

[GO TO CONTENTS PAGE](#)

SHIRE OF CRANBROOK

Town Planning Scheme No. 4

Updated to include AMD 7 GG 23/11/2018



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
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Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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SHIRE OF CRANBROOK TPS 4 – TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
5	29/05/15	17/06/15	NG	<p>Replace reference to the "TOWN PLANNING AND DEVELOPMENT ACT 1928" in the preamble of the Scheme Text index with "PLANNING AND DEVELOPMENT ACT 2005".</p> <p>Modify Clause 1.5 (g).</p> <p>Delete Clause 4.3.3 (a) to 4.3.3 (d) in its entirety.</p> <p>Modify Note 2 under Clause 4.3.</p> <p>Modify 'Table 1 - Zoning Table'.</p> <p>Delete the Note under 'Clause 4.11 and replace with new note.</p> <p>Insert a new Clause 5.9.3 under '5.9 TRANSPORTED BUILDINGS'.</p> <p>Insert a new subclause (c) and (d) under '5.3 SPECIAL APPLICATION OF THE RESIDENTIAL DESIGN CODES'.</p> <p>Insert a new Clause '5.14 Workforce Accommodation - Temporary'.</p> <p>Re-number existing Clause '5.14 RESIDENTIAL ZONE' to '5.15 RESIDENTIAL ZONE' and renumber Clause '5.14.1' and '5.14.2' to '5.15.1' and '5.15.2'.</p> <p>Re-number existing Clause '5.15 TOWN CENTRE ZONE' to '5.16 TOWN CENTRE ZONE' and renumber Clause '5.15.1' and '5.15.2' to '5.16.1' and '5.16.2'.</p> <p>Re-number existing Clause '5.16 INDUSTRIAL ZONE' to '5.17 INDUSTRIAL ZONE' and renumber Clause '5.16.1' and '5.16.2' to '5.17.1' and '5.17.2'.</p> <p>Re-number existing Clause '5.17 RURAL-RESIDENTIAL ZONE' to '5.18 RURAL-RESIDENTIAL ZONE' and renumber Clause '5.17.1', '5.17.2', '5.17.3' and '5.17.4' to '5.18.1', '5.18.2', '5.18.3' and '5.18.4'.</p> <p>Modify existing Clause 5.17.3 (b).</p> <p>Re-number existing Clause '5.18 RURAL-SMALLHOLDING ZONE' to '5.19 RURAL- SMALLHOLDING ZONE' and renumber Clause '5.18.1', '5.18.2' and '5.18.3' to '5.19.1', '5.19.2' and '5.19.3'.</p> <p>Re-number existing Clause '5.19 RURAL ZONE' to '5.20 RURAL ZONE' and renumber Clause '5.19.1', '5.19.2', '5.19.3' and '5.19.4' to '5.20.1', '5.20.2', '5.20.3' and '5.20.4'.</p> <p>Insert a new point (viii) and (ix) under existing Clause 5.19.2(a), which is proposed Clause 5.20.2(a).</p> <p>Insert a new Clause '5.20.5 Dwellings in the Rural Zone'.</p> <p>Delete the third dot point in Clause 6.1.1.</p> <p>Delete Clause 6.4 in its entirety.</p> <p>Delete existing Clause 8.2 (a) and insert modified Clause 8.2 (a).</p> <p>Delete existing Clause 8.2 (b) and insert modified Clause 8.2 (b).</p> <p>In Clause 8.2 insert new sub clauses (g), (h), (i) and (j).</p> <p>In Clause 8.2 (e) delete the word 'and' following (e).</p> <p>Delete the Note under Clause 8.2 (f).</p> <p>Modify subclause 10.2 (p) and insert new subclauses 10.2 (q) and 10.2 (zc), and accordingly re-number subclauses 10.2 (q) onwards.</p> <p>Delete Clause '10.10 APPEALS' and insert a new Clause '10.10 RIGHTS OF APPEAL'.</p> <p>Delete the Note that follows Clause 11.4.1 (b) (iv) and insert a new Note.</p> <p>Delete the words 'section 11(1) of the Town Planning Act:' in Clause 11.5.1 and insert therein 'section 173 of the Planning and Development Act:'.</p> <p>Delete the note following Clause 11.5.2 and insert a modified note following Clause 11.5.2.</p> <p>Delete the note following Clause 11.6.2 and insert a modified note following Clause 11.6.2.</p> <p>Delete Clause 11.7.1 and 11.7.2 and Insert therein a modified Clause 11.7.1 and 11.7.2.</p> <p>In 'SCHEDULE 1' modify the definition for "Gazettal date" under '1. General Definitions'.</p> <p>Delete the definition for "lot" under '1. General Definitions' and insert a new definition.</p> <p>Delete the words 'section 12(2) (a) of the Town Planning Act and insert 'section 172 of the Planning and Development Act' in the definition for "non-conforming use" in Schedule 1 under 1. General Definitions.</p> <p>In Schedule 1, delete the definition for Town Planning Act under 1. General Definitions.</p> <p>Insert a new definition for "Planning and Development Act" under 1. General Definitions.</p> <p>Delete the words 'Appendix 2 to' and replacing '1.' With 3.1 in the definition for Residential Design Codes in Schedule 1 under 1. General Definitions.</p> <p>Delete the word accommodation and insert dwelling for the ancillary</p>

