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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF THREE SPRINGS

LOCAL PLANNING SCHEME NO. 3.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF THREE SPRINGS

LOCAL PLANNING SCHEME NO. 3

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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF THREE SPRINGS

LOCAL PLANNING SCHEME NO. 3

PART 1—PRELIMINARY

1. Citation

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

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked—

Shire of Three Springs Scheme No. 2 published in the *Government Gazette* on the 27th January 2017.

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 Three Springs 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 Scheme Map (Sheets 1—6); and

(c) the supplemental provisions to the deemed provisions contained in Schedule A of this Scheme (if any).

(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;

(b) set aside land as local reserves for public purposes;

(c) zone land within the Scheme area for the purposes defined in this Scheme;

(d) control and guide development including processes for the preparation of structure plans and local development plans;

(e) set out procedures for the assessment and determination of development applications;

(f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans;

(g) make provision for the administration and enforcement of this Scheme; and

(h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are—

(a) to assist the effective implementation of regional plans and policies including the State Planning Strategy;

(b) to protect areas of agricultural significance for sustainable food production;

(c) to encourage economic growth in rural areas by identifying appropriate areas for more intensive and diversified use of rural land for high value products compatible with surrounding farm practices;

(d) to encourage processing and value adding industries to be located within the Shire, and promoting tourism;

(e) to provide opportunities for planned, contained and sustainable settlements in locations with access to services and infrastructure;

(f) to ensure development in rural areas is planned so as not to prejudice productive rural land uses, to protect and enhance rural landscapes and environmental values, and to ensure accessibility to services and facilities;

(g) to protect the natural environment and biodiversity while ensuring appropriate development opportunities within the local government are realised;

(h) to promote and safeguard public health, safety and general welfare of the community;

(i) to promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning; and

(j) to protect the character of significant landscapes as part of the environmental heritage and sense of place and as a resource for tourism.

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 Schemes of the Shire of Three Springs which apply to the Scheme Area.

12. Relationship with region planning scheme

There are no region planning schemes which apply to the Scheme area.

PART 2—RESERVES

13. Regional Reserves

There are no regional reserves in the Scheme area.

14. Local Reserves

(1) In this clause—

Main Roads Western Australia 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 Main Roads Western Australia.

(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	• To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005 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	• To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. • To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Civic and Community	• 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.
Cultural Facilities	• Civic and Community which specifically provide for a range of essential cultural facilities.
Public Purposes	• To provide for a range of essential physical and community infrastructure.
Medical Services	• Public Purposes which specifically provide for a range of essential medical services.
Infrastructure Services	• Public Purposes which specifically provide for a range of essential infrastructure services.
Education	• Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	• Public Purposes which specifically provide for a range of essential emergency services.
Cemetery	• To set aside land required for a cemetery.

Reserve name	Objectives
Railways	• To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	• 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	• 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	• 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

(1) Table 2 sets out—

(a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and

(b) the conditions that apply to that additional use.

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

No.	Description of Land	Additional Use	Conditions
AR1	Lot 195 on Reserve 30000 on Plan 207297	Caravan Park Caretakers Dwelling Nature Based Park Club Premises Civic Use	No conditions.

(2) Despite anything contained in clause 14, land that is specified in Table 2 to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

PART 3—ZONES AND USE OF LAND

16. Zones

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

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

Table 3— Zone objectives

Zone Name	Objectives
Residential	• 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.
Commercial	• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To ensure that development is not detrimental to the amenity of adjoining owners, residential properties in the locality or streetscape.
Rural Residential	• To provide for lot sizes in the range of 1 ha to 4 ha. • To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Smallholding	• 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 Townsite	• To provide for a range of land uses that would typically be found in a small country town.

Zone Name	Objectives
Rural	• To provide for the maintenance or enhancement of specific local rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Light Industry	• 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	• 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.
Special Use	• To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows—

Table 4—Zoning Table

USE AND DEVELOPMENT CLASSES	ZONES								
	Residential	Commercial	Light Industry	General Industry	Rural Townsite	Rural Residential	Rural Smallholding	Rural	Special Use
RESIDENTIAL USES									
Ancillary Dwelling	P	D	X	X	D	D	D	D	
Caretaker's Dwelling	X	I	I	I	A	X	X	D	
Grouped Dwelling	D	D	X	X	D	X	X	D	
Home Business	P	P	X	X	P	P	P	P	
Home Occupation	P	P	X	X	P	P	P	P	
Home Office	P	P	X	X	P	P	P	P	
Home Store	A	D	X	X	A	X	X	X	
Independent Living Complex	D	X	X	X	D	X	X	X	
Multiple Dwelling	D	D	X	X	A	X	X	X	
Repurposed Dwelling	A	A	X	X	A	A	D	D	
Residential Aged Care Facility	D	X	X	X	D	X	X	X	
Residential Building	A	D	X	X	D	X	X	X	
Second-Hand Dwelling	D	D	X	X	D	D	D	D	
Single House	P	D	X	X	P	P	P	P	
Workforce Accommodation	A	X	X	X	A	X	X	A	

