

# **Shire of Boddington**

## **Local Planning Scheme No. 3**

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As Gazetted 11<sup>th</sup> June 2021

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazetted  
11<sup>th</sup> June 2021

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## SCHEME TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
	11/6/2021	21/6/2021	MLD	New Scheme LPS 3

## **Scheme Details**

Shire of Boddington Local Planning Scheme No. 3

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

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# **PART 1 - PRELIMINARY**

## **1. CITATION**

This local planning scheme is the Shire of Boddington 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 Scheme is revoked:  
Local Planning Scheme No.2 gazetted on 21 February 1997.

## **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. RESPONSIBLE AUTHORITY**

The Shire of Boddington 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**

The Scheme applies to the area shown on the Scheme Map which comprises sheets 1-6.

## **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; and
  - c) the Scheme Map (sheets 1 – 6);
- (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 the Scheme are to:

- (a) set out the local government's planning aims and intentions for the Scheme area;
- (b) set aside land reserved 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 to 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 set out in Schedule 7 of the *Planning and Development Act 2005*.

## 9. AIMS OF THE SCHEME

The aims of the Scheme are to:

- (a) encourage, direct and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well-being of the community, and the amenity of the area;
- (b) promote sustainable development that integrates consideration of economic, social and environmental goals for the Scheme area;
- (c) provide a sufficient supply of serviced and suitable land for housing, rural living, commercial and industrial activities, community facilities, recreation and open space;
- (d) assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourist development, as well as providing opportunities for home-based employment;
- (e) seek to minimise land use conflict between current mining activities and areas identified as being prospective for minerals with sensitive land uses;
- (f) maximise the local benefit of mining activities that occur within the Scheme area;
- (g) support rational decisions being made in regard to land use and that the assessment and classification of land resources is made on the basis of land capability and land suitability;
- (h) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;
- (i) appropriately take account of flooding, fire and other risks;
- (j) maintain and protect valuable areas of agricultural production and conserve its non-urban character whilst accommodating other complementary rural activities;
- (k) retain the primacy of the Boddington town centre as the commercial and cultural centre of the Scheme area;
- (l) promote appropriately located and designed tourist development;
- (m) encourage an efficient use of existing infrastructure and an increased usage of sustainable energy sources;
- (n) conserve existing local Aboriginal and historic heritage;
- (o) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme area through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;
- (p) improve the management of the natural resources of the Scheme Area;

- (q) conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme area and its environs by ensuring that land use and development is undertaken sustainably with biodiversity values at the fore-front of decision-making;
- (r) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity, and environmental and heritage values;
- (s) improve the means of access into and around the Scheme area and to ensure the safe and convenient movement of people including pedestrians, cyclists and motorists;
- (t) provide for the growth of the Boddington and Ranford townsites and nearby rural living areas in a land use pattern which reduces pressure to convert agricultural land to non-agricultural uses;
- (u) guide the location of urban, rural residential and rural smallholding subdivision/development in order to:
  - (i) minimise impacts on rural land;
  - (ii) protect and enhance the rural landscape and environmental values;
  - (iii) recognise the potential for environmental repair and ensure its enhancement and management in subdivision and development proposals;
  - (iv) be appropriately serviced in a sustainable manner that does not place inappropriate demands on the local government or servicing authorities in terms of upgrading or maintaining services; and
  - (v) avoid impacting mineral resources (noting that there is a need for sequential land use of extracting minerals, where possible, prior to subdivision and intensive development);
  - (vi) provide guidance and controls for future residential, rural residential, rural small holding, commercial, industrial and tourist development within the municipality;
  - (vii) assist in the effective implementation of State and region plans, strategies and policies;
  - (viii) adopt a set of Local Planning Policies which will achieve the stated objectives.

#### **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 Boddington which apply to the Scheme area.

#### **12. RELATIONSHIP WITH REGION PLANNING SCHEME**

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



## PART 2 - RESERVES

### 13. REGIONAL RESERVES

There are no regional reserves in the Scheme area.

### 14. LOCAL RESERVES

(1) In this clause -

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

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

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

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

**Table 1 - Reserve objectives**

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> <li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li> <li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> </ul>
State Forest	<ul style="list-style-type: none"> <li>To identify areas of State Forest.</li> </ul>
Primary Distributor Road	<ul style="list-style-type: none"> <li>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.</li> </ul>
Local Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.</li> </ul>
Local Road	<ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>
Drainage/Waterway	<ul style="list-style-type: none"> <li>To set aside land required for significant waterways and drainage.</li> </ul>
Public Purposes	<ul style="list-style-type: none"> <li>To provide for a range of essential physical and community infrastructure.</li> </ul>
Civic and Community	<ul style="list-style-type: none"> <li>To provide for a range of community facilities which are compatible with surrounding development.</li> <li>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.</li> </ul>

Medical Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential medical services.</li> </ul>
Infrastructure Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential infrastructure services.</li> </ul>
Education	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential education facilities.</li> </ul>
Emergency Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential emergency services.</li> </ul>
Government Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of government services.</li> </ul>
Cemetery	<ul style="list-style-type: none"> <li>To set aside land required for a cemetery.</li> </ul>

#### **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"> <li>To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
Rural Residential	<ul style="list-style-type: none"> <li>To provide for lot sizes in the range of 1 ha to 4 ha.</li> <li>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.</li> <li>To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Rural Smallholdings	<ul style="list-style-type: none"> <li>To provide for lot sizes in the range of 4 ha to 40 ha.</li> <li>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.</li> <li>To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Rural	<ul style="list-style-type: none"> <li>To provide for the maintenance or enhancement of specific local rural character.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>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.</li> <li>To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul>

Zone name	Objectives
General Industry	<ul style="list-style-type: none"> <li>• 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.</li> <li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>• Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
Tourism	<ul style="list-style-type: none"> <li>• To promote and provide for tourism opportunities.</li> <li>• To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.</li> <li>• To allow limited residential uses where appropriate.</li> <li>• To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.</li> </ul>
Environmental Conservation	<ul style="list-style-type: none"> <li>• To identify land set aside for environmental conservation purposes</li> <li>• to provide for the preservation, maintenance, restoration or sustainable use of the natural environment</li> </ul>
Special Use	<ul style="list-style-type: none"> <li>• To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> <li>• To enable the Council to impose specific conditions associated with the special use.</li> </ul>

## 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	Commercial	General Industry	Tourism	Environmental Conservation	Special Use
Abattoir	X	X	X	A	X	X	X	X	As specified in Table 4
Agriculture – extensive	X	D	P	P	X	X	X	D	
Agriculture – intensive	X	A	D	P	X	X	X	D	
Amusement parlour	X	X	X	X	D	A	A	X	
Animal establishment	X	A	A	D	X	A	X	X	
Animal husbandry – intensive	X	X	A	D	X	X	X	X	
Art gallery	X	A	A	A	D	D	D	A	
Bed and Breakfast	A	A	A	A	D	X	D	A	
Betting agency	X	X	X	X	D	X	X	X	
Brewery	X	A	A	A	A	A	D	X	
Bulky goods showroom	X	X	X	X	A	A	X	X	
Caravan park	X	X	A	A	X	X	D	X	
Car park	X	X	X	X	D	P	P	X	
Child care premises	A	X	X	X	A	X	A	X	
Cinema/theatre	X	X	X	X	D	X	A	X	
Civic use	A	D	D	D	D	D	D	D	
Club premises	X	X	A	A	D	A	A	X	
Commercial vehicle parking	D	D	D	P	D	D	D	D	
Community purpose	A	A	A	A	D	A	A	X	
Consulting rooms	A	X	X	X	D	X	X	X	
Convenience store	X	X	X	X	D	A	A	X	
Corrective institution	X	X	X	A	X	X	X	X	
Dwellings:									
- ancillary dwelling	P	D	D	D	D	X	D	D	
- caretaker's dwelling	X	X	X	D	D	I	D	X	
- single house	P	P	P	P	D	X	D	D	
- grouped dwelling	D	X	X	X	D	X	X	X	
- multiple dwelling	D	X	X	X	D	X	X	X	
- residential building	A	X	A	A	D	X	X	X	
Educational establishment	X	X	A	A	D	X	X	X	
Exhibition centre	X	A	A	A	D	A	A	A	
Family day care	A	A	D	D	D	X	A	X	
Fast food outlet	X	X	X	X	D	X	X	X	
Fuel depot	X	X	X	A	X	A	X	X	
Funeral parlour	X	X	X	X	D	D	X	X	
Garden centre	X	A	A	D	D	D	X	X	
Holiday accommodation	A	A	A	A	D	X	D	X	
Holiday house	A	A	A	D	D	X	D	A	
Home business	A	A	D	D	D	X	A	A	
Home occupation	D	D	D	D	P	X	D	D	
Home office	P	P	P	P	P	X	P	P	
Home store	X	X	A	A	D	X	A	X	
Hospital	X	X	X	X	D	X	X	X	