				<p>accommodation definition under 1. General Definitions. Insert a new definition for 'transported structure' following the existing definition for "transport depot" in 'Schedule 1' under 2. Landuse Definitions. Delete the existing landuse definition for 'Workers Accommodation' in Schedule 1 under 2. Landuse Definitions and insert a new definition. Insert a new definition for 'Workforce Accommodation- Temporary' in Schedule 1 under 2. Landuse Definitions. Delete reference to 'Town Planning Act' and replace it with 'Planning and Development Act' throughout the scheme text in Clause 1.7.1 (a), Clause 11.1(b), Clause 11.1(c), Clause 11.2.4, Clause 11.6.1, and in the in the note under Clause 4.8(c). Delete reference to 'Town Planning Act 1928' and replace it with 'Planning and Development Act 2005' in the headings under 'SCHEDULE 8'. Delete Note 3 in 'SCHEDULE 9 and insert a new Note 3. Modify and update the numbering, headings and page numbers in the 'SCHEME TEXT ARRANGEMENT' to reflect the modified scheme text and format as a result of this amendment.</p>
6	23/11/18	26/11/18	MLD	<p>Schedule 4 – Special Use Zones (4) amended by:</p> <ul style="list-style-type: none"> • Inserting the following under Clause '(1) Strata Lots' under the schedule heading 'Special Use' as follows: <ul style="list-style-type: none"> (iv) Ancillary outbuildings subject to the approval of the local government. (v) Incidental development and infrastructure as approved by the local government. • Deleting the use class 'Plantation' in clause '(2) Common Property' under the schedule heading 'Special Use' and inserting the following: <ul style="list-style-type: none"> (i) Land use permissibility shall be determined in accordance with the Rural Zone use rights outlined in Table 1 Zoning Table except that: <ul style="list-style-type: none"> - The keeping of pigs and poultry shall not be permitted; - 'single house' shall be deemed to be a prohibited (X) use rather than a permitted (P) use; and - 'rural pursuit' shall be deemed to be a discretionary (D) use rather than a permitted (P) use; (ii) Where a use is to be approved it shall be subject to adequate buffers being provided within the common property area to prevent land-use conflicts with existing or future sensitive uses (namely houses) on the adjacent rural, rural residential or strata lots; and (iii) In the event the land is to be stocked, the areas of remnant vegetation are to be protected through the erection of stock proof fencing. <p>Schedule 1 – Dictionary of Defined Words and Expressions amended by replacing definition of 'home occupation'.</p>
7	25/08/23	29/08/23	GL	<p>Insert provision Tourism Zone into section 4.2 of the Scheme Text after the Rural Zone. Modify Table 1 – Zoning Table - Insert the Tourism zone and designating uses as outlined below; - Insert the tourist development as a use class and designating as outlined overleaf. - Insert exhibition centre as a use class and designating as outlined overleaf. - renumber the land uses accordingly. Insert 5.21 provision, Tourism Zone with 5.21.1 Site Requirements Insert provision 5.21.2 Development Requirements Insert provision 5.21.3 Local Development Plan Insert Land use definition, Tourist Development in Schedule 1 – Dictionary of Defined Word and Expressions. Rezoning Lots 182-190 Armstrong st, Lots 191-192 Climie St and Lots 193-199n Gilliam St and a portion of public road/laneway which abuts the subject lots from Residential to Tourism and amending the Scheme Map accordingly.</p>

SHIRE OF CRANBROOK
TOWN PLANNING SCHEME NO. 4

Preamble

This Town Planning Scheme of the Shire of Cranbrook consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies, which set out the general policies of the local government on matters within the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

SHIRE OF CRANBROOK
TOWN PLANNING SCHEME NO. 4

THE SHIRE OF CRANBROOK, UNDER THE POWERS CONFERRED BY THE PLANNING AND DEVELOPMENT ACT 2005 MAKES THE FOLLOWING TOWN PLANNING SCHEME.

AMD 5 GG 29/05/15

CONTENTS

PART 1 - PRELIMINARY	8
1.1 Citation	8
1.2 Responsible Authority	8
1.3 Scheme Area	8
1.4 Contents of Scheme	8
1.5 Purposes of Scheme.....	8
1.6 The Aims of the Scheme.....	8
1.7 Definitions	9
1.8 Relationship with Local Laws.....	9
1.9 Relationship with Other Schemes.....	9
PART 2 - LOCAL PLANNING POLICY FRAMEWORK	10
2.1 Scheme Determinations to Conform with Local Planning Strategy	10
2.2 Local Planning Policies	10
2.3 Relationship of Local Planning Policies to Scheme.....	10
2.4 Procedures for Making or Amending a Local Planning Policy.....	10
2.5 Revocation of Local Planning Policy.....	11
PART 3 - RESERVES.....	12
3.1 Reserves	12
3.2 Regional Reserves.....	12
3.3 Local Reserves	12
3.4 Use and Development of Local Reserves	12
PART 4 - ZONES AND THE USE OF LAND	13
4.1 Zones	13
4.2 Objectives of the Zones	13
4.3 Zoning Table	15
4.4 Interpretation of the Zoning Table.....	15
4.5 Additional Uses	16
4.6 Restricted Uses.....	16
4.7 Special Use Zones.....	16
Table 1 - Zoning Table	17
4.8 Non-conforming Uses	18
4.9 Extensions and Changes to a Non-conforming Use.....	18
4.10 Discontinuance of Non-Conforming Use	18
4.11 Termination of a Non-Conforming Use	18
4.12 Destruction of Non-Conforming Use Buildings	19
PART 5 - GENERAL DEVELOPMENT REQUIREMENTS.....	20
5.1 Compliance with Development Standards and Requirements	20
5.2 Residential Design Codes.....	20
5.3 Special Application of Residential Design Codes.....	20
5.4 Restrictive Covenants	21
5.5 Variations to Site and Development Standards and Requirements	21
5.6 Environmental Conditions	21
5.7 Development of Lots Abutting Unconstructed Roads	22
5.8 Parking Requirements	22
5.9 Transported Buildings	22
5.10 Use of Setback Areas	22
5.11 Home Occupation and Home Business	23
5.12 Caretaker's Dwellings	23
5.13 Land Capability and Environmental Management Assessment	23
5.14 workforce accomodation- temporary.....	24
5.15 Residential Zone	24