See Schedule 3

USE AND DEVELOPMENT CLASSES	ZONES								
	Residential	Commercial	Light Industry	General Industry	Rural Townsite	Rural Residential	Rural Smallholding	Rural	Special Use
TOURIST AND ENTERTAINMENT									
Amusement Parlour	X	D	X	X	D	X	X	X	
Caravan Park	X	X	X	X	A	X	X	A	
Hosted short-term rental accommodation	P	P	X	X	P	P	P	P	
Hotel	X	A	X	X	A	X	X	X	
Nature Based Park	X	X	X	X	X	X	X	D	
Tavern	X	D	X	X	X	X	X	X	
Tourist and Visitor Accommodation	X	D	X	X	D	X	A	A	
Unhosted short-term rental accommodation	A	D	X	X	A	D	D	D	
COMMERCE									
Art Gallery	A	P	X	X	D	A	A	D	
Betting Agency	X	P	X	X	X	X	X	X	
Bulky Goods Showroom	X	D	P	D	X	X	X	X	
Cinema / Theatre	X	P	X	X	X	X	X	X	
Commercial Vehicle Parking	A	D	P	P	D	D	D	A	
Consulting Rooms	A	P	X	X	A	X	X	X	
Convenience Store	X	P	X	X	D	X	X	X	
Fast Food Outlet	X	D	X	X	A	X	X	X	
Garden Centre	X	D	P	D	A	A	D	D	
Lunch Bar	X	P	P	D	A	X	X	X	
Market	X	D	X	X	A	X	X	X	
Medical Centre	A	D	X	X	A	X	X	X	
Motor Vehicle, Boat or Caravan Sales	X	D	D	D	X	X	X	X	
Motor Vehicle Repair	X	D	P	P	X	X	X	X	
Motor Vehicle Wash	X	D	P	P	X	X	X	X	
Nightclub	X	A	X	X	X	X	X	X	
Office	X	P	D	D	D	X	X	X	
Reception Centre	X	D	X	X	A	X	X	X	
Restaurant / Café	X	P	X	X	A	X	A	A	
Restricted Premises	X	A	A	X	X	X	X	X	
Service Station	X	A	D	D	X	X	X	X	
Shop	X	P	D	D	D	X	X	X	
Trade Display	X	D	P	P	D	X	X	X	
Transport Depot	X	X	D	P	X	X	X	A	
Winery	X	X	X	A	X	X	A	A	
OTHER									
Corrective Institution	X	X	X	X	X	X	X	A	
Funeral Parlour	X	A	A	X	X	X	X	X	
Telecommunication Infrastructure	A	D	D	D	A	A	A	D	
Veterinary Centre	X	A	D	X	D	X	D	D	
Waste Storage Facility	X	X	X	X	X	X	X	X	
INDUSTRY									
Fuel Depot	X	X	X	D	X	X	X	X	
Industry	X	X	X	P	X	X	X	X	
Industry—Extractive	X	X	X	D	X	X	X	A	
Industry—Light	X	X	P	D	X	X	X	X	
Industry—Rural	X	X	A	D	X	X	A	D	

See Schedule 3

USE AND DEVELOPMENT CLASSES	ZONES								
	Residential	Commercial	Light Industry	General Industry	Rural Townsite	Rural Residential	Rural Smallholding	Rural	Special Use
Mining Operations	X	X	X	X	X	X	X	D	See Schedule 3
Warehouse / Storage	X	D	P	P	A	X	X	X	
CIVIC AND COMMUNITY									
Child Care Premises	A	D	X	X	D	D	D	X	
Civic Use	D	D	D	X	D	X	X	D	
Club Premises	X	D	X	X	A	X	X	D	
Community Purpose	A	P	D	X	D	X	X	D	
Educational Establishment	A	D	A	X	A	X	X	A	
Exhibition Centre	X	P	D	X	A	X	A	A	
Family Day Care	D	D	X	X	P	P	P	P	
Hospital	X	D	X	X	X	X	X	X	
Place of Worship	A	D	X	X	D	X	X	X	
Recreation—Private	X	D	D	X	A	A	D	D	
RURAL									
Abattoir	X	X	X	A	X	X	X	A	
Agriculture—Extensive	X	X	X	X	X	X	D	P	
Agriculture—Intensive	X	X	X	X	X	A	D	D	
Animal Establishment	X	X	A	A	X	X	A	D	
Animal Husbandry—Intensive	X	X	X	A	X	X	X	D	
Renewable Energy Facility	X	X	X	X	X	X	X	A	
Rural Home Business / Industry—Cottage	X	X	X	X	D	D	D	P	
Rural Pursuit/ Hobby Farm	X	X	X	X	X	D	D	D	
Tree Farm	X	X	X	X	X	X	X	D	

'Mining operations' covered by the *Mining Act 1978* is exempt from the requirement of development approval and will be determined in accordance with the *Mining Act 1978*.

18. Interpreting zoning table

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

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

P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;

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

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

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

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

Notes for this clause:

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.
2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.

4. Where a proposed development is identified as a class P use under the zoning table but does not comply with all the development standards and requirements of the Scheme, the development shall be considered a class D use.

