Scheme Map with a density code of R10/25, R12.5/25 and R12.5/40 subdivision and development in accordance with the higher code may be supported where reticulated sewerage is to be provided or an onsite effluent disposal system is to be installed in accordance with State policy.
- (4) In areas shown on the Scheme Map with a density code of R10/25, R12.5/25 and R12.5/40, an R60 residential coding may be supported for workforce accommodation or a residential aged care facility where reticulated sewerage is to be provided or an onsite effluent disposal system is to be installed in accordance with State policy.

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

- (1) *State Planning Policy 3.6—Development Contributions for Infrastructure*, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government—
- (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

There are no other State planning policies that are to be read as part of the Scheme.

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. General development standards and requirements

- (1) Schedule 1 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Site specific development standards and requirements for areas covered by structure plan, activity centre plan or local development plan

There are no additional requirements that apply to this Scheme.

34. Variations to development standards and requirements

- (1) In this clause—
- general development standards and requirements*** means requirements set out in clause 32.
- (2) The local government may approve an application for a development approval that does not comply with a general development standard or requirement.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with a development standard or requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must—
- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

(5) The local government may only approve an application for development approval under this clause if the local government is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

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

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

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

PART 5—SPECIAL CONTROL AREAS

36. Special control areas

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

PART 6—TERMS REFERRED TO IN SCHEME

Division 1—General definitions used in Scheme

37. Terms used

(1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows—

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.

building height in relation to a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.

cabin means a dwelling forming part of a tourist development or caravan park that is—

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests.

chalet means a dwelling forming part of a tourist development or caravan park that is—

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests.

commencement day means the day this Scheme comes into effect under section 87(4) of the Act.

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including—

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).

floor area has meaning given in the Building Code.

frontage in relation to a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces.

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.

minerals has the meaning given in the *Mining Act 1978* section 8(1).

net lettable area or **nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas—

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;

- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building.

non-conforming use has the meaning given in the *Planning and Development Act 2005* section 172.

plot ratio means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.

precinct means a definable area where particular planning policies, guidelines or standards apply.

predominant use means the primary use of premises to which all other uses carried out on the premises are incidental.

retail means the sale or hire of goods or services to the public.

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.

wall height in relation to a wall of a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.

wholesale means the sale of goods or materials to be sold by others.

(2) A word or expression that is not defined in this Scheme—

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
- (b) if it is not defined in that Act—has the same meaning as it has in the R-Codes.

Division 2—Land use terms used in Scheme

38. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows—

abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.

agriculture—extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture—intensive or animal husbandry—intensive.

agriculture—intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture.

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 alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens. Does not include agriculture—extensive.

art gallery means premises—

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

bed and breakfast means a dwelling—

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms.

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*.

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

bulky goods showroom means premises—

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes—
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and 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—
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1).

caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.

car park means premises used primarily for parking vehicles whether open to the public or not but does not include—

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale.

child care premises means premises where—

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

cinema/theatre means premises where the public may view a motion picture or theatrical production.

civic use means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.

club premises means premises used by a legally constituted club or association or other body of persons united by a common interest.

commercial vehicle parking means premises used for parking of one or 2 commercial vehicles but does not include—

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land.

community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

consulting rooms means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

convenience store means premises—

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m² net lettable area.

corrective institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.

educational establishment means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided.

fast food outlet 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 50 m², and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that—

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not—
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation—

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling.

home store means a shop attached to a dwelling that—

- (a) has a net lettable area not exceeding 100 m²; and
- (b) is operated by a person residing in the dwelling.

hospital means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4). Does not include a nursing home.

hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises.

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes.

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

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 m²; and
- (e) does not display a sign exceeding 0.2 m² in area.

industry—extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes—

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.

industry—light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

industry—primary production means premises used—

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses.

market means premises used for the display and sale of goods from stalls by independent vendors.

medical centre means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

mining operations means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out.

motor means premises, which may be licensed under the *Liquor Control Act 1988*—

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles.

motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans.

motor vehicle repair means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or re-treading of tyres.

motor vehicle wash means premises primarily used to wash motor vehicles.

nightclub means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*.

office means premises used for administration, clerical, technical, professional or similar business activities.

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

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.