5.16	Town Centre Zone	25
5.17	Industrial Zone	25
5.18	Rural-Residential Zone	26
5.19	Rural-Smallholding Zone	28
5.20	Rural Zone	28
PART 6 - SPECIAL CONTROL AREAS		32
6.1	Operation of Special Control Areas	32
6.2	Cranbrook Wastewater Treatment Plant Buffer Special Control Area.....	32
6.3	Cranbrook Water Supply Special Control Area	32
PART 7 - HERITAGE PROTECTION		34
7.1	Heritage List	34
7.2.	Designation of a Heritage Area.....	34
7.3	Heritage Agreements	36
7.4	Heritage Assessment.....	36
7.5	Variations to Scheme Provisions for a Heritage Place or Heritage Area.....	36
PART 8 - DEVELOPMENT OF LAND.....		37
8.1	Requirement for Approval to Commence Development	37
8.2	Permitted Development	37
8.3	Amending or Revoking a Planning Approval	38
8.4	Unauthorised Existing Developments	38
PART 9 - APPLICATIONS FOR PLANNING APPROVAL.....		39
9.1	Form of Application	39
9.2	Accompanying Material.....	39
9.3	Additional Material for Heritage Matters	40
9.4	Advertising of Applications	40
PART 10 - PROCEDURE FOR DEALING WITH APPLICATIONS		42
10.1	Consultations with Other Authorities.....	42
10.2	Matters to be Considered by Local Government	42
10.3	Determination of Applications	43
10.4	Form and Date of Determination.....	43
10.5	Term of Planning Approval	44
10.6	Temporary Planning Approval	44
10.7	Scope of Planning Approval.....	44
10.8	Approval Subject to Later Approval of Details	44
10.9	Deemed Refusal	44
10.10	rights of Appeal	45
PART 11 - ENFORCEMENT AND ADMINISTRATION		46
11.1	Powers of the Local Government.....	46
11.2	Removal and Repair of Existing Advertisements.....	46
11.3	Delegation of Functions	47
11.4	Person Must Comply with Provisions of Scheme	47
11.5	Compensation	47
11.6	Purchase or Taking of Land.....	48
11.7	Notice for Removal of Certain Buildings	48
SCHEDULES.....		49
Schedule 1 – Dictionary Of Defined Words And Expressions		49
1.	General Definitions	49
2.	Land Use Definitions.....	52
Schedule 2 - Additional Uses		59

Schedule 3 - Restricted Uses.....	60
Schedule 4 - Special Use Zones.....	61
Schedule 5 - Exempted Advertisements.....	63
Schedule 6 - Form Of Application For Planning Approval	65
Schedule 7 - Additional Information For Advertisements.....	66
Schedule 8 - Notice Of Public Advertisement Of Planning Proposal.....	67
Schedule 9 - Notice Of Determination On Application For Planning Approval	68
Schedule 10 - Environmental Conditions	69
Schedule 11 - Rural Residential Zone	70
Schedule 12 - Rural Smallholding Zone	74
ADOPTION.....	75

PART 1 - PRELIMINARY

1.1 CITATION

1.1.1 The Shire of Cranbrook Town Planning Scheme No. 4 ("the Scheme") comes into operation on its gazettal date.

1.1.2 The following Schemes are revoked:

Name	Gazettal Date
Shire of Cranbrook Town Planning Scheme No. 2	10 February 1989
Shire of Cranbrook Town Planning Scheme No. 3	5 March 1993

1.2 RESPONSIBLE AUTHORITY

The Shire of Cranbrook is the responsible authority for implementing the Scheme.

1.3 SCHEME AREA

The Scheme applies to the Scheme Area that covers the entire local government district of the Shire of Cranbrook as shown on the Scheme Map.

1.4 CONTENTS OF SCHEME

The Scheme comprises:

- (a) the Scheme Text;
- (b) the Scheme Map (sheets numbers 1 to 11 inclusive);

The Scheme Text is to be read in conjunction with the Local Planning Strategy.

1.5 PURPOSES OF SCHEME

AMD 5 GG 29/05/15

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 as reserves for public purposes;
- (c) zone land within the Scheme Area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters contained in Schedule 7 to the Planning and Development Act.

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are:

- (a) to assist the effective implementation of regional plans and policies including the State Planning Strategy;
- (b) to protect areas of agricultural significance for sustainable production;

- (c) to encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices, encouraging processing and value adding industries, and by promoting tourism;
- (d) to provide opportunities for planned, contained and sustainable settlements in locations with access to services and infrastructure;
- (e) to provide for a range of rural lifestyle opportunities and ensuring rural residential development is managed to minimise impacts on rural land uses, to protect and enhance rural landscapes and environmental values, and to ensure good accessibility to services and facilities;
- (f) to protect the natural environment and biodiversity while ensuring appropriate development opportunities realised;
- (g) to promote the sustainable management of natural resources including energy, water, land, minerals, and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning;
- (h) to protect cultural and natural heritage values.