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

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

(a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or

(b) determine that the use may be consistent with the objectives of a particular zone and 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 the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land—

(a) a structure plan;

(b) a local development plan.

19. Additional uses

(1) Table 5 sets out—

(a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and

(b) the conditions that apply to that additional use.

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

No.	Description of land	Additional use	Conditions
A1	Lot 65 (No.28) Williamson Street, Three Springs	Transport Depot	1. The additional use on the land is permitted only in so far as it remains ancillary to the predominant use of the site for residential purposes. 2. Development associated with the approved use is to be positioned to the rear of the subject land and provided with landscaping screening to minimise the visual impact on the streetscape. 3. Any proposed alterations or extensions to the proposed use require an application for development approval and the local government may advertise any such application in accordance with Clause 64 of the deemed provisions.
A2	Lot 555 (No.42) Carter Street, Three Springs	Exhibition Centre	Any proposal for the use/development of the land will require a development application to be submitted for approval and the local government may advertise any proposal in accordance with Clause 64 of the deemed provisions.

(2) Despite anything contained in the zoning table, land that is specified in Table 5 to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

There are no restricted uses which apply to this Scheme.

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

21. Special use zones

(1) Schedule 3 sets out—

(a) special use zones for specified land that are in addition to the zones in the zoning table; and

(b) the classes of special use that are permissible in that zone; and

(c) the conditions that apply in respect of the special uses.

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

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

22. Non-conforming uses

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

(a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or

(b) the carrying out of development on land if—

(i) before the commencement of this Scheme, the development was lawfully approved; and

(ii) the approval has not expired or been cancelled.

(2) Subclause (1) does not apply if—

(a) the non-conforming use of the land is discontinued; and

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

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

(a) purchases the land; or

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

23. Changes to non-conforming use

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

(a) alter or extend a non-conforming use of land; or

(b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or

(c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or

(d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

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

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

(a) is less detrimental to the amenity of the locality than the existing non-conforming use; and

(b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

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

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

(a) a description of each area of land that is being used for a non-conforming use;

(b) a description of any building on the land;

(c) a description of the non-conforming use;

(d) the date on which any discontinuance of the non-conforming use is noted.

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

(a) must ensure that the register is kept up-to-date; and

(b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.

(3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

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

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

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

(2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.

(2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

(3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.

(4) The R-Codes apply to an area if—

(a) the area has a coding number superimposed on it in accordance with subclause (3); or

(b) a provision of this Scheme provides that the R-Codes apply to the area.

(5) The R-Codes can be applied in full or in part, in a provision of the Scheme.

26. Modification of R-Codes

There are no modifications to the R-Codes which apply to this Scheme.

27. Deleted

28. Deleted

29. Other planning codes to be read as part of Scheme

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

30. Modification of planning codes

There are no modifications to a planning code 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) Table 7 sets out requirements relating to development that are additional to those set out in the R-Codes or other planning codes listed under clause 29, precinct structure plans, local development plans or State or local planning policies.

Table 7—General development requirements that apply to land in Scheme area

No.	Description of Land	Requirement
1.	**All zones**	**General Development Standards and Requirements** 1) The development requirements relating to setbacks and landscaping are set out in Schedule 2—Setback and Landscaping Requirements. 2) All development generating wastewater shall connect to reticulated sewerage where available to the lot. Where reticulated sewerage is not available, appropriate effluent disposal systems are to be installed in accordance with the relevant State policy, to the satisfaction of the local government and/or the Department of Health. 3) Where a reticulated water supply is not available, the local government will require the provision of a potable water supply for domestic use of such quality as specified in the Australian Drinking Water Quality Guidelines (2004) and the provision of a separate water supply for land management and fire fighting purposes of combined minimum capacity as determined by the local government.
2.	**All zones**	**Use of Land between the Street Alignment and Front Building Setback** 1) Except where the R-Codes apply to the land, a person shall not use land between the street alignment and the front building setback except for one or more of the following purposes— (a) gardens and other landscaping; (b) access driveways; and (c) vehicle parking. **Landscaping** 2) The landscaping requirement referred to in Schedule 2—Setbacks and Landscaping Requirements refers to an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the local government natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however garbage collection and handling spaces and other open storage areas shall not be included.