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

residential care complex means a primarily residential complex that provides a range of accommodation, from independent living to low and high care accommodation, which may include a range of support services for meals, recreation, wellness, rehabilitation, medical, nursing, cleaning and respite care.

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

restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*.

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under *the Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements.

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

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight.

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

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

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

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

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/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 or a liquor store used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*.

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*.

telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.

tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide—

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development.

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement.

trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises—

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government.

transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including—

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another.

tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.

veterinary centre means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

warehouse/storage means premises including indoor or outdoor facilities used for—

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

waste disposal facility means premises used—

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste.

waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

wind farm means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use.

winery means premises used for the production of viticultural produce and associated sale of the produce.

workforce accommodation means premises, which may include modular or relocatable buildings, used—

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

SCHEDULE 1—ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

[cl. 32]

39. General development requirements

The minimum general development requirements for development in this Scheme are outlined in Table 5.

Table 5—General development requirements

Zone	Minimum setback (m)			Maximum plot ratio	Maximum site coverage (% of site area)	Minimum landscaping (% of site area)
	Front	Side	Rear			
Residential	As per the R-Codes					
Rural Residential	20	10	10	-	-	-
Rural Smallholdings	20	10	10	-	-	-
Rural	35	10	10	-	-	-
Rural Enterprise	20	10	10	-	-	10
Commercial	-	-	-	1.5	75	10
Light Industry	7.5	0	7.5	0.5	50	5
General Industry	7.5	0	7.5	0.5	75	5

40. Access

(1) Development approval of land will generally only be granted where the land is, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality.

(2) In considering an application for development approval on land abutting an undedicated and/or unconstructed road or a lot which does not have direct frontage to a dedicated and/or constructed road, the local government shall—

- (a) refuse the application for development approval until the road has been dedicated and/or constructed or access by means of a dedicated and constructed road is provided as the case may be; or
- (b) impose conditions of development approval requiring the applicant to pay a sum of money for the full and/or partial cost of upgrading and/or construction of the road; or
- (c) require such other arrangements to be made for permanent legal access to the satisfaction of the local government.

(3) Vehicle access and manoeuvrability areas for development, within the Commercial, Light Industry and General Industry zones, shall be designed and constructed so as to permit all vehicles of a type that may be reasonably expected to visit the site on a regular basis, to enter and exit the site in a forward gear.

41. Car parking and service areas standards

(1) In considering an application for development approval for the development or use of land for a purpose specified in Table 6, the local government shall require arrangements for the provision of car parking spaces not less than the number specified in Table 6.

(2) Where a calculation made in accordance with Table 6 results in a number which is not a whole number, the number of parking spaces required shall be the next highest whole number.

(3) Where a development application is made in respect to the development or use of land referred to in Table 3—Zoning Table for which no provision is made in respect of Table 6, the car parking spaces required for the use shall be as determined by the local government.

(4) The size of car parking spaces and the vehicular driveways providing entry to, or exit from, a parking area shall be in accordance with Table 7 and the explanatory figure in Figure 1.

(5) Where car parking spaces are required to be provided in accordance with this Scheme, the local government may grant a cash payment in lieu of the provision of some or all of those car parking spaces, if—

- (a) the payment is not less than the amount the local government estimates to be the cost to the landowner/applicant of providing and constructing those spaces together with the amount the local government estimates to be the value of the land which would have been occupied by those spaces; and
- (b) payment is made prior to commencement of the development in respect of which those spaces are required to be provided in accordance with the terms of any agreement made between the local government and the landowner/applicant for that development.

(6) Any amount paid to the local government under subclause (5) shall be held by the local government in a separate reserve account or trust account and shall be applied by the local government—

- (a) in providing car parking spaces or car parking facilities capable of serving the needs of the development in respect of which the payment was made and in the locality of the development; or
- (b) to the acquisition of land and the construction of buildings for the purpose referred to in subclause (6)(a).

(7) In considering an application for development approval in the Commercial, Light Industry and General Industry zones the local government shall—

- (a) require the setting aside and designation of an area of appropriate size that is clear of the street for the purposes of loading and unloading goods and/or materials, as required;
- (b) require parking, loading/unloading and access arrangements, including drainage, signage and marking as required by the local government, to be constructed prior to any occupation of the development, or at such time as may be agreed in writing between the local government and the landowner/applicant; and
- (c) require external servicing areas to be constructed and maintained in perpetuity to the satisfaction of the local government, as required.