1.7 DEFINITIONS

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meanings as they have:

- a) in the Planning and Development Act; or *AMD 5 GG 29/05/15*
- b) if they are not defined in that Act:
 - i) in the Dictionary of defined words and expressions in Schedule 1; or
 - ii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meanings of a word or expression in the dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes:

- a) in the case of residential development, the definition in the Residential Design Codes prevails; and
- b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes and instructions printed in italics are not part of the Scheme.

1.8 RELATIONSHIP WITH LOCAL LAWS

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

1.9 RELATIONSHIP WITH OTHER SCHEMES

There are no other Schemes of the Shire of Cranbrook, which apply to the Scheme Area.

PART 2 - LOCAL PLANNING POLICY FRAMEWORK

2.1 SCHEME DETERMINATIONS TO CONFORM WITH LOCAL PLANNING STRATEGY

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

2.2 LOCAL PLANNING POLICIES

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:

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

and may amend or add to or rescind a Policy so prepared.

2.3 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making determinations under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 PROCEDURES FOR MAKING OR AMENDING A LOCAL PLANNING POLICY

2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government:

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

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

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

- 2.4.3 If the local government resolves to adopt the Policy, the local government is to:
- a) publish notice of the Policy once in a newspaper circulating in the Scheme Area; and
 - (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
- 2.4.4 A Policy has effect on the publication of a notice under clause 2.4.3 a).
- 2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 2.4.6 Clauses 2.4.1 to 2.4.5 with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 REVOCATION OF LOCAL PLANNING POLICY

A Local Planning Policy may be revoked by:

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme Area.

PART 3 - RESERVES

3.1 RESERVES

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

3.2 REGIONAL RESERVES

There are no Regional Reserves in the Scheme Area.

3.3 LOCAL RESERVES

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

3.4 USE AND DEVELOPMENT OF LOCAL RESERVES

3.4.1. A person must not:

- a) use a Local Reserve; or
- b) commence or carry out development on a Local Reserve

without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government is to have due regard to:

- a) the matters set out in clause 10.2; and
- b) the ultimate purpose intended for the Reserve.

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

PART 4 - ZONES AND THE USE OF LAND

4.1 ZONES

- 4.1.1 The Scheme Area is classified into the zones shown on the Scheme Map.
- 4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon.

4.2 OBJECTIVES OF THE ZONES

The Objectives of the Zones are:

- **Residential Zone**
 - To provide for the predominant form of residential development to be single houses.
 - To provide for diversity of lifestyle choice with a range of residential densities.
 - To achieve a high standard of residential development having regard to the economic importance of tourism to the district.
 - To allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.
- **Town Centre Zone**
 - To ensure the established town centres remain the principal places for retail, commercial, civic, and administrative functions.
 - To ensure development will not adversely affect local amenities, and will enhance the character of townsites in the district.
 - To provide for the efficient and safe movement of pedestrians and vehicles (including trucks, buses, and caravans).
 - To provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements.
 - To provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
 - To provide for expansion of commercial activity and community facilities to meet future demands.
- **Industrial Zone**
 - To provide for the needs of industry to support the community.
 - To provide appropriate buffers between industry and adjacent land uses, to avoid land use conflicts.
 - To avoid non-industry related uses establishing in the industrial areas that may constrain industrial activities.

- **Rural Residential Zone**
 - To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, and rural-residential retreats.
 - To make provision for uses and development which do not adversely affect local amenities, which will preclude intensive rural or horticultural uses or development.
 - To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
 - Having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the local government in providing services away from townsites, the local government will generally favour rural-residential zones be located close to the townsites and then only where the environmental impacts are manageable.

- **Rural Smallholding Zone**
 - To select areas wherein closer subdivision will provide opportunities for home business, cottage industry, tourist uses, and rural pursuits.
 - To make provision for uses and development which do not adversely affect local amenities, which will preclude intensive rural or horticultural uses or development.
 - To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
 - To provide for rural lifestyle themes including conservation lots, bush lots, equestrian estates, permaculture estate, and the like.

- **Rural Zone**
 - To ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.
 - To provide for intensive agricultural use in suitable areas.
 - To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
 - To allow for facilities for tourists and travellers, and for recreation uses.
 - To help protect rural land from land degradation and further loss of biodiversity by:
 - ✓ minimising clearing of remnant vegetation
 - ✓ encouraging retention and protection of remnant vegetation
 - ✓ encouraging development and protection of vegetation corridors
 - ✓ encouraging development of sustainable surface and sub-surface drainage works
 - ✓ encouraging rehabilitation of salt-affected land
 - ✓ encouraging soil conservation through land management measures
 - ✓ encouraging identification and protection of wetlands.
 - To promote the sustainable management of natural resources, and the prevention of land degradation.

- To have regard to use of adjoining land at the interface of the rural zone with other zones to avoid adverse effects on local amenities.

- **Tourism Zone** AMD 7 GG 25/8/23

- To promote and provide for tourism opportunities.
- 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.
- To allow limited residential uses where appropriate.
- 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.

4.3 Zoning Table

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones. The permissibility of any uses is determined by cross-reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings:

"P" means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

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

"A" means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

"X" means a use that is not permitted by the Scheme.