No.	Description of Land	Requirement
		3) The local government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that require little maintenance. 4) Where a proposed development utilises less than 50 percent of the allowable site coverage, the local government may reduce the landscaping requirement, provided that the landscaping requirement shall be required proportionately as subsequent development occurs. 5) Landscaping required pursuant to this Scheme or pursuant to a conditional development approval shall be carried out prior to the occupation of the development or at such other time as agreed in writing by the applicant and the local government and maintained thereafter. **Outdoor Storage** 6) All outdoor areas used for the storage of motor vehicle bodies, timber, steel products or any other materials in connection with a commercial or industrial use, with the exception of those subject to Clause 5 of No. 9 of this Table, shall be screened from view from any public place by such means as determined by, and to the satisfaction of, the local government. **Development of Lots with more than One Street Frontage** 7) Where development is proposed on a lot that has more than one street frontage, and is not covered by the R-Codes, the local government shall decide which street is the primary street frontage for the purposes of Schedule 2—Setbacks and Landscaping Requirements and any other provisions of the Scheme.
3.	**All zones**	**Development on Land Without Constructed Legal Access** 1) Unless otherwise approved by the local government, no development shall occur on a lot unless it has legal road frontage and access to a suitably constructed road. 2) In considering an application to relax the requirements of subclause (1), the local government shall, in addition to the general matters set out in Clause 67 of the deemed provisions, give particular consideration to— (a) Any alternative legal means of access to the lot; and (b) The quality of any un-constructed road access provided to the lot; and (c) The costs and/or complexity involved in providing constructed road and/or legal road frontage; and (d) The type and quantity of traffic expected to be generated by the proposed development. 3) Vehicle access ways and circulation areas for all development, except single dwellings, ancillary accommodation and associated outbuildings, shall be designed so as to permit all vehicles, of a type that may reasonably be expected to visit the site on a regular basis, to enter and leave the site in a forward gear. **Vehicular Access for Commercial and Industrial Uses** 4) Where premises are to be used for any commercial and / or industrial purposes, provision must be made for access from the street to the building for the purpose of loading and unloading vehicles. Such access is to be designed in association with any on-site car parking provision and in a manner which does not interfere with the operation of any car parking area which permits vehicles using the same to return to the street in a forward gear. **Rear Access and Loading** 5) In considering any application for development approval the local government may require the provision of loading docks and / or rear access and may impose conditions concerning— (a) the size of loading docks; and (b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to exit the lot in forward gear.

No.	Description of Land	Requirement
4.	**All zones**	**Car Parking** 1) Car parking requirements are to be provided in accordance with Schedule 1—Car Parking Requirements, unless otherwise determined by the local government and shall be designed, constructed, and maintained to the satisfaction of the local government. 2) Where a particular use of land is not specified in Schedule 1, the local government shall determine the number of car parking spaces to be provided on the site having regard to the nature of the proposed development, the number of employees and visitors likely to be on the site, the need to keep roads and streets free of obstructions and the amenity of the area. 3) Where land is developed to accommodate a range of uses, the number of car parking spaces to be provided is to be calculated separately for each part of the land or building used for each use. 4) Notwithstanding (3) above when a landowner can demonstrate to the satisfaction of the local government that the uses will be generating parking demand at different times, the local government may permit a reciprocal parking to take place on the site. 5) Where the landowner can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in the calculations as car parking but not as landscaping, provided that the local government from time to time may require additional parking spaces be provided by the landowner up to the maximum number specified in Schedule 1. 6) The car parking spaces required under the provisions of the Scheme, shall measure not less than— (a) 90 degree parking—2.5m x 5.5m with 6m separating parallel rows for vehicle access; (b) 60 degree parking—2.8m x 5.6m per bay with 5m separating parallel rows for vehicle access; and (c) 45 degree parking—3.5 x 5.2m per bay with 3.7m separating parallel rows for one way vehicle access. 7) Where the local government is not satisfied with a development's car parking provision or that adequate car parking is to be provided in close proximity to a proposed development, notwithstanding Schedule 1, it may accept cash payment in lieu of the provision of car parking spaces subject to the following; (a) a cash in lieu payment shall not be less than the estimated cost to the owner of providing the car parking spaces otherwise required by the Scheme, plus the value as estimated by the local government of that area of land which would have been occupied by the car parking spaces; (b) the local government shall have already provided a public car park nearby or planning underway for providing a public car park area payments under this clause shall be deposited into a special fund to be used exclusively to provide and/or maintain car parks in the near vicinity.
5.	**All zones**	**Remnant Vegetation, Environmentally Significant Flora and Fauna** 1) Any development proposal likely to result in the clearing of remnant vegetation shall be referred to the Department of Water and Environmental Regulation for advice and/or the Department of Biodiversity, Conservation and Attractions, if likely to impact any threatened species or threatened ecological communities listed under the *Biodiversity Conservation Act 2016*. The proponent will be required to identify, assess, and put in place measures to protect environmentally significant remnant vegetation, threatened flora and/or threatened fauna. **Watercourses and Wetlands** 2) In considering any development which may have an impact on any waterway including waterways, estuaries, creeks, streams, drainage lines, lakes, soaks, swamps and other wetlands, the local government is to have regard to— (a) managing water balance; (b) maintaining and where possible enhancing water quality; (c) encouraging water conservation;