(8) In the Light Industry and General Industry zones, all development shall provide at least one (1) refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping by no less than 1.8 metres in height.

(9) In the Commercial, Light Industry and General Industry zones, development for open storage purposes shall be screen from public view by a fence, wall or screen landscaping to the satisfaction of the local government.

(10) Where fencing is required for storage purposes in the Commercial, Light Industry and General Industry zones, the minimum standard fence shall be a 1.8 metres in height link mesh security fence, unless otherwise approved by the local government.

Table 6—Parking requirements

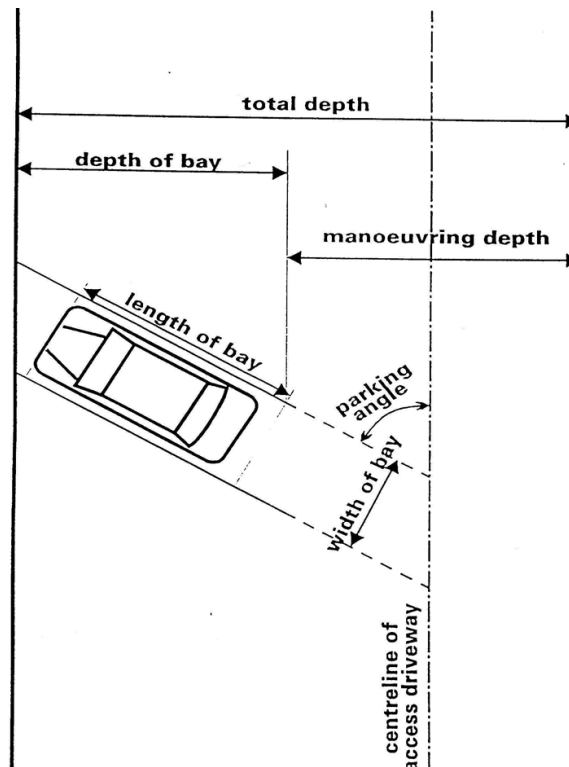
Land Use	Minimum number of car parking spaces required
Amusement parlour	1 per 10 m ² gross leasable area
Bed and breakfast	1 per bedroom plus 1 per staff member
Caravan park	1.5 per camp site
Child care premises	1 per staff member plus 1 per 8 children
Cinema/theatre	1 per 4 seats
Club premises	1 per 4 persons
Consulting rooms	5 per consulting room plus 1 per staff member
Educational establishment	Primary school site—1.5 per classroom Secondary school site—2 per classroom
Hospital	1 per 5 beds plus 1 per staff member
Hotel	1 per room plus 1 per 5 m ² public area
Industry	1 per 100 m ² gross leasable area or 2 per unit, whichever is greatest
Motel	1 per unit plus 1 per 10 m ² public restaurant
Motor vehicle, boat or caravan sale	1 per 45 m ² gross floor area plus 1 per 100 m ² open display area
Office	1 per 40 m ² gross leasable area
Place of worship	1 per 4 persons
Residential building	0.5 per bedroom or bedspace
Restaurant	1 per 4 persons
Service station	1.5 per service bay plus 1 per staff member
Shop	1 per 20 m ² gross leasable area
Bulky goods showroom	1 per 60 m ² gross leasable area
Tavern	1 per 5 m ² public area
Warehouse/storage	1 per 100 m ² gross leasable area

Note: Disabled car parking spaces to be provided in accordance with the *Building Code of Australia*.

Table 7—Parking dimensions

Parking angle	Width of bay (m)	Length of bay (m)	Depth of bay (m)	Minimum manoeuvring depth (m)	Minimum total depth (m)
(a) One-way access					
90°	2.6	5.5	5.0	5.9	11.4
75°	2.6	5.5	6.0	5.3	11.3
60°	2.6	5.5	6.1	5.0	11.1
45°	2.6	5.5	6.1	3.6	9.7
30°	2.6	5.5	4.8	3.3	8.1
00° (parallel parking)	3.0	6.7	3.0	3.0	6.0
(b) Two-way access					
90°	2.6	5.5	5.5	6.0	11.5
75°	2.6	5.5	6.0	6.0	12.0
60°	2.6	5.5	6.1	6.0	12.1
45°	2.6	5.5	6.1	6.0	12.1
30°	2.6	5.5	4.4	6.0	10.4
00° (parallel parking)	3.0	6.7	3.0	6.0	9.0