USE AND DEVELOPMENT CLASS	ZONES								
	Residential	Rural-Residential	Rural Smallholdings	Rural	Commercial	General Industry	Tourism	Environmental Conservation	Special Use
Hotel	X	X	X	X	A	X	A	X	
Industry	X	X	X	A	X	D	X	X	
Industry – cottage	A	A	D	D	D	D	A	D	
Industry – extractive	X	X	X	A	X	X	X	X	
Industry – light	X	X	X	A	X	D	X	X	
Industry – primary production	X	X	A	A	X	D	X	X	
Industry – rural	X	X	A	A	X	D	X	X	
Industry – service	X	X	X	A	X	D	X	X	
Liquor store – large	X	X	X	X	A	X	X	X	
Liquor store – small	X	X	X	X	D	X	A	X	
Lunch bar	X	X	X	X	D	D	X	X	
Market	X	X	A	A	D	A	A	X	
Medical centre	X	X	X	X	D	X	X	X	
Mining operations	A	A	D	D	A	D	A	A	
Motel	X	X	X	X	D	X	D	X	
Motor vehicle, boat or caravan sales	X	X	X	X	D	D	X	X	
Motor vehicle repair	X	X	X	A	X	D	X	X	
Motor vehicle wash	X	X	X	X	A	D	X	X	
Nightclub	X	X	X	X	A	A	X	X	
Office	X	X	X	X	D	I	X	X	
Park home park	A	X	X	X	X	X	A	X	
Place of worship	A	A	A	A	D	A	X	X	
Reception centre	X	X	A	A	D	X	D	X	
Recreation – private	X	X	A	A	D	A	D	X	
Renewable energy facility	X	X	X	A	X	X	X	X	
Repurposed dwelling	D	D	D	D	D	X	D	D	
Residential aged care facility	A	X	X	X	D	X	X	X	
Resource recovery facility	X	X	X	A	X	A	X	X	
Restaurant/cafe	X	X	A	A	D	X	D	X	
Restricted premises	X	X	X	X	X	A	X	X	
Roadhouse	X	X	X	A	A	A	A	X	
Rural home business	X	X	D	D	X	X	X	X	
Rural pursuit/hobby farm	X	P	P	P	X	X	D	D	
Second hand dwelling	D	D	D	D	D	X	D	D	
Serviced apartment	X	X	X	X	D	X	D	X	
Service station	X	X	X	A	A	A	A	X	
Shop	X	X	X	X	D	X	A	X	
Small Bar	X	X	X	X	A	X	A	X	
Tavern	X	X	X	A	A	X	A	X	
Telecommunications infrastructure	D	D	D	D	D	D	D	D	
Tourist Development	X	X	A	A	D	X	D	X	
Trade display	X	X	A	D	D	D	X	X	
Trade supplies	X	X	A	D	D	D	X	X	
Transport depot	X	X	A	D	A	D	X	X	
Tree farm	X	X	A	D	X	X	X	A	
Veterinary centre	X	X	A	A	D	D	X	X	
Warehouse/storage	X	X	X	X	D	D	X	X	

USE AND DEVELOPMENT CLASS	ZONES								
	Residential	Rural-Residential	Rural Smallholdings	Rural	Commercial	General Industry	Tourism	Environmental Conservation	Special Use
Waste disposal facility	X	X	X	X	X	X	X	X	
Waste storage facility	X	X	X	X	X	X	X	X	
Winery	X	A	A	D	X	X	A	X	
Workforce accommodation	A	X	X	A	X	X	X	X	

## 18. INTERPRETING ZONING TABLE

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

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

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

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

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

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

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

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 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.

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

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

- a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
  - c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
- a) a structure plan;
  - b) a local development plan.

## 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	Lots 301, 302, 303, 304, 305 and 306 Forrest Street, Boddington	Structure plan area for Subdivision and Development in accordance with the Residential zone, Rural Residential zone, Rural Smallholding zone, Public Purpose reserve and Public Open Space reserve.  In addition to the uses permissible in the above zones under the zoning table, 'park home park' is an 'A' use.	1. Lifestyle village developments generally exist under tenure arrangements which consist of singular ownership with residents occupying their dwellings via leasehold. Development is generally configured and serviced in a manner which cannot meet the requirements of the Residential Design Codes. Due to these factors, this form of development cannot be assessed as a form of



No.	Description of land	Special use	Conditions
			<p>development defined by the Residential Design Codes. Accordingly, development proposals for lifestyle villages are to be assessed as 'park home park'.</p> <ol style="list-style-type: none"> <li>2. Subdivision and development should be generally in accordance with a Structure Plan approved by the Western Australian Planning Commission.</li> <li>3. An Urban Water Management Plan is to be prepared to the satisfaction of the local government and the Department of Water and Environmental Regulation and implemented prior to the creation of titles.</li> <li>4. A Bushfire Management Plan is to be prepared prior to subdivision being supported.</li> <li>5. The structure plan is to detail how the design requirements for buildings should be addressed to ensure that all buildings are compatible with and contribute to the desired amenity of the locality, including whether the preparation of any subsequent planning instruments is required.</li> <li>6. No trees or substantial vegetation shall be removed or felled except where:               <ol style="list-style-type: none"> <li>(a) trees are dead, diseased or dangerous; or</li> <li>(b) access to a building site or for bush fire management is required and approved; or</li> <li>(c) erection of a building or outbuilding; or</li> <li>(d) an area up to one metre in width for the purpose of erecting and maintaining a fence line; or</li> <li>(e) a clearing permit has been issued or the clearing is exempt from requiring a clearing permit.</li> </ol> </li> </ol>

No.	Description of land	Special use	Conditions
			<p>7. The removal of trees or substantial vegetation for any purpose other than the above exceptions shall require the consent of the local government. As a condition of granting consent, the local government may require tree planting in locations approved by the local government.</p> <p>8. All development to comply with the provisions set out in Table 5 which are applicable to the zones specified by any structure plan, and/or any other planning instrument prepared under this scheme to the satisfaction of the local government, including a local planning policy or design guideline which applies to the land.</p>
SU2	Lots 21, 22 and 23 Crossman Road, Ranford	Structure plan area for Subdivision and Development in accordance with the Residential zone, Rural Residential zone, Public Purpose reserve and Public Open Space reserve.	<p>1. Subdivision should generally be in accordance with a Structure Plan approved by the Western Australian Planning Commission.</p> <p>2. Connection to reticulated water is required for all lots.</p> <p>3. No more than one dwelling will be permitted on each lot.</p> <p>4. Where depicted on the Structure Plan, all buildings are to be located outside of the designated building exclusion zones and not within 10 metres of the front lot boundary and 5 metres from side boundaries.</p> <p>5. In the interest of landscape and soil preservation, no trees or substantial vegetation shall be removed or felled except where:</p> <ul style="list-style-type: none"> <li>(a) trees are dead, diseased or dangerous; or</li> <li>(b) access to a building site or for bush fire management is required and approved; or</li> <li>(c) erection of a building or outbuilding; or</li> <li>(d) an area up to one metre in width for the purpose of</li> </ul>

No.	Description of land	Special use	Conditions
			<p>erecting and maintaining a fence line; or</p> <p>(e) a clearing permit has been issued or the clearing is exempt from requiring a clearing permit.</p> <p>6. The removal of trees or substantial vegetation for any purpose other than the above exceptions shall require the consent of the local government. As a condition of granting consent, the local government may require tree planting in locations approved by the local government.</p> <p>7. The 10 metre wide Landscape Buffer strip nominated along Crossman Road as shown on the Structure Plan is to be planted with locally indigenous vegetation species by the developer at the time of subdivision and maintained for two summer periods.</p> <p>8. Vegetation shown for retention on the Structure Plan is not permitted to be removed.</p> <p>9. A Vegetation Management Plan shall be prepared and implemented as a condition of subdivision approval to the satisfaction of the local government.</p> <p>10. A Bushfire Management Plan is to be prepared prior to subdivision being supported.</p> <p>11. No dwelling shall be constructed or approved for construction unless provided with an effluent disposal system approved by the local government and/or the Department of Health.</p> <p>12. An Urban Water Management Plan is to be prepared to the satisfaction of the Department of Water and Environmental Regulation prior to any subdivision approval of the subject land.</p>

No.	Description of land	Special use	Conditions
			<p>13. The structure plan is to detail how the design requirements for buildings should be addressed to ensure that all buildings are compatible with and contribute to the desired amenity of the locality, including whether the preparation of any subsequent planning instruments is required.</p> <p>14. All fencing within the Special Use zone shall retain the rural character of the area and the use of asbestos, metal sheeting or wooden pickets shall be prohibited. The local government may impose fencing requirements as a condition of its approval to protect substantial vegetation or the river environs.</p> <p>15. With the intention of preventing overstocking, erosion or other practices detrimental to the amenity of the land, the land uses 'agriculture – intensive', 'animal establishment' and 'animal husbandry – intensive' shall not be permitted. Stocking rates will be in line with those recommended by the Department of Primary Industries and Regional Development. Provision of an adequate water supply to the stock may also be required as a condition of approval.</p> <p>16. A Foreshore Management Plan addressing, but not restricted to, weed control, revegetation, fencing, stock control, pedestrian access and restrictions on vehicular access shall be prepared and implemented as a condition of subdivision approval.</p> <p>17. A dual use path between River Road and the subject land is to be provided, generally in the location depicted on the Structure Plan, to the satisfaction of the local government.</p>