No.	Description of Land	Requirement
		(d) maintaining and where possible enhancing water related environmental values; and (e) maintaining and where possible enhancing recreational and cultural values. 3) The local government shall not permit— (a) the erection of any habitable building within 30 metres of the nearest definable bank of any watercourse; or (b) effluent disposal system on any land within 100 metres of a waterway or significant wetland. The separation distance should be measured outwards from the outer edge of riparian or wetland vegetation. **Flood Risk** 4) Developments in or adjacent to flood prone areas need to successfully demonstrate that adequate flood protection from a 100 year ARI flood event is in place, including having a finished floor level a minimum of 0.5m above the level of inundation for a 100 year ARI event as provided by the Department of Water and / or any other relevant government agency. 5) Flood protection measures are not to have a detrimental impact on the existing flooding regime of the general area or on the amenity of the locality. The local government may require the proponents to provide technical advice from an appropriately qualified person to demonstrate the suitability of the protection measures proposed.
6.	**All zones**	**Caretaker's Dwelling** 1) Only one caretaker's dwelling is permitted on a lot and that dwelling should be on the same lot as the associated use. 2) A caretaker's dwelling is to have a total floor area that does not exceed 60 square metres measured from the external face of the walls. 3) Open verandahs may be permitted but must not be enclosed by any means unless the floor area remains within the 60 square metres referred to in 2). 4) A caravan is not permitted as a caretaker's dwelling for either permanent or temporary accommodation. 5) The local government will not support the subdivision or development of land that will— (a) allow the caretaker's dwelling to be sold separately from the predominant use of the land; and (b) otherwise restrict the use of the land from being used for the purposes for which it is zoned under the Scheme.
7.	**All zones**	**Requirement for consultation to commence mining** 1) In considering proposals to commercially extract minerals, Council may exercise its discretion to inform the Minister for Mines and Petroleum and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.
8.	**Residential zone**	**Parking of Commercial Vehicles** 1) The local government may permit commercial vehicle parking on a lot in the Residential zone provided— (a) the amenity of the neighbourhood in the opinion of the local government is not adversely affected; (b) the vehicle forms an essential part of the occupation of the occupant of the dwellings; (c) the vehicle does not exceed either 3 metres in height or 12 metres in length; (d) any vehicle exceeding 8 metres in length is screened from public view; (e) no major repairs to the vehicle are undertaken and any minor repairs, service, or cleaning of any commercial vehicle or truck is undertaken in an area screened from public view. 2) Notwithstanding (1) above, only one commercial vehicle 6 metres in length or greater will be permitted per lot.
9.	**Commercial zone**	1) The local government may permit mixed use development within the Commercial zone, provided the residential component is built above or behind the commercial component.

No.	Description of Land	Requirement
10.	**General Industry and Light Industry zones**	1) When considering any application for development approval for any industrial use, the local government may— (a) Require the applicant to provide a report on such matters as the effect of the proposal on the air quality, the levels of dust and other airborne pollutants, the quality of the ground water, road traffic and the amenity of the area as well as other matters which in the opinion of the local government need to be addressed. (b) Consult and shall have regard to the advice of the Department of Health, the Department of Water and Environmental Regulation and the Environmental Protection Authority regarding any aspect of the proposal. 2) The maximum site coverage to be permitted for development on land zoned 'Light Industry' is 0.6:1. 3) The maximum site coverage to be permitted for development on land zoned 'General Industry' is 0.5:1. 4) The local government may vary the minimum setback to less than that shown in Schedule 2—Setbacks and Landscaping Requirements, subject to the application being publicly advertised as per clause 64 of the deemed provisions. 5) A person may display finished goods for sale in the street setback area of a subject site, subject to the display area being limited to a maximum of 25% of any street setback area.
11.	**Rural Townsite zone**	1) Where non-residential development is proposed in the Rural Townsite zone on or adjacent to land with an existing residential development, the local government shall have regard to the following when assessing an application for development approval— (a) the bulk, scale and height of the proposed building in relation to adjacent buildings; (b) the location of access ways, car parking, storage areas and waste disposal facilities; (c) the location of services including power, water and effluent disposal systems; and (d) the interface between non-residential and residential uses in accordance with State policy and other guidelines.
12.	**Rural zone**	**Additional Dwellings on Farms** 1) Notwithstanding any other provisions in the Scheme, the Council may grant approval for one (1) additional dwelling in the Rural zone provided that— (a) the total number of dwellings on the lot (including any ancillary accommodation) will not exceed three (3); and (b) the additional dwelling/s should generally be clustered in one location on the property with all relevant services shared. 2) The existence of more than one (1) dwelling on any lot zoned Rural shall not be construed as support for the subdivision of the lot. **Nutrient Run-off** 3) In considering applications for development approval, the local government— (a) shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, watercourse or underground aquifer; (b) may require no further clearing of vegetation; (c) shall prohibit stormwater from draining directly into existing water bodies or watercourses; and (d) may require all stormwater to be disposed of on-site.
13.	**Rural Residential and Rural Smallholdings zones**	Development in the Rural Residential and Rural Smallholdings Zones shall comply with the following requirements— 1) in order to conserve the rural environment or features of natural beauty, all trees shall be retained unless— (a) their removal is authorised by the local government; or (b) where such vegetation is dead or diseased; or (c) where the clearing is required for the purpose of a firebreak or other approved fire protection measure; or (d) for development within a building envelope and access to the envelope; or (e) for a fence.