Figure 1—Car parking diagram



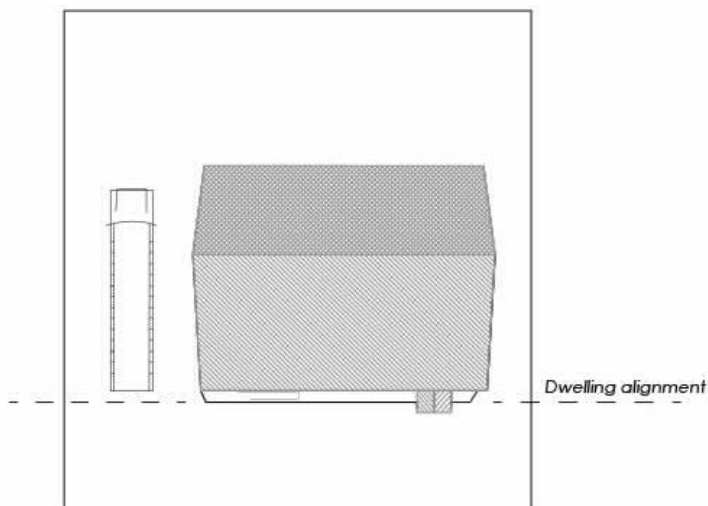
42. Commercial vehicle parking

(1) The local government may grant development approval for commercial vehicle parking in the Residential, Rural Residential and Rural Smallholdings zones, provided—

- (a) the vehicle is accommodated in a garage or structure or parked in line with or behind the dwelling alignment (excluding any porch, verandah or balcony), as shown in Figure 2;
- (b) the vehicle together with its load does not exceed three (3) metres in height;
- (c) the vehicle forms an essential part of the lawful occupation of the occupant of the single house or grouped dwelling and that occupation, if carried on upon the site, does not contravene the provisions of this Scheme;
- (d) the vehicle is not brought or taken from the lot between the hours of midnight and 6:00am;
- (e) the vehicle is not carrying any residue hazardous or noxious material or equipment such as a refrigeration unit which is operating on a continuous or intermittent basis; and
- (f) no more than one (1) commercial vehicle shall be permitted to be parked.
- (g) There is no parking, loading, unloading or servicing of a commercial vehicle within an adjoining local road reserve.

(2) Notwithstanding subclause (1), the local government may, at its discretion, waive a development requirement(s) where alternative arrangements do not impact on the amenity of the adjoining owners or occupiers giving regard to Clause 67 of the deemed provisions.

Figure 2—Dwelling alignment diagram



43. Requirement for structure plan

The local government may require preparation of a structure plan prepared in accordance with clause 16 of the deemed provisions prior to granting and/or recommending approval for development or subdivision in the following circumstances—

- (a) In any zone where it is considered necessary to provide for the orderly planning of—
 - (i) drainage and water management;
 - (ii) bushfire hazard;
 - (iii) access;
 - (iv) environmental protection;
 - (v) flooding management; and
 - (vi) public foreshore access to the Avon River.
- (b) In the Rural Enterprise zone to demonstrate—
 - (i) separation of light industrial and residential uses including the use of building envelopes and/or dual frontages;
 - (ii) a clear delineation between light industrial and residential vehicles in access arrangements to the lots; and
 - (iii) an ability to connect to a network electricity supply and reticulated potable water supply provided by a licensed service provider.

44. Water supply

(1) All buildings intended for residential use shall be connected to a reticulated water supply provided by a licensed water provider.

(2) Where a reticulated water supply from a licensed water service provider is demonstrated not to be available, the local government may consider a fit-for-purpose sustainable domestic potable water supply, which includes water for firefighting. In this case, each dwelling shall be provided with a minimum tank capacity of 120,000 litres, with an additional 15,000 litres dedicated to firefighting purposes. Potable water is of the quality specified under the *Australian Drinking Water Guidelines 2004* (as amended).

45. Outbuildings

(1) Except in the Rural and Rural Smallholdings zone, the erection of an outbuilding on a vacant lot is not permitted unless a building permit has been issued for the development of a single house, grouped dwelling or multiple dwelling and work has substantially commenced.

(2) Generally, outbuildings shall be located in line with or behind the dwelling alignment (excluding any porch, veranda or balcony) or on corner lots at the discretion of the local government.