- Note:
1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
 2. In considering an application under Part 9.1.1(b) the local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
AMD 5 GG 29/05/15
 3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.
 4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

4.4 INTERPRETATION OF THE ZONING TABLE

4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

- 4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use the local government may:
- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - b) determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
 - c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5 ADDITIONAL USES

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to uses already permissible in that zone that applies to the land.

There are no Additional Uses which apply to the Scheme.

4.6 RESTRICTED USES

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

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

There are no Restricted Uses which apply to the Scheme.

4.7 SPECIAL USE ZONES

4.7.1 Special Use Zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

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

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

TABLE 1 - ZONING TABLE

USES		TOURISM AMD 7 GG 25/8/23	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	RURAL
1	aged or dependent persons dwelling	D	D	X	X	X	X	X
2	agriculture - extensive	X	X	X	X	X	X	P
3	agriculture - intensive	X	X	X	X	X	X	D
4	agroforestry	X	X	X	X	X	X	P
5	ancillary dwelling AMD 5 GG 29/05/15	D	D	X	X	D	D	X
6	ancillary tourist use	P	A	X	X	A	A	D
7	animal husbandry - intensive	X	X	X	X	X	X	D
8	aquaculture	X	X	X	D	A	A	D
9	caretaker's dwelling	D	X	D	D	X	X	D
10	club premises	A	X	D	X	X	X	D
11	education establishment AMD 5 GG 29/05/15	D	A	A	X	X	X	A
12	Exhibition centre AMD 7 GG 25/8/23	D	X	D	D	X	X	X
13	fuel depot	X	X	X	P	X	X	X
14	grouped dwelling	D	D	D	X	X	X	X
15	holiday accommodation	D	A	A	X	A	D	D
16	home business	A	A	X	X	A	A	A
17	hotel	D	X	D	X	X	X	X
18	industry - extractive	X	X	X	X	X	X	D
19	industry - general	X	X	X	D	X	X	X
20	industry - light	X	X	X	P	X	X	X
21	industry - rural	X	X	X	P	X	X	D
22	industry - service	X	X	D	D	X	X	A
23	motel	D	X	D	X	X	X	X
24	motor vehicle, boat, or caravan sales	X	X	D	P	X	X	X
25	motor vehicle repair	X	X	A	P	X	X	X
26	office	A	X	P	X	X	X	X
27	plantation	X	X	X	X	X	A	D
28	place of worship	X	D	P	X	X	A	A
29	residential building	D	D	X	X	X	X	D
30	restaurant	D	X	D	X	X	A	A
31	rural pursuit	X	X	X	X	A	A	P
32	service station	X	X	A	D	X	X	X
33	single house AMD 5 GG 29/05/15	D	P	D	X	P	P	P ¹
34	shop	D	X	D	X	X	X	X
35	transport depot	X	X	X	P	X	X	X
36	Tourist development	D	A	D	X	X	X	X
37	veterinary centre	X	X	A	D	A	D	D
38	winery	X	X	A	X	A	D	D
39	workers accommodation	A	X	X	X	X	A	D
40	workers accommodation - temporary AMD 5 GG 29/05/15	A	X	X	X	X	X	A

¹ Refer Clause 5.20.5(c). AMD 5 GG 29/05/15

4.8 NON-CONFORMING USES

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

- (a) the continued use of any land or building for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures. *AMD 5 GG 29/05/15*

4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

4.9.1 A person must not:

- a) alter or extend a non-conforming use;
- b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

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

4.10 DISCONTINUANCE OF NON-CONFORMING USE

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

4.11 TERMINATION OF A NON-CONFORMING USE

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

Note: Section 190 and 191 of the *Planning and Development Act* enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a local planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme. *AMD 5 GG 29/05/15*

4.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

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

PART 5 - GENERAL DEVELOPMENT REQUIREMENTS

5.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with the provisions of the Scheme.

5.2 RESIDENTIAL DESIGN CODES

- 5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
- 5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
- 5.2.3 The Residential Design Code density applicable to land within the Scheme Area is to be determined by reference to the Residential Design Code density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having an Residential Design Code density, as being contained within the area defined by the centre line of those borders.

5.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

The following variations to the Residential Design Codes apply in the Scheme area:

- (a) for land designated R12.5/30 the local government may permit an increase up to a maximum of R30 where:
 - (i) adequate connection to reticulated sewerage is available;
 - (ii) the development complies with the development standards for the applicable density;
 - (iii) the local government considers the design of the development will enhance the amenity of the area; and
 - (iv) the development is compatible with the surrounding land uses and development;
- (b) for land designated R5/12.5/30 the local government may permit an increase from R5 up to a maximum of R30 where:
 - (i) adequate connection to reticulated sewerage is available;
 - (ii) the development complies with the development standards for the applicable density;
 - (iii) the local government considers the design of the development will enhance the amenity of the area; and
 - (iv) the development is compatible with the surrounding land uses and development;
- (c) Notwithstanding the definitions under the Residential Design Codes, additional dwelling(s) approved by the local government on Rural zoned land in accordance with Clause 5.20.5 shall not be construed as 'ground dwellings' for the purpose of interpreting the landuse permissibility under 'Table 1- Zoning Table'.

- (d) Where there is a conflict between Clause 1.7.2 a) and Clause 5.3 (c), Clause 5.3 (c) shall prevail.