No.	Description of land	Special use	Conditions
			18. All development to comply with the provisions set out in Table 5 which are applicable to the zones specified by any structure plan, and/or any other planning instrument prepared under this scheme to the satisfaction of the local government, including a local planning policy or design guideline which applies to the land.
SU3	Part Lot 2 Gold Mine Road, Boddington	<p>Mining Camp.</p> <p>The following uses are 'D' uses:</p> <ul style="list-style-type: none"> <li>• Workforce accommodation</li> <li>• Ancillary uses.</li> </ul>	Any new development, other than for outbuildings, and all changes of use require development approval.
SU4	<p>Lot 2, 10 and 11 on Plan 2767; Lot 68 on Deposited Plan 36563; and Lot 123 on Diagram 10744,</p> <p>Albany Highway, Bannister</p>	<p>Agri-Industry Precinct.</p> <p>The following uses are 'D' uses:</p> <ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Agriculture-intensive</li> <li>• Animal husbandry intensive</li> <li>• Commercial vehicle parking</li> <li>• Fuel depot</li> <li>• Industry</li> <li>• Industry-extractive</li> <li>• Industry-primary production</li> <li>• Industry-rural</li> <li>• Mining operations</li> <li>• Renewable energy facility</li> <li>• Resource recovery centre</li> <li>• Roadhouse</li> <li>• Service station</li> <li>• Tree farm</li> <li>• Telecommunications infrastructure</li> <li>• Transport depot</li> <li>• Warehouse/storage</li> <li>• Waste disposal facility</li> <li>• Waste storage facility.</li> </ul> <p>The following uses are 'P' uses:</p> <ul style="list-style-type: none"> <li>• Agriculture-extensive.</li> </ul> <p>The following are 'I' uses:</p>	<p>1. All new development is to be provided with an appropriate means of legal and practical vehicular access to the satisfaction of the local government.</p> <p>2. Land uses which propose:</p> <p>(a) the composting of organic wastes through a process of pasteurization and microbiological transformation under aerobic and thermophilic conditions into compost, mulch or manure, including animal and liquid organic wastes, but not any liquid wastes classed as Listed Waste, Radioactive Waste or Hazardous Waste; and/or</p> <p>(b) the disposal and/or storage for later recovery and off-site reprocessing of residues or waste generated by or resulting from mining operations,</p> <p>are deemed, where applicable, to fall under the following definitions:</p> <ul style="list-style-type: none"> <li>• Resource recovery centre;</li> <li>• Waste disposal facility; and</li> <li>• Waste storage facility.</li> </ul>

No.	Description of land	Special use	Conditions
		<ul style="list-style-type: none"> <li>• Caretaker's dwelling</li> <li>• Office.</li> </ul> <p>Other uses not listed in the zoning table which are determined as being potentially suitable by the local government for the Agri-Industry Precinct are an 'A' use.</p>	<p>Accordingly, in SU4, the local government shall consider any development application for such a use consistent with the permissibility specified.</p> <p>Note: The abovementioned land uses are subject to regulation and enforcement under the <i>Environmental Protection Act 1986</i>.</p> <p>3. Any proposal for a caretaker's dwelling on a lot shall comply with the additional requirements set out for caretaker's dwellings in the General Industry zone under Table 5 – Additional requirements that apply to land in Scheme area.</p>

- (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 -
- 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
  - the carrying out of development on land if -
    - before the commencement of this Scheme, the development was lawfully approved; and
    - the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if -
- the non-conforming use of the land is discontinued; and
  - 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 -
- purchases the land; or
  - pays compensation to the owner of the land in relation to the non-conforming use.

## **23. CHANGES TO NON-CONFORMING USE**

- (1) A person must not, without development approval-
  - a) alter or extend a non-conforming use of land; or
  - b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
  - c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
  - d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1) d) if, in the opinion of the local government, the proposed use –
  - a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
  - b) is closer to the intended purpose of the zone in which the land is situated.

## **24. REGISTER OF NON-CONFORMING USES**

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
  - a) a description of each area of land that is being used for a non-conforming use;
  - b) a description of any building on the land;
  - c) a description of the non-conforming use;
  - d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government -
  - a) must ensure that the register is kept up-to-date; and
  - b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3) b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

## **PART 4: GENERAL DEVELOPMENT REQUIREMENTS**

### **25. R-CODES**

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if –
  - a) the area has a coding number superimposed on it in accordance with subclause (3); or
  - b) a provision of this Scheme provides that the R-Codes apply to the area.

### **26. MODIFICATION OF R-CODES**

There are no modifications to the R-Codes.

### **27. STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME**

- (1) State Planning Policy 3.6 - Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

### **28. MODIFICATION OF STATE PLANNING POLICY 3.6**

There are no modifications to State Planning Policy 3.6.

### **29. OTHER STATE PLANNING POLICIES TO BE READ AS PART OF SCHEME**

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. ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

- (1) Table 5 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

**Table 5 - Additional requirements that apply to land in Scheme area**

No.	Description of Land	Requirement											
1	Residential zone	<p>(a) Non-residential development shall meet the following site requirements:</p> <table><tr><th rowspan="2">Maximum Plot Ratio</th><th colspan="3">Minimum Setback (metres)</th></tr><tr><th>Front</th><th>Side</th><th>Rear</th></tr><tr><td>0.5</td><td>6</td><td>Nil one side (average 3)</td><td>5</td></tr></table> <p>(b) Where land in the Residential zone has an R-Coding and where the land is not subject to a Special Control Area, a coding of R60 shall apply where development is for the purpose of aged and dependent persons' dwellings. This is subject to the development being provided with a reticulated sewerage connection.</p>	Maximum Plot Ratio	Minimum Setback (metres)			Front	Side	Rear	0.5	6	Nil one side (average 3)	5
Maximum Plot Ratio	Minimum Setback (metres)												
	Front	Side	Rear										
0.5	6	Nil one side (average 3)	5										
2	Rural Residential zone	<p>(a) Subdivision and development shall generally be in accordance with an approved Structure Plan.</p> <p>(b) Development for non-residential purposes will generally not be granted development approval on any lot within the Rural Residential zone, unless a single dwelling exists on the lot, or is to be constructed as the first stage of the development proposal.</p> <p>(c) Unless otherwise specified by an approved structure plan or local development plan, the building setbacks from lot boundaries shall be a minimum of:</p> <p>(i) 15 metres from road boundaries;</p> <p>(ii) 10 metres from other boundaries; and</p> <p>(iii) 50 metres from a boundary with State Forest, or reserved land managed for conservation purposes.</p> <p>(d) Where a lot has frontage to two roads, the local government may at its discretion reduce the setback requirement to the secondary frontage to a minimum of 10 metres.</p> <p>(e) A reduction of the setbacks requirements may be permitted where, in the opinion of the local government, the topography, soil conditions, location or shape of the lot are such as to make adherence to the setback impractical, and the proposal otherwise meets the requirements of the Scheme.</p> <p>(f) Boundary fencing within the zone shall be post and minimum four strand wire, 1.0 to 1.3 metres high, or post and ring lock or similar approved by the local government. Solid fencing such as super six or pickets shall not be permitted on boundaries and shall only be permitted in proximity to buildings where the local government determines that it will not adversely affect the amenity of the area.</p>											
3	Rural Smallholdings zone	<p>(a) Subdivision and development shall generally be in accordance with an approved Structure Plan.</p>											

No.	Description of Land	Requirement
		<p>(b) Land uses for non-residential purposes are not to be undertaken on any lot within the Rural Smallholdings zone, unless a dwelling exists on the lot or the development of a dwelling is substantially commenced.</p> <p>(c) Unless otherwise specified by an approved structure plan or local development plan, building setbacks from lot boundaries shall be a minimum of:</p> <ul style="list-style-type: none"> <li>(i) 20 metres from road boundaries;</li> <li>(ii) 15 metres from other boundaries; and</li> <li>(iii) 50 metres from a boundary with State Forest, or reserved land managed for conservation purposes.</li> </ul> <p>(d) Where a lot has frontage to two roads, the local government may at its discretion reduce the setback requirement to the secondary frontage to a minimum of 15 metres.</p> <p>(e) A reduction of the setbacks requirements may be permitted where, in the opinion of the local government, the topography, soil conditions, location or shape of the lot are such as to make adherence to the setback impractical, and the proposal otherwise meets the requirements of the Scheme.</p> <p>(f) The keeping of livestock is only permitted on lawfully cleared land.</p> <p>Note: The clearing of native vegetation is to be undertaken in accordance with the <i>Environmental Protection Act 1986</i> and <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>.</p> <p>(g) The keeping of livestock is subject to the applicant demonstrating to the local government that the animals are adequately fenced and managed to ensure that the soil and vegetation are not denuded. In considering any applications to keep animals, the local government may refer the proposal to the Department of Primary Industries and Regional Development.</p> <p>(h) The following requirements shall apply to short-term accommodation uses in the Rural Smallholding zone:</p> <ul style="list-style-type: none"> <li>(i) Short-term accommodation on lots having areas between 4 hectares and 20 hectares shall not exceed 2 Chalets or Cabins or 4 guest bedrooms.</li> <li>(ii) Short-term accommodation on lots having greater than 20 hectares shall not exceed 6 Chalets or Cabins or 12 guest bedrooms.</li> </ul>
4	Rural zone	<p>(a) Development in the Rural zone shall conform to the following setback requirements:</p> <ul style="list-style-type: none"> <li>(i) 30 metres from road boundaries;</li> <li>(ii) 20 metres from other boundaries; and</li> <li>(iii) 50 metres from a boundary with State Forest, or reserved land managed for conservation purposes.</li> </ul>

No.	Description of Land	Requirement
		<p>(b) A reduction of the setbacks requirements may be permitted where, in the opinion of the local government, the topography, soil conditions, location or shape of the lot are such as to make adherence to the setback impractical, and the proposal otherwise meets the requirements of the Scheme.</p> <p>(c) Development applications for non-agricultural uses are to be supported by an Agricultural Impact Assessment unless the local government determines otherwise.</p> <p>(d) The local government may only grant development approval for a caretaker's dwelling in the Rural zone, provided the lot exceeds 40 hectares in area, the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.</p> <p>(e) When considering an application for an ancillary dwelling or caretaker's dwelling, the local government will have regard to:</p> <ul style="list-style-type: none"> <li>(i) the size of the subject land and its capacity to operate as a farm; and</li> <li>(ii) the landscape values of the area and any impact of the proposal upon these values.</li> </ul> <p>(f) Notwithstanding the zoning table, the local government may consider, if appropriately justified by the applicant, a third dwelling on a lot where one of the existing dwellings forms part of a heritage protected place and where there is a suitable agreement, to the satisfaction of the local government (in consultation if appropriate with the Heritage Council), to conserve and appropriately maintain the heritage significance of the dwelling.</p> <p>(g) The following provisions shall apply to short-term accommodation uses in the Rural zone:</p> <ul style="list-style-type: none"> <li>(i) Short-term accommodation will only be approved on lots having an area of 4 hectares or greater.</li> <li>(ii) Short-term accommodation on lots having areas between 4 hectares and 20 hectares shall not exceed 2 Chalets or Cabins or 4 guest bedrooms.</li> <li>(iii) Short-term accommodation on lots having greater than 20 hectares shall not exceed 6 Chalets or Cabins or 12 guest bedrooms.</li> </ul> <p>(h) The above provisions do not preclude the local government from considering proposals for workforce accommodation in the Rural zone.</p>
5	Commercial zone	<p>(a) All non-residential development shall provide for the separation of vehicles and pedestrians and for off-street car parking, loading facilities and traffic management devices where required by the local government.</p> <p>(b) Non-residential development in the Commercial zone shall accord with the following standards:</p> <ul style="list-style-type: none"> <li>(i) maximum Plot Ratio is 2.0;</li> </ul>