46. Environmental protection

(1) No clearing or destruction of any remnant vegetation or revegetation shall be permitted except for—

- (a) clearing to comply with the requirements of the *Bush Fires Act 1954* (as amended), the Local Governments Bushfire Notice and/or any bushfire management plan approved by the local government, and the *Environment Protection (Clearing of Native Vegetation) Regulations 2004*;
- (b) Clearing as may reasonably be required to accommodate an approved building and curtilage, access, and/or other use approved by the local government; and
- (c) Trees that are diseased, dangerous or have been assessed as a significant bushfire risk.

(2) In considering an application for development approval or subdivision the local government may require the identification of a building envelope(s).

(3) Where required, the location of a building envelope(s) is to address land capability and environmental values, including appropriate setback distances from water courses, bushfire risk and eroded/degraded areas.

(4) A building envelope(s) is to be of sufficient size to accommodate future development, including setback requirements for on-site wastewater disposal and bushfire risk requirements.

(5) Development outside of an identified building envelope(s) will generally not be supported.

47. Additional dwellings

(1) In the Rural zone, the erection of more than one (1) single house per lot will generally not be supported. The local government may, at its discretion, approve the erection of one (1) additional dwelling (grouped dwelling) on a rural lot provided that—

- (a) the total number of dwellings on the lot will not exceed three (3) dwellings;
- (b) the additional dwelling(s) complies with the setback requirements of Table 5 of this Scheme;
- (c) the lot has an area not less than 60ha;
- (d) it can be demonstrated that the additional dwelling(s) is for workers or family members employed for primary production activities on that lot;
- (e) adequate provision of potable water for and disposal of sewage from the additional dwelling(s) can be demonstrated;

- (f) the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;
- (g) access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable; and
- (h) the existence of more than one (1) dwelling on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.

(2) In the Rural Residential, Rural Smallholdings and Rural zones, the local government may, at its discretion, approve the erection of an ancillary dwelling on a lot provided that—

- (a) development is associated with a single house on the same lot;
- (b) there is a maximum plot ratio area of 70 m², excluding open verandah or balcony areas, carport or garage and associated external storeroom;
- (c) the ancillary dwelling complies with the setback requirements of Table 5 of this Scheme and is not located more than 50 metres away from the associated single house;
- (d) adequate provision of potable water for, and disposal of sewage from, the ancillary dwelling can be demonstrated;
- (e) the ancillary dwelling will not adversely detract from the rural character and amenity of the area; and
- (f) access arrangements are shared with the associated single house, where practicable.

48. Repurposed and Second-Hand dwellings

In zones where the local government has the discretion to approve the erection of a repurposed dwelling and/or second-hand dwelling on a lot, it will be subject to the dwelling being compatible with its setting in terms of height, bulk, scale, orientation and appearance, and will not adversely detract from the character and amenity of the area.

49. Caretaker's dwelling

(1) Caretaker's dwelling—

- (a) shall be limited to one (1) dwelling per lot;
- (b) shall be a maximum plot ratio area of 70 m², excluding open veranda or balcony areas, carport or garage and associated external storeroom; and
- (c) shall be incidental to the predominant use of the site.

(2) The local government will not consider applications for a caretaker's dwelling prior to the predominant land use being either approved or constructed.

(3) Where simultaneous approval has been granted by the local government for both a caretaker's dwelling and the predominant land use on the same lot, the main activity must be developed and operational prior to occupation of the dwelling.

(4) A caretaker's dwelling should be carefully sited and constructed so that potential site (or estate) impacts from noise, dust, odour or amenity are minimised.

(5) The local government may consider the use of notifications on title to advise prospective landowners of potential impacts from noise, dust, odour or amenity that may arise from the location of a residential land use within the area.

(6) A caretaker's dwelling shall only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the lawfully established or approved land use.

(7) Subdivision of the caretaker's dwelling from the parent lot will not be permitted.

50. Development in the Rural Enterprise zone

(1) Dwellings in the Rural Enterprise zone must be incidental to the predominant use of the site for light industry.

(2) The local government shall not grant development approval for a dwelling in the Rural Enterprise zone prior to the predominant use being either approved or constructed.

(3) Where a dwelling in the Rural Enterprise zone has been granted development approval, it shall not be occupied until the predominant use has been established and is operational on site.