AMD 5 GG 29/05/15

5.4 RESTRICTIVE COVENANTS

- 5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme Area by which, or the effect of which is that, the number of dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the R Codes which apply under the Scheme.
- 5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would but for the operation of clause 5.4.1 have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 5.5.2 In considering an application for planning approval under this clause, where, in the opinion of local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the local government is to:
- a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
 - b) have regard to any expressed views prior to making its determination to grant the variation.
- 5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that:
- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
 - b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

5.6 ENVIRONMENTAL CONDITIONS

- 5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme, are subject are incorporated into the Scheme by Schedule 10 of the Scheme.
- 5.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol 'EC' to indicate that environmental conditions apply to the land.
- 5.6.3 The local government is to:
- a) maintain a register of all relevant Statements published under section 48F and 48G of the EP Act; and
 - b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*.

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

5.7 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS

Despite anything elsewhere appearing in the Scheme planning approval is required for development of land abutting an unconstructed road or a lot that does not have frontage to a constructed road. In considering such an application the local government is to either:

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access to the satisfaction of the local government.

5.8 PARKING REQUIREMENTS

A person is not to develop or use any land or erect use or adapt any building unless parking spaces as specified by the local government are provided and such spaces are constructed and maintained in accordance with the requirements of the local government.

5.9 TRANSPORTED BUILDINGS

5.9.1 A person is not to transport a building and place it on land in a gazetted townsite in the Scheme Area and use it as a dwelling unless planning approval has been granted by the local government.

5.9.2 The local government will only grant planning approval under clause 5.9.1 if the transported building:

- a) complies with the provisions of the Scheme, the Residential Design Codes, and any Local Laws applicable both to the transported building and the land on which it is to be situated; and
- b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the locality.

5.9.3 The local government may:

- a) require upgrading, modifications, alterations or additions to the transported building;
- b) specify requirements for landscaping or other forms of screening to be undertaken as part of the placement of a transported building; and
- c) require rehabilitation of land where a transported building is removed.

AMD 5 GG 29/05/2015

5.10 USE OF SETBACK AREAS

5.10.1 A person is not to use the land between a street alignment and the distance that buildings are required to be setback from such 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) the loading and unloading of vehicles;
- d) landscaping which only in the Town Centre zone and then only with the specific approval of local government may include an awning, pergola, or similar structure and when in front of a fast food outlet or restaurant may provide for alfresco dining.

5.10.2 The setback area is not to be used for the parking of vehicles which are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste of manufacture.

5.11 HOME OCCUPATION AND HOME BUSINESS

An approval to conduct a home occupation or home business is issued to a specific occupier of a particular parcel of land, it is not to be transferred or assigned to any other person and is not to be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation or home business approval is issued the approval is cancelled.

5.12 CARETAKER'S DWELLINGS

The provisions of this clause apply for all caretakers' dwellings in the Industrial zone.

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (b) only one caretaker's dwelling is to be permitted on a lot; for the purposes of this clause "lot" excludes a strata lot or survey-strata lot created under the *Strata Titles Act 1985*;
- (c) a caravan or park home is not to be permitted as a caretaker's dwelling for either permanent or temporary occupation;
- (d) a caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot;
- (e) a caretaker's dwelling is to contain 1 bedroom only within an a total floor area that does not exceed 100 square metres measured from the external face of walls;
- (f) 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 paragraph (e).

5.13 LAND CAPABILITY AND ENVIRONMENTAL MANAGEMENT ASSESSMENT

- (a) The local government will recommend to the Commission that a Land Capability and Environmental Management Assessment be carried out to demonstrate land and on-site effluent disposal capability for a proposal to subdivide land:
 - (i) in the Industrial zone in the Cranbrook townsite;
 - (ii) in the Residential zone with R2.5 or R5 density code in the Frankland townsite; or
 - (iii) in the Industrial zone in Frankland.
- (b) The local government will require a Land Capability and Environmental Management Assessment be carried out to demonstrate land and on-site effluent disposal capability for the proposed development of a caravan park in Frankland.

5.14 WORKFORCE ACCOMODATION- TEMPORARY

- 5.14.1 A person is not to develop or use land in the Scheme Area for 'Workforce Accommodation – Temporary' unless temporary planning approval has been granted by the local government.
- 5.14.2 The local government shall restrict the term of any temporary planning approval to a period not exceeding 12 months.
- 5.14.3 In considering an application for planning approval for 'Workforce Accommodation – Temporary' the local government will have due regard for the following, in addition to the provisions of the Scheme:
- a) the demonstrated need to accommodate workers for construction, building and associated site works;
 - b) effluent disposal and adequate waste management;
 - c) the need for separation to sensitive premises;
 - d) the nature of construction or other works and whether such works are so significant that it warrants provision of workforce accommodation;
 - e) the location of the proposed accommodation and its proximity to the lot subject to construction of a building, structure or other development or significant site works;
 - f) the need to minimise potential for any development to adversely impact on the continued operation of existing approved landuses in the locality.
 - g) an agreement for rehabilitation of the site after removal of temporary structures.
- AMD 5 GG 29/05/15*

5.15 RESIDENTIAL ZONE

5.15.1 Site Requirements

In accordance with the R Codes.