No.	Description of Land	Requirement																		
		<p>(ii) a minimum of 10% of the site shall be set aside for landscaping, with landscaping to be installed prior to the commencement of the use and maintained thereafter;</p> <p>(iii) a minimum nil setback to all boundaries.</p> <p>Notwithstanding the above requirements, the local government may require greater side and rear boundary setbacks after taking into account the need for landscaping, private open space, pedestrian linkages, car parking, servicing, loading and unloading and open storage of goods and materials.</p> <p>(c) The use of external space for storage is prohibited unless approved by the local government.</p> <p>(d) For residential or mixed use development which includes a residential component in the Commercial zone an R Code of R40 shall apply.</p> <p>(e) When considering a change of use to existing premises within the Commercial zone, the local government at its discretion may vary the application of the relevant development standards in respect of any development involving a change of land use of an existing building where no additions to floor-space are proposed and the local government considers that the development impact of the new development is no greater than previous approved land uses.</p> <p>(f) In considering an application for approval to demolish a building within the Commercial zone, the local government may:</p> <p>(i) require a development approval for subsequent development to accompany such an application; and/or</p> <p>(ii) approve the application, subject to conditions including the retention, maintenance, reinstatement and re-positioning of any part of the building proposed to be demolished.</p>																		
6	General Industry zone	<p>(a) Development in the General Industry zone shall conform to the following requirements:</p> <table><tr><th>Minimum Lot Area (m<sup>2</sup>)</th><th>Maximum Plot Ratio</th><th>Minimum Frontage (metres)</th><th colspan="3">Minimum Setbacks (metres)</th></tr><tr><td></td><td></td><td></td><th>Front</th><th>Side</th><th>Rear</th></tr><tr><td>2000</td><td>0.9</td><td>25</td><td>6</td><td>5</td><td>5</td></tr></table> <p>(b) Notwithstanding the zoning table, where a use in the Industry zone is defined as a “Prescribed Premises” in the Regulations to the <i>Environmental Protection Act 1987</i> (as amended) or an Offensive Trade under the <i>Health (Miscellaneous Provisions) Act 1911</i> (as amended), the local government shall advertise any development application and may notify the Environmental Protection Authority and/or the Department of Health and seek comment or advice before considering the matter in the light of such comment or advice.</p> <p>(c) The front setback area of a lot and the side setbacks of corner lots shall only be permitted to be used for the following purposes:</p> <p>(i) car parking;</p> <p>(ii) access;</p> <p>(iii) landscaping; and</p> <p>(iv) trade displays.</p>	Minimum Lot Area (m <sup>2</sup> )	Maximum Plot Ratio	Minimum Frontage (metres)	Minimum Setbacks (metres)						Front	Side	Rear	2000	0.9	25	6	5	5
Minimum Lot Area (m <sup>2</sup> )	Maximum Plot Ratio	Minimum Frontage (metres)	Minimum Setbacks (metres)																	
			Front	Side	Rear															
2000	0.9	25	6	5	5															

No.	Description of Land	Requirement
		<p>(d) Development in the General Industry zone shall have a minimum of 10% of the total lot landscaped in a position determined by the local government and shall generally be established and maintained in the front setback area of a lot and the side setback of corner lots:</p> <ul style="list-style-type: none"> <li>(i) where a car parking area is provided, for a depth of one metre between the car park and the property boundary, except for access driveways;</li> <li>(ii) on areas not occupied by access driveways or car parking for a minimum depth of 3 metres from the property boundary; and</li> <li>(iii) other landscaping may be required when associated with conserving an important feature, where a large car parking area is proposed, and other situations as determined by the local government.</li> </ul> <p>(e) Where a proposed industry involves the discharge of effluent, other than that associated with staff toilet facilities, then either:</p> <ul style="list-style-type: none"> <li>(i) the premises must be connected to a reticulated sewerage system; or</li> <li>(ii) where a connection to reticulated sewerage is not available, the premises are to be serviced by an on-site disposal and/or collection system of such capacity and design as to prevent pollution (including nutrient discharge) of any ground or surface water systems in the vicinity of the site to the satisfaction of the Department of Health and the local government.</li> </ul> <p>(f) Where a caretaker's dwelling is proposed in the General Industry zone the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>(i) in accordance with Table 3, a caretaker's dwelling should be incidental to the predominant industrial use of the site;</li> <li>(ii) only one caretaker's dwelling is permitted on a lot;</li> <li>(iii) a caretaker's dwelling is to have a total floor area that does not exceed 100 square metres measured from the external face of walls;</li> <li>(iv) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in criteria (iii); and</li> <li>(v) where the dominant industrial use ceases the right to occupy the caretaker's dwelling expires.</li> </ul>
7	Tourism zone	<p>(a) Prior to development or subdivision occurring in a Tourist zone, a Structure Plan or local development plan (as deemed appropriate by the local government) shall be prepared in accordance with the deemed provisions.</p> <p>(b) No development will be permitted to use the land between the street front boundary and a building for any purpose other than the following:</p> <ul style="list-style-type: none"> <li>(i) a means of vehicle access and egress;</li> <li>(ii) vehicle car parking;</li> <li>(iii) the loading and unloading of vehicles;</li> </ul>

No.	Description of Land	Requirement
		(iv) open air display where approved by the local government; and (v) landscaping.  (c) Development within the Tourism zone will generally require that a minimum 30% of the site is landscaped in locations to be determined by the local government.
8	Environmental Conservation zone	(a) Subdivision will only be supported within the Environmental Conservation zone where it is consistent with an approved structure plan.  (b) Where a structure plan identifies building envelopes, the building envelopes shall: <ul style="list-style-type: none"> <li>(i) be located to minimise the clearing of bushland and any other detrimental impacts to environmental and local landscape values; and</li> <li>(ii) be a maximum of 2000m<sup>2</sup> or, at the discretion of the local government, may be increased where demonstrated to be necessary to accommodate an existing dwelling and associated outbuilding(s) or where it is demonstrated that a larger envelope will achieve an improved outcome in regards to the zone objectives.</li> </ul> (c) Development in the Environmental Conservation zone must not result in the removal of remnant vegetation, unless otherwise provided for under the <i>Environmental Protection Act 1986</i> .

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

### 33. ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY STRUCTURE PLAN OR LOCAL DEVELOPMENT PLAN

There are no additional requirements that apply to this Scheme.

### 34. VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS

- (1) In this clause -

***additional site and development requirements*** means requirements set out in clauses 32, 33, and 36-55.

- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -
- a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and

- b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
  - a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

### **35. RESTRICTIVE COVENANTS**

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

### **36. TREE PLANTING AND VEGETATION CORRIDORS**

- 36.1 In order to improve the environmental amenity of areas that the local government considers deficient in tree cover, the local government may require as a condition of any development approval or recommend to the Commission a condition of subdivision, the planting of such trees and/or groups of trees and species as specified by the local government.
- 36.2 On the advice of the Department of Water and Environmental Regulation, Department of Primary Industries and Regional Development or where necessary in the opinion of the local government, native vegetation re-establishment and/or drainage measures may be required.

### **37. CLEARING NATIVE VEGETATION**

- 37.1 Unless otherwise specifically stated in this Scheme or as required, clearing native vegetation within areas zoned as Rural Residential, Rural Smallholdings and Environmental Conservation shall not be undertaken without the prior development approval of the local government. In considering any such application, the local government will take into account amenity considerations along with proposals, including arrangements for entering into covenants with the local government, for the retention and protection of other remnant vegetation.
- 37.2 Where the clearing of native vegetation is necessary to develop land, the local government will, in assessing an application for development approval, have regard to the extent of clearing to be undertaken and the quality and type of vegetation to be removed and may impose conditions or make arrangements with the proponent to retain some of the vegetation on the land.

- 37.3 Where native vegetation is cleared prior to implementation of an approved development or land use, it is a requirement of the Scheme that, unless otherwise approved, an equivalent area of land be revegetated with native vegetation indigenous to the locality on the land the subject of the application or on public land managed by the local government or with the consent of the land owner(s) on other land in their ownership to ensure that there is no net loss of native vegetation to the local government.