No.	Description of Land	Requirement
		2) The local government will only support subdivision and / or development of land where an adequate sustainable potable water supply of at least 110,000 litres of water is provided for domestic use. 3) In considering applications for development approval, the local government shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, watercourse or underground aquifer. No stormwater will be permitted to drain directly into existing water bodies or watercourses, and is to be disposed of on-site. 4) Effluent disposal systems shall be designed, located and maintained in accordance with the relevant State policies, including minimum separation distances from watercourses, wetlands, bores, and groundwater, unless otherwise approved by the local government and/or Department of Health. 5) Advice may be sought from the Department of Primary Industries and Regional Development regarding the maximum livestock stocking rate and associated development controls.
14.	**Rural and Rural Smallholdings zones**	**Tourist Uses in Rural Areas** 1) Within the Rural or Rural Smallholdings zones, the local government may allow a range of accommodation and other tourist related uses subject to the zoning table, provided these do not conflict with the surrounding rural use of the land and impacts associated with the tourist use are contained on-site.

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes or other planning codes listed under clause 29, precinct structure plans, local development plans or a State or local planning policy the requirement referred to in subclause (1) prevails.

(3) To the extent that a requirement referred to in clause (33) is inconsistent with clause (32), the requirement referred to in clause (33) prevails.

33. Site specific development standards and requirements

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

(1) In this clause—

general development standards and requirements refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to use permissibilities contained in the zoning table and does not apply with respect to development which the R-Codes apply or any zone development requirements in clause 33.

(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 general 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 may—

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

(b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

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

(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and

(b) the non-compliance with the general development standard or 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 the Table 8. The provisions contained in a Special Control Area apply in addition to the provisions that apply to the underlying zone or reserve.

Table 8—Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
Special Control Area No.1— Public Drinking Water Source Protection (SCA 1)	To protect public drinking water source areas.	To ensure that land use and development within the identified Public Drinking Water Source Protection Areas (PDWSAs) is compatible with the protection and long term management of water resources for public water supply.	In determining land use and development proposals, the local government will have due regard to— 1) any relevant State government policies and the most relevant Department of Water and Environmental Regulation land capability tables for Public Drinking Water Source Areas; 2) any comments or recommendations from the Department of Water and Environmental Regulation may impose conditions to prevent or minimise the potential risk of groundwater contamination; and 3) the management direction provided by the priority classification of certain areas, noting that— (a) Priority 1 (P1) areas are defined and managed to ensure there is no degradation of water resources, and represents the highest level of protection; (b) Priority 2 (P2) areas are defined to ensure there is no increased risk of pollution to the water source the water source; and (c) Priority 3 (P3) areas are defined to manage the risk of pollution to the water source.
Special Control Area No. 2— Strategic Mineral Resource Protection (SCA2)	To protect Strategic Mineral Resource Protection areas	To ensure that land use and development within the identified Strategic Mineral Resource Protection Areas is compatible with the protection and long term management of mineral resources To ensure appropriate separation distances between inappropriate and incompatible development and existing or future basic raw materials sites.	In determining proposals, the local government is to have due regard to any comments or recommendations from the Department of Mines, Industry Regulation and Safety and may impose conditions to prevent or minimise the potential risk of land use conflicts.

Name of area	Purpose	Objectives	Additional provisions
Special Control Area No. 3—Waste Water Treatment Plant Separation (SCA3)	To ensure that the development and use of land is compatible with the Three Springs Waste Water Treatment Plant.	To determine suitable nominal separation distances around existing and proposed industrial uses prior to further detailed investigations in order to protect the amenity of sensitive land uses.	In determining proposals, the local government is to have due regard to the provisions of relevant State government policies including State Planning Policy 4.1 Industrial Interface
Special Control Area No. 4 Three Springs Refuse Disposal Site (SCA4)	To ensure that the development and use of land is compatible with the Three Springs Refuse Disposal Site	To determine suitable nominal separation distances around existing and proposed Refuse Disposal Site prior to further detailed investigations in order to protect the amenity of sensitive land uses.	In determining proposals, the local government is to have due regard to the provisions of relevant State government policies including State Planning Policy 4.1 Industrial Interface and advice from the Department of Environmental Regulation

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;

cabin means a building that—

(a) is an individual unit other than a chalet; and

(b) forms part of—

(i) tourist and visitor accommodation; or

(ii) a caravan park;

and

(c) if the unit forms part of a caravan park—is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

chalet means a building that—

(a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and

(b) forms part of—

(i) tourist and visitor accommodation; or

(ii) a caravan park;

and

(c) if the unit forms part of a caravan park—is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

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;

minerals has the meaning given in the *Mining Act 1978* section8(1);

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

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

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

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

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

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

(2) A word, expression or a category of land use that is not defined in this Scheme—

(a) has the same meaning it has in the Planning and Development Act 2005; or

(b) if not defined in that Act—has the same meaning as it has in the R-Codes.

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 pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;

art gallery means premises—

(a) that are open to the public; and

(b) where artworks are displayed for viewing or sale;

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

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 by retail goods and accessories by retail if—

(i) a large area is required for the handling, display or storage of the goods; or

(ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

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

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

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 two 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 300m^2 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;

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

(a) does not involve employing more than 2 people who are not members of the occupier's household; and

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 50m^2; and

(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and

(f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and

(g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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 $20m^2$; and

(d) does not involve the display on the premises of a sign with an area exceeding $0.2m^2$; 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 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 $100m^2$; and

(b) is operated by a person residing in the dwelling;

hospital means premises used as a hospital as defined in the *Health Services Act 2016* section 8(4).