5.15.2 Parking of Commercial Vehicles

AMD 5 GG 29/05/15

- a) no more than 2 commercial vehicles are to be parked on a lot in the Residential zone, provided that:
 - i) only 1 such vehicle may exceed 10 tonnes gross weight;
 - ii) the vehicles are parked on a lot containing only a single house;
 - iii) the vehicles form an essential part of the occupation of an occupant of the single house;
 - iv) a vehicle does not exceed either 2.7 metres in height or 15 metres in length;
 - v) a vehicle exceeding 8 metres in length is screened from view from outside the lot;
 - vi) a commercial vehicle is not to be brought to or taken from the lot between the hours of 10.00 PM and 6.30 AM;
 - vii) major repairs to the commercial vehicles are not undertaken on the lot; and
 - viii) any minor repairs, servicing or cleaning of the commercial vehicles are carried out in areas that are screened from view from outside the lot.
- b) despite the provisions of paragraph (a) of this clause, the approval of the local government is required for the parking of a commercial vehicle exceeding 10 tonnes gross weight on a lot in the Residential zone;

- c) an approval of the local government granted under paragraph (b) of this clause:
 - i) is personal to the person to whom it is granted;
 - ii) is not capable of being transferred or assigned to any other person; and
 - iii) does not run with the land in respect of which it was granted;
- d) a person to whom an approval has been granted under paragraph (b) of this clause is not to park or cause to be parked such vehicle on a lot in the Residential zone other than on the lot in respect of which the approval was granted;

5.16 TOWN CENTRE ZONE

5.16.1 Site Requirements

At the discretion of the local government.

5.16.2 Development Requirements

AMD 5 GG 29/05/15

- a) development is not to exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised;
- b) in considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government is to have regard to the following:
 - i) the colour and texture of external building materials; the local government may require the building facade and side walls to a building depth of 3 metres to be constructed in masonry;
 - ii) building size, height, bulk, roof pitch;
 - iii) setback and location of the building on its lot;
 - iv) architectural style and design details of the building;
 - v) function of the building;
 - vi) relationship to surrounding development; and
 - vii) other characteristics considered by the local government to be relevant;
- c) landscaping is to be provided to complement the appearance of the proposed development and it's setting;
- d) the layout of car parking is to have regard for traffic circulation in existing parking areas and is to be integrated with any existing and adjoining parking area.

5.17 INDUSTRIAL ZONE

5.17.1 Site Requirements

- a) the minimum lot size should be 2,500 square metres to provide for building/s, on-site effluent disposal, landscaping, and manoeuvring area for all vehicles to enter and leave the lot in a forward gear;
- b) the minimum building setbacks are to be:

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

- c) the first 5 metres of the front setback on any lot are to be landscaped to the satisfaction of the local government. Where a lot has frontage to 2 streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced is to be landscaped to the satisfaction of the local government.

5.17.2 Development Requirements

- a) in addition to other requirements of the Scheme an application for planning approval for an industry is to demonstrate compliance with the buffer distance separation from existing or likely sensitive land uses (e.g. existing dwellings or dwellings that may be built on nearby/adjoining residential or rural residential lots), in accordance with guidelines of the Environmental Protection Authority;
- b) in determining an application for planning approval for an industry the local government may impose conditions to control industrial liquid, solid or gaseous wastes in accordance with Environmental Protection Authority guidelines and advice from the Department of Environmental Protection;
- c) where a proposed industry would generate industrial liquid, solid, or gaseous wastes such wastes are to be treated and disposed of in accordance with Department of Environmental Protection advice/guidelines.
- d) subdivision of Lot 216 Frankland - Cranbrook Road, and Shamrock Road, Frankland, is to be generally in accordance with a subdivision guide plan endorsed by the Chief Executive Officer and the Commission; the subdivision guide plan is to demonstrate that subdivision and development will provide for retention and protection of remnant vegetation, protection of creeklines, and protection of the visual amenity of the entry to Frankland.

5.18 **RURAL-RESIDENTIAL ZONE**

5.18.1 Site Requirements: The minimum building setbacks are to be:

Front:	30.0m
Rear:	10.0m
Side:	10.0m

5.18.2 General Provisions:

- a) The provisions for controlling subdivision and development in specific Rural-Residential Zones are set out in Schedule 11. Subdivision is to generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer and approved by the Commission and such plan of subdivision is to show the minimum lot size for subdivision.
- b) Despite anything contained in the Scheme where:
 - i) a reticulated water supply is not available for each lot due to lack of a service or the prohibitive cost of connection, and sufficient justification is provided as to the adequacy of a potable water supply using sources such as bores or rainwater tanks, the minimum lot size is to be 2.0 hectares;
 - ii) a reticulated water supply is provided to each lot as a condition of subdivision the minimum lot size is to be 1.0 hectare.

5.18.3 Development Requirements:

Development in a Rural-Residential Zone is to comply with the requirements of the following:

- a) planning approval is required for all development including a single house and such application is to be made in accordance with the provisions of the Scheme;
- b) not more than one single house is to be erected on a lot with the exception of an ancillary dwelling which is not permitted unless the local government has exercised its discretion by granting planning approval; *AMD 5 GG 29/05/15*
- c) a single house is to be developed on a lot prior to commencement of development or use of that lot for any other purpose which requires the planning approval of the local government under the Scheme;
- d) in order to conserve the rural environment or features of natural beauty all trees are to be retained unless their removal is authorised by the local government;
- e) in order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the local government.
- f) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals is to be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- g) with the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural-Residential zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action are to be recoverable by the local government from the landowner; and
- h) the local government may require provision to be made for bush fire control in accordance with a Local Planning Policy adopted by the local government.