## **38. TREE PRESERVATION ORDERS**

- 38.1 Where, in the opinion of the local government, that it is expedient for the purpose of securing or of preserving existing amenity or environmental values, the local government may make an order (hereinafter referred to as a "Tree Preservation Order") relating to specific trees or groups of trees, and may, by like resolution, rescind or vary any such order. The Order shall have effect from the date and time of the resolution.
- 38.2 A Tree Preservation Order may prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the local government and any such consent may be given subject to reasonable conditions.
- 38.3 On the local government resolving to initiate a Tree Preservation Order, the local government shall, as soon as practicable, after the resolution serve notice on all affected landowners and any other relevant parties, giving full details and particulars of the Tree Preservation Order and inviting comment on the Order within the period (not less than 21 days) specified in the notice.
- 38.4 Within a period not exceeding sixty (60) days, the justification for a Tree Preservation Order shall be reconsidered by the local government in the light of any submissions received for a decision to maintain or revoke the Tree Preservation Order. A decision to revoke an Order shall have immediate effect. On the finalisation of a Tree Preservation Order, the local government shall cause notice of the making of the Order to be published in a newspaper circulating in the area of the affected land.
- 38.5 A person who contravenes, causes or permits a contravention of a Tree Preservation Order is guilty of an offence under the *Planning and Development Act 2005* for contravening this scheme.
- 38.6 It is a sufficient defence to proceedings under clause 38.5 to demonstrate that the action was required:
- a) to remove an immediate threat to life or property;
  - b) to comply with the relevant Act for fire management, or where the tree is considered likely to cause damage to buildings or services; or
  - c) where written notice about the proposed action was given to the local government and a period of not less than 14 days occurred after the notice was given (before the action was taken) and the local government did not advise the person during that period that it opposed the action being taken.
- 38.7 The term "notice" in sub-clause 38.3 means a notice that includes the name and address of the person who gives notice and explains that a tree of a named species situated in a specified position on land described in the notice and the subject of a Tree Preservation Order, or part thereof, is intended to be ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed for a particular purpose.
- 38.8 Where local government serves a notice under clause 38.3, or attaches conditions that the landowner considers unreasonable to any approval to remove, lop or top any tree to which a Tree Preservation Order relates, the landowner shall have a right to seek review under clause 76 of the deemed provisions.



- 38.9 The powers conferred on the local government in pursuance of this clause shall not apply to trees in a State forest or on land reserved as a timber reserve or to trees required to be lopped in accordance with the requirements of the government Agencies acting in accordance with their legislation or adopted plan.

### **39. WATERWAY RESOURCE MANAGEMENT AND PROTECTION**

- 39.1 The local government will encourage water conservation and water sensitive design as features of all development and will require the applicant to satisfactorily demonstrate that appropriate measures are in place to manage impacts, where deemed relevant by the local government. Development proposals that may have potential to impact on the State's water resources may be referred to the Department of Water and Environmental Regulation or other relevant agency for comment. Where relevant, the local government may require the applicant/operator to undertake appropriate pre-development and post development monitoring and undertake measures deemed appropriate by the local government to address water management and protection issues.
- 39.2 In considering any development which may have an impact on any waterway including rivers, creeks, drainage lines, swamps and other wetlands, the local government shall have regard to:
- a) managing water balance;
  - b) maintaining and where possible enhancing water quality;
  - c) encouraging water conservation; and
  - d) maintaining and where possible enhancing water related environmental values, recreational and cultural values.
- 39.3 The local government may require proponents to prepare a foreshore management plan, drainage strategy or other document to manage impacts of proposed development and subdivision and will require the proponent, or other agreed party, to appropriately implement the plan or strategy to the satisfaction of the local government.

### **40. KEEPING OF ANIMALS**

- 40.1 Stocking rates shall not exceed those recommended in the Department of Primary Industries and Regional Development's Stocking rate guidelines for rural small holdings, Swan Coastal Plain and Darling Scarp and surrounds, Western Australia (2000) as amended.
- 40.2 The keeping of any grazing animals shall generally be setback a minimum 100 metres from any watercourse, or as considered appropriate by the local government, and this area shall be fenced to the satisfaction of the local government.
- 40.3 Appropriate measures are to be taken to prevent native vegetation degradation, noise, odour or dust pollution or soil erosion to the satisfaction of the local government.

### **41. GENERAL APPEARANCE OF BUILDINGS AND PRESERVATION OF AMENITY**

The local government may place conditions on any development approval granted to ensure the development will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality. In doing so the local government shall have regard for:

- (a) the design and appearance of the development;
- (b) the colour or type of materials to be used on exposed surfaces; and
- (c) the height, bulk and massing of any building.

## **42. HEIGHT OF BUILDINGS**

- 42.1 With the exceptions of structures and equipment necessary for radio, television and communications facilities, no development in excess of 12 metres above natural ground level shall be erected within the Scheme Area unless otherwise approved by the local government.
- 42.2 For the purpose of clause 42.1, reference to development does not include:
- a) an aerial;
  - b) a chimney stack;
  - c) a mast;
  - d) a pole;
  - e) a receiving tower;
  - f) a silo;
  - g) a transmission tower;
  - h) a utility installation; and/or
  - i) a ventilator.

## **43. UNTIDY PLACES, DERELICT VEHICLES, MACHINERY AND STORAGE OF GOODS**

- 43.1 No land within the Scheme Area shall on a permanent or regular basis be used for the purposes of storage and/or the disposal of rubbish, refuse, car bodies, industrial waste (whether liquid or solid) or any recycled materials or buildings without the development approval of the local government.
- 43.2 The storage and/or wrecking of derelict vehicles or machinery or the storage of any materials shall not be permitted within any zone, except the Industry zone, if it is visible from any road or where, in the opinion of the local government, it detracts from the amenity of the landscape without the development approval of the local government.
- 43.3 Land within the Rural Residential, Rural Smallholdings or Rural may not be used for storage purposes, other than for produce grown or reared on the property, without the prior approval of the local government. Such an approval will only be granted where the goods, produce or items to be stored are, or are associated with the production or maintenance of rural goods, produce or other items used on the subject land or other land in the vicinity of the site.
- 43.4 All storage areas shall be screened by landscaping, fencing or other means acceptable to the local government to ensure that such storage areas are not detrimentally exposed to view from nearby roads or other public places as determined appropriate by the local government.

## **44. REPURPOSED AND SECOND-HAND DWELLINGS**

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

- (a) in its opinion such dwelling is in a satisfactory condition and the design and location of the dwelling is to the satisfaction of the local government and will not adversely affect the amenity of the locality; and

- (b) the proposal complies with the provisions of this Scheme and the local government's local planning policies relating to development, design and maintenance.

#### **45. OUTBUILDINGS, SHIPPING CONTAINERS AND OTHER RELOCATABLE STORAGE UNITS**

- 45.1 Notwithstanding any other clause in the Scheme, where the Residential Design Codes do not apply to land within the Scheme area the setback from boundaries for outbuildings will be in accordance with those specified under Table 5 for dwellings applicable to those zones except as provided for in a local planning policy.
- 45.2 Where a development approval is required for outbuildings, shipping containers or other relocatable storage units, the local government will have regard to matters including visual impact, amenity, appearance and commitments from the applicant to upgrade the external finish.

#### **46. USE OF SETBACK AREAS**

- 46.1 No person shall use the setback area between the building line and the street alignment for any purpose other than one or more of the following:
  - a) a means of access;
  - b) the daily parking of vehicles;
  - c) loading and unloading of vehicles;
  - d) trade display only with the approval of the local government;
  - e) alfresco or other uses approved by the local government; and
  - f) gardens and other landscaping.
- 46.2 Outdoor displays, industrial hire services, storage facilities, depots, lay-down areas and any other open area shall be sealed, paved or landscaped to the satisfaction of local government and maintained in good condition to the satisfaction of the local government.

#### **47. LANDSCAPING**

- 47.1 Where landscaping is required by this Scheme it is to be provided in a location and standard to the satisfaction of the local government.
- 47.2 At the discretion of the local government natural bushland 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.
- 47.3 Access driveways between a street alignment and any buildings may be included in the landscaping requirement but other car parking areas and driveways shall not be included.
- 47.4 Landscaping required pursuant to this Scheme or pursuant to a development approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the proponent and the local government and shall thereafter be maintained to the satisfaction of the local government.

#### **48. COMMERCIAL VEHICLE PARKING**

In the Residential, Rural Residential and Special Use zones, excluding SU4, commercial vehicle parking shall comply with the following:

- (a) no more than one commercial vehicle is to be parked on the lot;
- (b) no part of the vehicle is parked on any portion of a right-of-way or public road contiguous with the lot;
- (c) the vehicle forms an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried on upon the lot does not contravene the Scheme;
- (d) the vehicle is not to be used to carry livestock, hazardous materials, or controlled waste as it is defined by the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (e) the vehicle is effectively screened from view from the public road system or a public place;
- (f) the vehicle does not exceed 3.0 metres in height or 8.0 metres in length;
- (g) the vehicle is parked behind the front building line;
- (h) any noise created by the vehicle within the lot does not contravene the *Environmental Protection (Noise) Regulations 1997*;
- (i) major repairs to the vehicle are not undertaken on the lot;
- (j) any minor repairs, servicing or cleaning of the vehicle are carried out in an area which is effectively screened from view from the public road system or a public place; and
- (k) the vehicle is not brought to or taken from the lot between the hours of midnight and 6.00am.

#### **49. CAR PARKING AND VEHICLE ACCESS REQUIREMENTS**

- 49.1 Land within the Scheme Area shall not be used or developed unless car parking provision, in accordance with Table 6, is provided on the site in accordance with the standards and requirements, including parking space layouts and dimensions, as set out in the relevant Australian Standard. Additionally, the local government may require the provision of spaces for cycle racks and vehicles for the disabled as considered necessary in considering a development application.
- 49.2 Where land is to be developed or used for purposes not mentioned in Table 6, or where a standard or requirement is not specified in the Scheme, the local government shall determine in each case the number of spaces to be provided on the land having due regard to the:
  - a) nature of the proposed development;
  - b) number of employees or others likely to be employed or engaged in the use of the land;
  - c) anticipated demand for visitor parking; and
  - d) orderly, proper and sustainable planning of the area.
- 49.3 Subject to the provisions of this clause, the car parking requirements shall be provided on the site the subject of the proposed development or, with the approval of the local government, in the immediate vicinity thereof provided that arrangements for the permanent retention of that parking can be set in place to the satisfaction of the local government.