(4) In the Rural Enterprise zone 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.

51. Derelict vehicles

Notwithstanding any other provision of the Scheme, the wrecking of any derelict, damaged and unserviceable vehicle on, or the storage of any such vehicle on privately owned land and any adjoining road verge, unless located in line with or behind the dwelling alignment, is prohibited within the Scheme Area.

52. Requirement for consultation to commence mining

In considering proposals to commercially extract minerals, the local government may exercise its discretion to inform the Minister for Mines and 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.

53. Non-rural uses in the Rural zone

Table 3 of the Scheme provides for a range of non-rural uses in the Rural zone, in exercising its discretion to determine non-rural proposals, the local government, in addition to the requirements of the scheme, will have regard to—

- (a) management of anticipated traffic movement and volume;
- (b) impact on the environment including water resources, noise, amenity and air quality;
- (c) the ability of the proposal to manage impacts within the property boundary, or otherwise to not affect nearby sensitive land uses;
- (d) visual impacts and effect on rural character; and
- (e) essential services being provided commensurate with the intended land use.

SCHEDULE 2—SPECIAL CONTROLS AREAS

[cl. 36]

54. Operation of special control areas

- (1) The following Special Control Areas are shown on the Scheme Map—
 - (a) Special Control Area No. 1—Avon River Flood Prone Area;
 - (b) Special Control Area No. 2—Public Drinking Water Source Protection Area;
 - (c) Special Control Area No. 3—Basic Raw Materials Area; and
 - (d) Special Control Area No. 4—Wastewater Infrastructure Buffer Area.
- (2) In respect of the special control areas shown on the Scheme Map, the provision applying to the special control area apply in addition to the provisions applying to the underlying zone or reserve and any general provisions of this Scheme.

55. Special Control Area No. 1—Avon River Flood Prone Area

- (1) The purpose of Special Control Area No. 1—Avon River Flood Prone Area is to—
 - (a) protect against any increase threat of flooding to people, property and infrastructure;
 - (b) avoid and limit development and land uses that would negatively impact upon the river and flood regime; and
 - (c) ensure development is undertaken in such a manner it does not impact upon the floodway.
- (2) Development approval of the local government is required for any development, or use of land within Special Control Area No. 1—Avon River Flood Prone Area.
- (3) In considering any planning proposal that intensifies development, the local government may, at its discretion, approve development subject to demonstration of appropriate design and location so as to avoid and minimise flood risk, property damage and obstructions to river flow.
- (4) In considering any planning proposal, including zoning requests and subdivision and/or development applications, the local government shall have due regard to matters including the following—
 - (a) potential nutrient export in the context of the soil and total water management cycle;
 - (b) potential impact on river flow and increased flood levels upstream;
 - (c) potential impact on environmental values, including riparian vegetation; and
 - (d) potential impact on water quality, including stormwater run-off.
- (5) No development is to be located within the floodway. Development outside of the flood fringe is required to have a minimum habitable floor level of 0.5 metres above the 1 in 100 year flood level.

56. Special Control Area No. 2—Public Drinking Water Source Protection Area

- (1) The purpose of Special Control Area No. 2—Public Drinking Water Source Protection Area is to—
 - (a) identify and secure proclaimed drinking water source areas (PDWSA); and
 - (b) ensure that development and land use within PDWSA's is compatible with the protection and long-term management of water resources for public water supply.
- (2) Development approval of the local government is required for any development, or use of land within Special Control Area No. 2—Public Drinking Water Source Protection Area.
- (3) In considering any planning proposal, including zoning requests and subdivision and/or development applications, the local government shall have due regard to matters including the following—
 - (a) potential impact on recharge area and surface water sources; and
 - (b) relevant State policy and guidance frameworks.
- (4) Within this special control area, the local government will generally refer any development application which involves the following activities to the relevant State department responsible for water prior to determination—
 - (a) proposals which may increase nutrient loading;
 - (b) proposals which involve the application of fertilisers and pesticides;
 - (c) proposals for the storage of chemicals, fuels and other potentially polluting substances;
 - (d) proposals which may increase water run-off; and
 - (e) proposal that may otherwise impact the quality of public drinking water.