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.

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

industry 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—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—rural means premises used for an industry that—

(a) supports and/or is associated with primary production; or

(b) services plant or equipment used in primary production;

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

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 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;

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

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;

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

reception centre means premises used for hosted functions on formal or ceremonial occasions;

recreation—private means premises that are—

(a) used for indoor or outdoor leisure, recreation or sport; and

(b) not usually open to the public without charge;

renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary;

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

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

(a) appropriate staffing to meet the nursing and personal care needs of residents

(b) meals and cleaning services

(c) furnishings, furniture and equipment.

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

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 / industry—cottage 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 200m^2; and

(d) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;

(e) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight; and

(f) does not display a sign exceeding 0.2 square metres in area;

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 modular home 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, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

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 and visitor accommodation—

(a) means a building, or a group of buildings forming a complex, that—

(i) is wholly managed by a single person or body; and

(ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and

(iii) may include on-site services and facilities for use by guests; and

(iv) in the case of a single building—contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;

and

(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

(c) does not include any of the following—

(i) an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);

(ii) a caravan park;

(iii) hosted short-term rental accommodation;

(iv) a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1);

(v) a park home park;

(vi) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1);

(vii) a road house;

(viii) workforce accommodation;

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

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

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

workforce accommodation means premises, which may include modular and relocated 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 A—SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

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

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

(a) the works are of a class specified in Column 1 of an item in Table 9; and

(b) if conditions are set out in Column 2 of Table 9 opposite that item—all of those conditions are satisfied in relation to the works

Table 9

Exemption No.	**Column 1 Works**	**Column 2 Conditions**
1	The erection of, or alterations or additions to, a single house on a lot.	(a) where in the Rural zone; and (b) where the Scheme development standards and requirements for the zone are satisfied; and (c) the development is not located in a place that is— i. a heritage-protected place; or ii. abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve; or iii. within 100m of any natural waterway.
2	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house— (a) ancillary dwelling (b) outbuilding; (c) external fixture; (d) boundary wall or fence; (e) patio; (f) pergola; (g) verandah; (h) deck; (i) garage; (j) carport.	(a) where in the Rural zone; and (b) where the Scheme development standards and requirements for the zone are satisfied; and (c) the development is not located in a place that is— i. a heritage-protected place; or ii. within 100m of any natural waterway.
3	The erection of, or alterations or additions to, a single house on a lot.	(a) where in the Rural Townsite zone; and (b) where the Scheme development standards and requirements for the zone are satisfied; and (c) the development is not located in a place that is— i. a heritage-protected place; or ii. within 100m of any natural waterway.

Exemption No.	Column 1 Works	Column 2 Conditions
4	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house— (a) ancillary dwelling (b) outbuilding; (c) external fixture; (d) boundary wall or fence; (e) patio; (f) pergola; (g) verandah; (h) deck; (i) garage; (j) carport.	(a) where in the Rural Townsite zone; and (b) where the Scheme development standards and requirements for the zone are satisfied; and (c) the development is not located in a place that is— i. a heritage-protected place; or ii. within 100m of any natural waterway.

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

(i) the use of land in a reserve, where such land is owned or vested in the local government or a public authority, and the use is—

(a) for the purpose for which the land is reserved under this Scheme; or

(b) for any purpose for which such land may be lawfully used by the local government or the public authority.

SCHEDULE 1—CAR PARKING REQUIREMENTS

Use Class	Car Parking Spaces Required
Aged or Dependent Persons Dwelling	As per R-Codes
Agriculture—Extensive	1 per employee
Agriculture—Intensive	1 per employee
Amusement Parlour	1 per 20 square metres of GLA
Animal Establishment	1 per employee
Animal Husbandry—Intensive	1 per employee
Betting Agency	1 per 20 square metres of GLA
Bulky Goods Showroom	1 per 50 square metres of GLA
Caravan Park	1 per caravan site + 1 visitor bay for every 5 caravan sites
Caretaker's Dwelling	1 per dwelling
Child Care Premises	1 for every 5 children
Cinema / Theatre	1 per 4 seats
Consulting Rooms	4 per Practitioner
Convenience Store	1 per 20 square metres of GLA
Education Establishment	Primary—1 per classroom Secondary—1 per classroom + 1 for every 15 "Year 12" students Other—1 per classroom or teaching room + 1 for every 4 students
Family Day Care	As per the R-Codes requirement for a dwelling
Fast Food Outlet	1 per 20 square metres of GLA
Fuel Depot	1 per 200 square metres of GLA and outdoor storage area
Funeral Parlour	1 per 40 square metres of GLA administration areas + 1 for every 4 seats of public seating area
Garden Centre	1 per 100 square metres of sales and display area
Home Business	1 per employee not members of the occupier's household in addition to R-Codes requirement for a dwelling
Home Office	As per the R-Codes requirement for a dwelling
Home Store	1 per 20 square metres of GLA
Hospital	1 for every 4 beds + 1 per employee
Hosted Short-Term Rental Accommodation	1 per bedroom in addition to the R-Codes requirement for dwelling