- 49.4 Where an applicant can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in Table 6, or that other off-street parking facilities are available and that these facilities can be shared with a nearby land use, the local government may vary this standard.
- 49.5 All parking, loading and access areas shall be constructed prior to occupation of the development or at such time as may be agreed in writing between the local government and the proponent. Such areas shall be maintained by the landowner to the satisfaction of the local government.
- 49.6 Where the local government is satisfied that an application for development approval cannot provide the minimum car parking requirements on site, the local government may accept a cash payment in lieu of the provision of car parking spaces, subject to requirements specified by a local planning policy.

**Table 6: Car parking requirements**

Use	Minimum Number of Parking Spaces to be Provided
Caravan Park	1.25 per unit, bay or tent site
Civic Use	1 per 40m <sup>2</sup> Gross Floor Area (GFA)
Club Premises	1 per 50m <sup>2</sup> GFA, or where licensed: 1 per 5m <sup>2</sup> and other activity area
Consulting Rooms / Medical Centre	4 per practitioner for the first practitioner and 2 bays for each practitioner thereafter
Family Day Care	1 per staff member + 2 extra spaces for the picking up and setting down of persons
Fast Food Outlet	1 per 4 seated patrons
Recreation - private	1 per 40m <sup>2</sup> GFA
Hotel	1 per 5m <sup>2</sup> public area + 1 per bedroom
Industry	1 per 100m <sup>2</sup> GFA
Light & Service Industry	1 per 50m <sup>2</sup> GFA
Liquor Store	1 per 40m <sup>2</sup> GFA
Motel	1 per unit + 1 per 25m <sup>2</sup> service area
Office	1 per 40m <sup>2</sup> GFA
Cinema / theatre	1 per 4 seats provided
Public Worship	1 per 4 seats provided
Residential	As per the Residential Design Codes
Restaurant	1 per 4 patrons
Service Station	1 per 200m <sup>2</sup> gross site area
Shop	1 per 40m <sup>2</sup> GFA
Bulky goods showroom	1 per 50m <sup>2</sup> GFA
Tourist Development	1 per unit or dwelling + 1 space per staff member
Tavern	1 per 5m <sup>2</sup> public area
Veterinary Centre	4 per practitioner
Warehouse / storage	1 per 100m <sup>2</sup> GFA
Other Uses Not Listed	Determined by the local government after consideration of the parking need generated by the use and/or outlined in a Local Planning Policy.

## **50. DEVELOPMENT OF LAND WITHOUT CONSTRUCTED/DEDICATED ROAD FRONTAGE OR ACCESS**

In considering a development application for any development on land abutting an unconstructed road or a lot or location which does not have frontage to a dedicated road, the local government may:

- (a) place conditions on any development approval granted requiring the construction of and/or access by means of a dedicated road is provided; or
- (b) require other legal arrangements to be made for permanent legal access, to the satisfaction of the local government; or

- (c) where dedicated road access is available, grant development approval subject to a condition requiring the applicant to pay a sum of money for the cost of constructing the road or part thereof or construct the road to the local government's road construction standards.

## **51. CARAVAN PARKS – PERMANENT OCCUPANCY**

The local government may permit the permanent occupancy of not more than 15% of caravan sites within a caravan park, where the applicant can demonstrate, to the satisfaction of the local government, that the primary tourist accommodation purpose of the park will not be compromised, and that adequate services and facilities exist to service the permanent population.

## **52. SEWERAGE CONNECTION FOR RESIDENTIAL DEVELOPMENT**

- 52.1 All residential development in the Residential zone for densities exceeding R5, shall be connected to a reticulated sewerage system. However, where no such connection is available, no residential development in the Residential zone other than the erection of a single house and ancillary dwelling shall be approved unless the Department of Health recommends to the local government that there are exceptional circumstances to warrant a variation from the requirement to connect to reticulated sewerage.
- 52.2 Where there is no reticulated sewerage available, and in the opinion of the local government and/or the Department of Health, the operation of a conventional septic tank and leach drain system will not work satisfactorily, the local government may require landowners to install appropriate alternative nutrient removing effluent disposal systems at the time of development.

## **53. DWELLINGS WITHOUT RETICULATED MAINS WATER SUPPLY**

- 53.1 Where any dwelling is proposed to be constructed on a lot which cannot be connected to a reticulated mains water supply, that dwelling shall be provided with sufficient roof catchment or other methods acceptable to the local government and the provision of a rain water tank with a minimum capacity of 135,000 litres prior to occupation unless alternative arrangements are made to the satisfaction of the local government for a supply of potable water.
- 53.2 Where, in addition to the requirements of clause 53.1 for a supply of potable water for any dwelling, additional water supplies are required for firefighting purposes, the capacity of the rainwater tank shall be a minimum of 10,000 litres in addition to the minimum tank size specified in clause 53.1 along with sufficient roof catchment or other methods of water capture acceptable to the local government.

## **54. TELECOMMUNICATIONS INFRASTRUCTURE**

An application for development approval from the local government is required for the development of all telecommunications infrastructure (overhead cabling telecommunications towers, radio communications dishes, etc.) excluding those listed in the Telecommunications Low Impact Facilities Determination 2018 and subsequent Amendments to that Determination.

## **55. BUILDING ENVELOPES AND BUILDING EXCLUSION ZONES**

- 55.1 Where the local government requires building envelopes or building exclusion zones in a Structure Plan or as a condition of subdivision approval, these shall be defined so as to attain the maximum flexibility for the location of buildings, but subject to:
  - a) avoidance of impacts to significant landscape and environmental elements;
  - b) avoidance of impacts to areas where ground or soil conditions may prejudice the structural integrity of buildings or result in potential for pollution, erosion or flooding;

- c) located to comply with building setback requirements of the Scheme unless appropriately justified by the proponent to the satisfaction of the local government; and
- d) where possible, position any building envelope to maximise the separation distance to adjoining agricultural land.

55.2 The local government may at its discretion approve the relocation of a building envelope if it is satisfied that the amenity of the area, the privacy of adjacent properties and the landscape or environment of the area will not be detrimentally affected.

## **56. MINING**

In considering proposals to commercially extract minerals, the local government may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.

## PART 5 - SPECIAL CONTROL AREAS

### 57. SPECIAL CONTROL AREAS

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

**Table 7 - Special control areas in Scheme area**

Name of area	Purpose	Objectives	Additional provisions
SCA1	Flood Prone Area	To manage and prevent possible risk to life, human safety and property in time of flood.	<ol style="list-style-type: none"> <li>1. Development approval shall be required for all development within SCA1.</li> <li>2. Notwithstanding any other provision of the Scheme, the local government shall not grant approval to the carrying out of any development unless it has made an assessment of: <ol style="list-style-type: none"> <li>(a) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge flood water;</li> <li>(b) the safety of the proposed development in time of flood; and</li> <li>(c) whether the proposed development involves any possible risk to life, human safety or private property in time of flood.</li> </ol> <p>The local government may require this assessment to be undertaken at the proponent's cost.</p> </li> <li>3. A person shall not carry out any development unless: <ol style="list-style-type: none"> <li>(a) where no works have been carried out to protect the land from flooding, the floor of any dwelling or other habitable building is, or will be, raised a minimum of 500 millimetres above the 1 in 100 flood level; or</li> <li>(b) in any other case, the local government is satisfied that adequate measures have been taken to offset the likely effects of flooding on the development concerned.</li> </ol> </li> <li>4. For the purpose of provision 3, the local government shall consult with, and take into consideration, the advice of the Department of Water and Environmental</li> </ol>



Name of area	Purpose	Objectives	Additional provisions
			<p>Regulation, in relation to the delineation of floodways and flood prone land, the effect of the development on a floodway, and any other measures to offset the effects of flooding.</p> <p>5. Where land is proposed to be subdivided, the local government shall recommend to the Western Australian Planning Commission that notifications be placed on newly created titles to ensure prospective purchasers are aware that the land may be prone to flooding.</p>
SCA2	Public Drinking Water Source Area	To ensure that land use and development with the Special Control Area is compatible with the protection and long-term management of water resources for public water supply and water catchment areas designated under the <i>Country Areas Water Supply Act 1947</i> .	<p>1. The local government shall refer any application for development approval to the Department of Water and Environmental Regulation for advice prior to determination of the application where the proposal includes:</p> <ul style="list-style-type: none"> <li>(a) potential for increased nutrient loading;</li> <li>(b) application of fertilisers and pesticides;</li> <li>(c) storage of chemicals, fuels and other potentially polluting substances;</li> <li>(d) substantial increase in run-off; and</li> <li>(e) any other impact which the local government considers could have an impact on the quality of public drinking water.</li> </ul> <p>2. Notwithstanding the permissibility of land uses in the zoning table, the following uses are not permitted within SCA2:</p> <ul style="list-style-type: none"> <li>(a) abattoir;</li> <li>(b) agriculture – intensive;</li> <li>(c) animal husbandry - intensive; or</li> <li>(d) industry – rural.</li> </ul> <p>3. The local government may impose conditions on any development approval so as to:</p> <ul style="list-style-type: none"> <li>(a) protect the resource; and</li> <li>(b) require the registration of notification on title giving notice of any limitations or constraints associated with the protection of the resource.</li> </ul>
SCA3	Mining Buffer	To ensure that land use and development within the Special Control Area is compatible with the protection and long-term management of known	<p>1. Notwithstanding any other provision of this Scheme, development approval shall be required for a dwelling(s), as described by Table 3, within SCA3.</p> <p>2. The local government shall refer any development application proposing</p>