57. Special Control Area No. 3—Basic Raw Materials Area

- (1) The purpose of Special Control Area No. 3—Basic Raw Materials Area is to—
- (a) identify and protect significant geological supplies; and
 - (b) ensure for the appropriate extraction and use of basic raw materials in accordance with State policy.
- (2) Development approval of the local government is required for any development, or use of land within Special Control Area No. 3—Basic Raw Materials Area.
- (3) The local government may refer development applications for comment to the relevant State department responsible for mining prior to determination.

58. Special Control Area No. 4—Wastewater Infrastructure Buffer Area

- (1) The purpose of Special Control Area No. 4—Wastewater Infrastructure Buffer Area is to—
- (a) ensure for appropriate land use and development that is compatible with the long-term operating needs of public wastewater infrastructure;
 - (b) minimise and avoid land use conflicts with sensitive land uses.
- (2) Development approval of the local government is required for any development, or use of land within Special Control Area No. 4—Wastewater Infrastructure Buffer Area.
- (3) In considering any planning proposal, including zoning requests and subdivision and/or development applications, the local government shall have due regard to matters including the following—
- (a) the proximity of development to the emission source and potential risk and impact arising;
 - (b) the sensitivity of the proposed development and/or land use to off-site emissions and risk; and
 - (c) any other relevant planning consideration.
- (4) The local government may refer development applications for comment to the relevant State department responsible for mining prior to determination.

SCHEDULE 3—EXEMPTED CLASSES OF SIGNAGE ADVERTISEMENT

Land use and/or development	Exempted advertisement	Maximum size
Dwelling	One professional name plate as appropriate.	0.2 m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2 m ²
Place of worship, meeting halls and places of public assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2 m ²
Cinema, 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 5 m ²
Shops, showrooms and other uses appropriate to a shopping area	All advertisements affixed to the building below the top of the awning, or in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building.	N/A
Industrial and warehouse premises	A maximum of 4 advertisements applied to or affixed to the wall 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 5 metres in height above ground level.	Total area of any such advertisement shall not exceed 15 m ² . Maximum permissible total area shall not exceed 10 m ² and individual advertisement signs shall not exceed 6 m ² .
Showroom, race courses, major racing tracks, sports stadia, major grounds and complexes	All signs provided that in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; and	N/A

Land use and/or development	Exempted advertisement	Maximum size
	(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 discretion of a Government department, public authority or the local government of a municipality; and	N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway property and reserves	Advertisement signs exhibited on such land provided that each advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2 m ² in area.
Advertisement within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single dwelling	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2 m ²

SCHEDULE A—SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

Clause 61(1)(a)-(j) can be found in Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

61. Development for which development approval not required

- 61(1)(k) 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, and where the development standards set out in this Scheme for that particular zone are satisfied, unless the development is located in a place that is—
- entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - the subject of an order under the *Heritage Act 2018* Part 4; or
 - included on a heritage list prepared in accordance with this Scheme; or
 - the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90.
- 61(1)(l) The erection or extension of an 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) use in the zone where the R-Codes do not apply, and where the development standards set out in this Scheme for that particular zone are satisfied, unless the development is located in a place that is—
- entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - the subject of an order under the *Heritage Act 2018* Part 4; or
 - included on a heritage list prepared in accordance with this Scheme; or
 - the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90.
- 61(1)(m) The erection or installation of a sign or advertisement of a class specified in Schedule 3 of this Scheme unless the sign is to be erected or installed—
- on a place included on a heritage list prepared in accordance with this Scheme; or
 - on land located within an area designated under this Scheme as a heritage area.

COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the Shire of Brookton at the Ordinary Meeting of the Council held on the 21st day of April 2016.

K. CRUTE, Shire President.
I. D'ARCY, Chief Executive Officer.

COUNCIL ADOPTION FOR APPROVAL

Adopted for submission to the Minister for Planning for approval by resolution of the Shire of Brookton at the Ordinary Meeting of the Council held on the 19th day of July 2018 and the Common Seal of the Shire of Brookton was hereunto affixed by the authority of a resolution of the Council in the presence of—

K. CRUTE, Shire President.
I. D'ARCY, Chief Executive Officer.

WAPC ENDORSEMENT (R.63)

Date: 18 November 2019.

CATH MEAGHAN.
Delegated Under S.16 of the *Planning and Development Act 2005*.

APPROVAL GRANTED

Date: 29 November 2019.

RITA SAFFIOTI, Minister for Planning.
S.87 of the *Planning and Development Act 2005*.