Use Class	Car Parking Spaces Required
Hotel	1 per bedroom + 1 for every 4 square metres of publicly accessible lounge and bar area
Industry—Extractive	1 per employee
Industry	1 per 100 square metres of GLA
Industry—Light	1 per 50 square metres of GLA
Industry—Rural	1 per 20 square metres of GLA
Lunch Bar	1 per 20 square metres of GLA
Market	3 per stall or 1 per 20 square metres of stall areas, whichever is the greater
Medical Centre	4 per practitioner
Mining Operations	1 per employee
Motor Vehicle, Boat or Caravan Sales	1 per 100 square metres of sales and display area
Motor Vehicle Repair	2 per workshop bay + 1 per employee
Motor Vehicle Wash	1 per wash bay
Multiple Dwelling	As per R-Codes
Nightclub	1 per 4 square metres of publicly accessible lounge and bar area
Office	1 per 40 square metres of GLA (excludes bank, building society, post office)
Place of Worship	1 for every 4 seats
Reception Centre	1 for every 4 seats
Residential Building	1 per bedroom
Restaurant/Cafe	1 per 4 square metres of publicly accessible bar and eating area
Restricted Premises	1 per 20 square metres of GLA
Rural Home Business / Industry—Cottage	1 visitor bay in addition to R-Codes requirement for a dwelling
Rural Pursuit / Hobby Farm	1 per employee
Service Station	2 per workshop bay + 1 per employee
Shop	1 per 20 square metres of GLA
Single House	As per R-Codes
Tavern	1 per 4 square metres of publicly accessible lounge and bar area
Trade Display	1 per 100 square metres of sales and display area
Transport Depot	1 per 200 square metres of GLA and outdoor storage area
Veterinary Centre	4 per practitioner
Warehouse/Storage	1 per 200 square metres of GLA and outdoor storage area
Winery	1 per 4 square metres of publicly accessible bar and eating area

NOTES—

(1) GLA—Gross Leasable Area means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

(2) In addition to car parking spaces the local government may require tourist bus and coach parking.

SCHEDULE 2—SETBACK AND LANDSCAPING REQUIREMENTS

Zone	Minimum Setbacks[1]	Landscaping (% of site)
Residential	As per R-Codes	As per R-Codes
Commercial	Front / Street—Nil Side—Nil Rear—see Note 2	N/A
Light Industry	Front / Street—7.5m Side—Nil Rear—5m	10%
General Industry	Front / Street—9m Side—Nil Rear—Nil	10%
Rural Residential	Front / Street—10m Side—5m Rear—10m	N/A
Rural Smallholding	Front / Street—10m Side—10m Rear—20m	N/A
Rural	Front / Street—20m Side—10m Rear—20m	N/A
Rural Townsite	Residential uses as per the R-Codes. Non-residential uses are per the following— Front/ Street—7.5m Side—see Note 2 Rear—6m	Non-residential uses are to have a minimum 10% landscaping.

NOTES—

(1) Notwithstanding the minimum setbacks prescribed in Schedule 2, the front/street setback for any development on a lot adjacent to the Midlands Road, outside of a gazetted townsite, shall be 40m.

(2) The minimum setback is to be the same as for a residential development assessed under the provisions of the R-Codes based on the height, length and openings in the wall/s adjacent to the boundary.

(3) N/A means not applicable.

SCHEDULE 3—SPECIAL USE ZONES

No.	Description of Land	Special Use	Conditions
SU1	Lot 224 Carter Street, Three Springs	Tourist and Visitor Accommodation.	Development is not permitted unless the local government has exercised its discretion by granting planning approval
SU2	Lot 245 Christie Street and Lot 246 Williamson Street, Three Springs	D Uses— • Unhosted Short-Term Rental Accommodation. • Recreation-Private. • Tourist and Visitor Accommodation. • Caretaker's Dwelling.	Development is not permitted unless the local government has exercised its discretion by granting planning approval
SU3	Part Lot 10 and Lot 238 Glyde Street, Three Springs	I Uses— • Caretaker's Dwelling. • Car Park. • Office. • Restaurant/ Café. D uses— • Market. • Workforce Accommodation. • Caravan Park. • Park Home Park. • Tourist and Visitor Accommodation.	Development is not permitted unless the local government has exercised its discretion by granting planning approval

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the **Shire of Three Springs** at the Ordinary Meeting of Council held on the 26 July 2023.

MARK DACOMBE, Chief Executive Officer.
N. EVA, President.

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to **support** approval of the draft Scheme of the **Shire of Three Springs** at the Ordinary Meeting of Council held on the 26 February 2025.

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

MARK DACOMBE, Chief Executive Officer.
N. EVA, President.

WAPC Recommended for Approval

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

A D'COSTA.
Date: 17 September 2026.

Approval Granted

J. CAREY, Minister for Planning.
Date: 02 November 2026.