Name of area	Purpose	Objectives	Additional provisions
		<p>or prospective mineral resources.</p> <p>To ensure landowners are made aware of the potential for mining operation to impact the use and enjoyment of the land.</p>	<p>habitable buildings to the Department of Mines, Industry Regulation and Safety for advice prior to determination of the application, except where it has agreed that particular types of development do not require referral.</p> <p>3. Where land is proposed to be subdivided, the local government shall recommend to the Western Australian Planning Commission that notifications be placed on newly created titles to ensure prospective purchasers are aware of the possibility of mining on adjacent properties and the potential for impact upon the amenity of the land.</p> <p>4. The local government may impose a condition on development approvals requiring a notification on the title, within SCA3, for new habitable buildings.</p> <p>5. The local government shall recognise the rights that exist to the parties to the <i>Alumina Refinery (Worsley) Agreement Act 1973</i> (including Mining Lease 258SA) that operates within the Scheme area, and shall advise the Department(s) for Jobs Tourism, Science and Innovation where appropriate on development approvals.</p>
SCA4	Wastewater Treatment Buffer	To ensure that land use and development within the Special Control Area is compatible with the protection and long-term management of waste water, including addressing odour impacts, to support the functioning and development of the Boddington townsite.	<p>1. Development approval shall be required for all development within SCA4.</p> <p>2. The local government shall refer any development application to the Water Corporation and the Department of Water and Environmental Regulation for advice prior to determination of the application, except where it has agreed that a particular type of development does not require referral.</p>
SCA5	Landscape Protection	<p>To protect the amenity and character of visually prominent land in and near the Boddington and Ranford townsites which have scenic or other values.</p> <p>To encourage small scale, low impact development designed to retain and preserve the natural, visual and physical characteristics of the environment.</p>	<p>1. Notwithstanding other provisions of this Scheme, development approval shall be required for the following development within SCA5:</p> <p>(a) the erection, demolition or alteration of any building or structure (not including farm fencing, wells, bores or troughs and minor drainage works ancillary to the general rural pursuits of the locality);</p> <p>(b) the clearing of land or removal of trees; and</p> <p>(c) the erection of advertising signs.</p> <p>2. Any development of new buildings, other than outbuildings approved by the local</p>

Name of area	Purpose	Objectives	Additional provisions
		To encourage the improvement of the rural landscape, including rehabilitation and revegetation of areas considered to be of significant scenic value.	government as being required for bona fide agricultural purposes, and telecommunications infrastructure, is to be sited in accordance with any building envelope or building exclusion zone to be stipulated by the local government.
SCA6	Structure Plan Areas	To identify areas requiring structure planning prior to subdivision and development.	<ol style="list-style-type: none"> <li>1. Subdivision and development should be generally in accordance with a Structure Plan approved in accordance with Part 4 of the deemed provisions.</li> <li>2. The structure plan prepared for Lot 300 Adam Street, Boddington is to ensure that subdivision or development proposals provide a suitable buffer or interface with the adjoining industrial land.</li> </ol>

## PART 6 - TERMS REFERRED TO IN SCHEME

### DIVISION 1 - GENERAL DEFINITIONS USED IN SCHEME

#### 58. TERMS USED

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

<b>building envelope</b>	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
<b>building height</b>	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.
<b>cabin</b>	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.
<b>chalet</b>	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.
<b>commencement day</b>	means the day this Scheme comes into effect under section 87(4) of the Act.
<b>commercial vehicle</b>	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including -  (c) a utility, van, truck, tractor, bus or earthmoving equipment; and (d) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
<b>dam</b>	means any man-made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin but does not include ornamental ponds or other water feature associated with landscaping and gardens.

<b>floor area</b>	has meaning given in the Building Code.
<b>frontage</b>	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.
<b>incidental use</b>	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.
<b>minerals</b>	has the meaning given in the <i>Mining Act 1978</i> section 8(1).
<b>net lettable area or nla</b>	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.
<b>non-conforming use</b>	has the meaning given in the <i>Planning and Development Act 2005</i> section 172.
<b>plot ratio</b>	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.
<b>precinct</b>	means a definable area where particular planning policies, guidelines or standards apply.
<b>predominant use</b>	means the primary use of premises to which all other uses carried out on the premises are incidental.
<b>retail</b>	means the sale or hire of goods or services to the public.
<b>short-term accommodation</b>	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.
<b>wall height</b>	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.
<b>wholesale</b>	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

### 59. 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 -

<b>abattoir</b>	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
<b>agriculture – extensive</b>	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry - intensive.
<b>agriculture – intensive</b>	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.
<b>amusement parlour</b>	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.
<b>animal establishment</b>	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.
<b>animal husbandry – intensive</b>	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.
<b>art gallery</b>	means premises that are open to the public and where artworks are displayed for viewing or sale.
<b>bed and breakfast</b>	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.
<b>betting agency</b>	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .
<b>brewery</b>	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .

<b>bulky goods showroom</b>	<p>mean premises</p> <p>(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes –</p> <ul style="list-style-type: none"> <li>(i) automotive parts and accessories;</li> <li>(ii) camping, outdoor and recreation goods;</li> <li>(iii) electric light fittings;</li> <li>(iv) animal supplies including equestrian and pet goods;</li> <li>(v) floor and window coverings;</li> <li>(vi) furniture, beddings, furnishings, fabrics, manchester and homewares;</li> <li>(vii) household appliances, electrical goods and home entertainment goods;</li> <li>(viii) party supplies;</li> <li>(ix) office equipment and supplies;</li> <li>(x) babies' and children's goods, including play equipment and accessories;</li> <li>(xi) sporting, cycling, leisure, fitness goods and accessories;</li> <li>(xii) swimming pools.</li> </ul> <p>or</p> <p>(b) used to sell goods and accessories by retail if:</p> <ul style="list-style-type: none"> <li>(i) a large area is required for the handling, display or storage of the goods; or</li> <li>(ii) vehicular access to the premises is required for the purpose of collection of purchased goods.</li> </ul>
<b>caravan park</b>	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
<b>caretaker's dwelling</b>	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.
<b>car park</b>	<p>means premises used primarily for parking vehicles whether open to the public or not but does not include –</p> <ul style="list-style-type: none"> <li>(a) any part of a public road used for parking or for a taxi rank; or</li> <li>(b) any premises in which cars are displayed for sale.</li> </ul>
<b>child care premises</b>	<p>means premises where –</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.</li> </ul>
<b>cinema/theatre</b>	means premises where the public may view a motion picture or theatrical production.
<b>civic use</b>	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
<b>club premises</b>	means premises used by a legally constituted club or association or other body of persons united by a common interest.

<b>commercial vehicle parking</b>	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.
<b>community purpose</b>	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.
<b>consulting rooms</b>	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.
<b>convenience store</b>	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 m <sup>2</sup> net lettable area.
<b>corrective institution</b>	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
<b>educational establishment</b>	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.
<b>exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
<b>family day care</b>	means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.
<b>fast food outlet</b>	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.
<b>fuel depot</b>	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.
<b>funeral parlour</b>	means premises used to prepare and store bodies for burial or cremation or to conduct funeral services.
<b>garden centre</b>	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
<b>holiday accommodation</b>	means 2 or more dwellings on one lot used to provide accommodation for holiday or temporary purposes for persons other than the owner of the lot.
<b>holiday house</b>	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.



<b>home business</b>	<p>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 occupation –</p> <ul style="list-style-type: none"> <li>(a) does not involve employing more than 2 people who are not members of the occupier's household; and</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(c) does not occupy an area greater than 50 m<sup>2</sup>; and</li> <li>(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</li> <li>(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</li> <li>(f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and</li> <li>(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.</li> </ul>
<b>home occupation</b>	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation –</p> <ul style="list-style-type: none"> <li>(i) does not involve employing a person who is not a member of the occupier's household; and</li> <li>(ii) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(iii) does not occupy an area greater than 20m<sup>2</sup>; and</li> <li>(iv) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>; and</li> <li>(v) 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</li> <li>(vi) does not – <ul style="list-style-type: none"> <li>(i) require a greater number of parking spaces than normally required for a single dwelling; or</li> <li>(ii) result in an increase in traffic volume in the neighbourhood; and</li> </ul> </li> <li>(vii) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and</li> <li>(viii) does not include provision for the fuelling, repair or maintenance of motor vehicles; and</li> <li>(ix) 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.</li> </ul>
<b>home office</b>	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –</p> <ul style="list-style-type: none"> <li>(a) is solely within the dwelling; and</li> <li>(b) does not entail clients or customers travelling to and from the dwelling; and</li> <li>(c) does not involve the display of a sign on the premises; and</li> <li>(d) does not require any change to the external appearance of the dwelling.</li> </ul>

<b>home store</b>	means a shop attached to a dwelling that –  (a) has a net lettable area not exceeding 100m <sup>2</sup> ; and (b) is operated by a person residing in the dwelling.
<b>hospital</b>	means premises used as a hospital as defined in the <i>Health Services Act 2016</i> section 8(4), but does not include a nursing home.
<b>hotel</b>	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
<b>industry</b>	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.
<b>industry - cottage</b>	means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which  (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put; (d) does not occupy an area in excess of 50 square metres; and (e) does not display a sign exceeding 0.2 square metres in area.
<b>industry - extractive</b>	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.
<b>industry - light</b>	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.
<b>industry - primary production</b>	means premises used –  (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses.

<b>industry - rural</b>	means -  (a) an industry handling, treating, processing or packing rural products; or (b) a workshop servicing plant or equipment used for rural purposes.
<b>industry - service</b>	means –  (a) an industry-light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.
<b>liquor store - large</b>	means premises the subject of a liquor store license granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m <sup>2</sup> .
<b>liquor store - small</b>	means premises the subject of a liquor store license granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m <sup>2</sup> .
<b>lunch bar</b>	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.
<b>market</b>	means premises used for the display and sale of goods from stalls by independent vendors.
<b>medical centre</b>	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.
<b>mining operations</b>	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1) is carried out;
<b>motel</b>	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> –  (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.
<b>motor vehicle, boat or caravan sales</b>	means premises used to sell or hire motor vehicles, boats or caravans.
<b>motor vehicle repair</b>	means premises used for or in connection with –  (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or retreading of tyres.
<b>motor vehicle wash</b>	means premises primarily used to wash motor vehicles.
<b>nightclub</b>	means premises the subject of a nightclub license granted under the <i>Liquor Control Act 1988</i> .
<b>office</b>	means premises used for administration, clerical, technical, professional or similar business activities.
<b>park home park</b>	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.

<b>place of worship</b>	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
<b>reception centre</b>	means premises used for hosted functions on formal or ceremonial occasions.
<b>recreation - private</b>	means premises that are –  (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
<b>renewable energy facility</b>	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.
<b>repurposed dwelling</b>	means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.
<b>residential aged care facility</b>	a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.
<b>resource recovery centre</b>	means premises other than a waste disposal facility used for the recovery of resources from waste.
<b>restaurant/cafe</b>	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
<b>restricted premises</b>	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 <i>Classification (Publications, Films and Computer Games) Act 1995</i> (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.
<b>roadhouse</b>	means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –  (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and (f) dump points for the disposal of black and/or grey water from recreational vehicles.

<b>rural home business</b>	<p>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 –</p> <ul style="list-style-type: none"> <li>(a) does not involve employing more than 2 people who are not members of the occupier's household; and</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(c) does not occupy an area greater than 200m<sup>2</sup>; and</li> <li>(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</li> <li>(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</li> <li>(f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.</li> </ul>
<b>rural pursuit / hobby farm</b>	<p>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 –</p> <ul style="list-style-type: none"> <li>(a) the rearing, agistment, stabling or training of animals;</li> <li>(b) the keeping of bees;</li> <li>(c) the sale of produce grown solely on the premises.</li> </ul>
<b>second hand dwelling</b>	<p>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.</p>
<b>serviced apartment</b>	<p>means a group of units or apartments providing –</p> <ul style="list-style-type: none"> <li>(a) self-contained short stay accommodation for guests; and</li> <li>(b) any associated reception or recreational facilities.</li> </ul>
<b>service station</b>	<p>means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –</p> <ul style="list-style-type: none"> <li>(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or</li> <li>(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.</li> </ul>
<b>shop</b>	<p>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.</p>
<b>small bar</b>	<p>means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i>.</p>
<b>tavern</b>	<p>means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i>.</p>
<b>telecommunications infrastructure</b>	<p>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.</p>

<b>tourist development</b>	<p>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 –</p> <ul style="list-style-type: none"> <li>(a) short-term accommodation for guests; and</li> <li>(b) onsite facilities for the use of guests; and</li> <li>(c) facilities for the management of the development.</li> </ul>
<b>trade display</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement.
<b>trade supplies</b>	<p>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 –</p> <ul style="list-style-type: none"> <li>(a) automotive repairs and servicing;</li> <li>(b) building including repair and maintenance;</li> <li>(c) industry;</li> <li>(d) landscape gardening;</li> <li>(e) provision of medical services;</li> <li>(f) primary production;</li> <li>(g) use by government departments or agencies, including local government.</li> </ul>
<b>transport depot</b>	<p>means premises used primarily for the parking or garaging of 3 or more commercial vehicles including –</p> <ul style="list-style-type: none"> <li>(a) any ancillary maintenance or refuelling of those vehicles; and</li> <li>(b) any ancillary storage of goods brought to the premises by those vehicles; and</li> <li>(c) the transfer of goods or persons from one vehicle to another.</li> </ul>
<b>tree farm</b>	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5.
<b>veterinary centre</b>	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
<b>warehouse/storage</b>	<p>means premises including indoor or outdoor facilities used for –</p> <ul style="list-style-type: none"> <li>(a) the storage of goods, equipment, plant or materials; or</li> <li>(b) the display or sale by wholesale of goods.</li> </ul>
<b>waste disposal facility</b>	<p>means premises used –</p> <ul style="list-style-type: none"> <li>(a) for the disposal of waste by landfill; or</li> <li>(b) the incineration of hazardous, clinical or biomedical waste.</li> </ul>
<b>waste storage facility</b>	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.
<b>winery</b>	means premises used for the production of viticultural produce and associated sale of the produce.

<b>workforce accommodation</b>	<p>means premises, which may include modular or relocatable buildings used –</p> <ul style="list-style-type: none"> <li>(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and</li> <li>(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.</li> </ul>
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## 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*.

- Clause 61(1)(k)** The erection of, or alterations and/or additions to, a single house on a lot if the R-Codes do not apply and the development of a single house is a permitted 'P' use in the zone in which that lot is located, and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is 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 a Special Control Area;
- Clause 61(1)(l)** the demolition of any building or structure except where the building or structure is located in a place that is -
- (i) a heritage-protected place; or
  - (ii) in the Commercial zone;
- Clause 61(1)(m)** the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") use in a zone where the R Codes do not apply and where the development satisfies the development requirements of that zone (including boundary setbacks) are satisfied, unless the development is located in a place that is -
- (i) a heritage-protected place; or
  - (ii) is outside of an approved building envelope; or
  - (iii) within a Special Control Area;
- Clause 61(1)(n)** the following incidental structures or works on the same lot as a single house –
- (i) a dog house, domestic animal enclosure, bird enclosure or a cubby house which does not exceed 3.0 metres in height above natural ground level and does not have any part of its structure located within 1.0 metre of the boundary with an adjacent lot;
  - (ii) a tree house which, as a structure, does not exceed 3.0 metres in height, does not have a floor area greater than 4.0m<sup>2</sup> and is constructed in a tree on a lot used solely for residential purposes;
  - (iii) a flag pole which does not exceed 6.0 metres in height above natural ground level;
  - (iv) any pole, tower or device used solely for the purpose of providing outdoor lighting which is constructed on a lot used solely for residential purposes and is no more than 6.0 metres in height above natural ground level;
  - (v) landscaping;
  - (vi) letter boxes;



- (vii) clothes lines;
  - (viii) effluent disposal systems, air conditioning systems and LPG gas tanks where they comply with the requirements of the Scheme;
- Clause 61(1)(o)** the carrying out of works urgently required for public safety or for the safety or security of plant or equipment used in the provision of maintaining or for essential services;
- Clause 61(1)(p)** rainwater tanks;
- Clause 61(1)(q)** aquaculture proposals involving the use of existing dams where no structural works are proposed;
- Clause 61(1)(r)** the clearing of vegetation, subject to the requirements of clause 37, where:
- (i) the clearing is exempt under the Environmental Protection (Clearing of Native Vegetation) Regulations to gain a clearing permit; or
  - (ii) vegetation is non-native; or
  - (iii) vegetation is commercial in nature such as an orchard; or
  - (iv) the clearing of native vegetation, subject to the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, is authorised under the *Bushfires Act 1954* (as amended), is in accordance with a local government approved Bushfire Management Plan, is for the purpose of removing vegetation that is dead, diseased or dangerous, or is within an approved building envelope; or
  - (iv) the trees are not listed or protected in the Municipal Heritage Inventory, a Local Planning Policy or located within a heritage-protected place or covered by a “Tree Preservation Order” or a specific scheme provision;
- Clause 61(1)(s)** telecommunication infrastructure which is listed as low impact in the Telecommunications Low Impact Facilities Determination 2018 and subsequent amendments to that Determination unless located within a heritage-protected place;
- Clause 61(1)(t)** the development of a dam in the Rural, Rural Smallholdings, or Rural Residential zone for the purposes of water collection, storage, and use that is directly associated with a lawful land use or to provide a domestic water supply, provided that the dam is not within 10 metres of a lot boundary or natural waterway;
- Clause 61(2)(g)** the use of land in a reserve, where such land is vested in the local government or vested in a Public Authority for the purpose for which the land is reserved under the Scheme or, in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- Clause 61(2)(h)** a change of use in the Commercial and General Industry zones where:
- (i) the general use class category remains the same and no additional floorspace is proposed (e.g. shop to shop);
  - (ii) the proposed use will have reduced car parking requirements and no additional car parking spaces are required (e.g. from shop to office);
  - (iii) the proposed use results in no adverse offsite traffic management and environmental impacts;
  - (iv) no additional floor space is proposed;

- (v) in the opinion of the local government, no material change to the appearance of the building is proposed; and
- (vi) there is no need to significantly improve public services and infrastructure.

## **ADOPTION**

Adopted by resolution of the local government of the Shire of Boddington at the meeting of the local government held on 17 September 2013.

G VENTRIS	13 April 2021
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SHIRE PRESIDENT	Date
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G STANLEY	13 April 2021
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A/CHIEF EXECUTIVE OFFICER	Date
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## **FINAL APPROVAL**

Adopted for final approval by resolution of the Shire of Boddington at the meeting of the local government held on the 20 August 2020, and the Seal of the Municipality was pursuant to that resolution was hereunto affixed by the authority of a resolution of the local government in the presence of:

G VENTRIS	13 April 2021
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SHIRE PRESIDENT	Date
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G STANLEY	13 April 2021
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A/CHIEF EXECUTIVE OFFICER	Date
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## **RECOMMENDED/SUBMITTED FOR FINAL APPROVAL**

C MEAGHAN	13 April 2021
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Delegated under s.16 of the Planning and Development Act 2005	Date
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## **FINAL APPROVAL GRANTED**

R SAFFIOTI	20 May 2021
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MINISTER FOR PLANNING	Date
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