5.18.4 Development Standards

AMD 5 GG 29/05/15

To achieve a high standard of development within a Rural-Residential zone, and to minimise the visual impacts of development the local government will have regard to the following:

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

5.19 RURAL-SMALLHOLDING ZONE

5.19.1 Site Requirements: The minimum building setbacks are to be:

Front: 30.0m
Rear: 10.0m
Side: 10.0m

5.19.2 General Provisions:

The provisions for controlling subdivision and development in specific Rural Smallholding Zones are set out in Schedule 12. Subdivision is to generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer and approved by the Commission and such plan of subdivision is to show the minimum lot size for subdivision.

5.19.3 Development Requirements:

AMD 5 GG 29/05/15

Development in a Rural Smallholding Zone is to comply with the requirements of the following:

- a) not more than 1 dwelling is to be erected on a lot;
- b) a single house is to be developed on a lot prior to commencement of development or use of that lot for any other purpose which requires the planning approval of the local government under the Scheme;
- c) in order to conserve the rural environment or features of natural beauty all trees are to be retained unless their removal is authorised by the local government;
- d) in order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the local government.
- e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals is to be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- f) with the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural Smallholding zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action are to be recoverable by the local government from the owner; and
- g) the local government may require provision to be made for bush fire control in accordance with a Local Planning Policy adopted by the local government.

5.20 RURAL ZONE

5.20.1 Site Requirements: The minimum building setbacks are to be:

Front: 20.0m
Rear: 20.0m
Side: 10.0m

5.20.2 Development of Agroforestry and Plantations

- a) applications for the development of agroforestry and plantations are to be determined by the local government having regard to:
 - i) The Code of Practice for Timber Plantations in Western Australia 1997 as amended from time to time ('Code of Practice').
 - ii) Submission of a plantation management plan in accordance with the protocol in the Code of Practice.
 - iii) The need to encourage the commercial production of trees which is of significance to the national, regional, and local economy.
 - iv) The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.
 - v) The role of agroforestry and plantations in protecting water quality and preventing adverse effects on groundwater recharge.
 - vi) The location of the land in relation to land zoned for residential, industrial, commercial uses.
 - vii) The suitability of the current and future road systems.
 - viii) Any Local Planning Policy adopted by the local government.
 - ix) The objective of the Rural zone under Part 4. *AMD 5 GG 29/05/15*
- b) In determining applications for agroforestry and plantations the local government may impose conditions relating to:
 - i) The application of fire management measures and the provision of internal and boundary firebreaks and water supplies in accordance with the Guidelines for Plantation Fire Protection 1998 (Bush Fire Service of WA/FESA and CALM).
 - ii) Compliance with the Code of Practice.

5.20.3 General Development Requirements

In considering an application for planning approval the local government will have due regard for the following, in addition to the provisions of the Scheme:

- a) any sensitive or incompatible uses which may require buffer separation from the proposed use;
- b) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;
- c) any wetland or remnant vegetation or other sensitive feature, and how the application has addressed the protection of the feature;
- d) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and
- e) proposals for treatment and disposal of waste products.

5.20.4 Subdivision

AMD 5 GG 29/05/15

When preparing recommendations to the Commission in response to referral of applications for subdivision the local government will have due regard for the following, in addition to the provisions of the Scheme:

- a) the potential impact on continuation of existing uses on adjoining lots;
- b) evidence of a sustainable water supply that does not rely on catchment outside the proposed lot or lots, or the damming of a stream that will impact on the water availability for another lot or lots; and

- c) whether effluent disposal systems can be set back 100 metres (conventional septic system) or 50 metres (alternative system) from any stream. (The buffer distances may be reduced depending on the size and nature of the stream and the soil types).

5.20.5 Dwellings in the Rural Zone

AMD 5 GG 29/05/15

- a) Notwithstanding any other provision of the Scheme, the local government may permit a maximum of two (2) dwellings per lot within the Rural zone for private residential purposes.
- b) In determining any application for any additional dwelling on a lot in the Rural zone for private residential purposes Council shall have regard for the following:
 - i) the additional dwelling is warranted for farm management purposes or to accommodate family members;
 - ii) any new dwelling is suitably located and setback with sufficient buffers from neighbouring rural lot boundaries so as to minimise landuse conflict with surrounding agricultural uses and farming activities in the opinion of the local government;
 - iii) the lot is greater than 40 hectares in area;
 - iv) that the lot or farm area can continue to be used for broadacre farming;
 - v) the cumulative effect of granting approvals in a locality and the potential for the creation of homestead lots based on the house location as may be permissible under relevant state planning policies;
 - vi) the need to avoid the creation of unplanned small lot subdivision in locations that may cause conflict with the objectives of the rural zone.
- c) The existence of more than one dwelling on a lot zoned Rural shall not be construed as the basis for the subdivision of the lot in a manner other than that provided for in relevant State Planning Policies.
- d) Notwithstanding any symbol in 'Table 1 – Zoning Table' or any other provision of the Scheme, any more than one dwelling on a lot in the Rural zone shall require the specific approval of the local government and shall not be permitted unless the local government has exercised its discretion by granting planning approval.

5.21 TOURISM ZONE

AMD 7 GG 25/8/23

5.21.1 Site Requirements

- a) Development setbacks for tourism development shall be in accordance with the R12.5 density code.
- b) Development setbacks shall be in accordance with the R Codes where an R Coding applies.

5.21.2 Development Requirements

- a) Development is not to exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised;

- b) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government is to have regard to the following:
 - i. the colour and texture of external building materials; the local government may require the building façade and side walls to a building depth of 3 metres to be constructed in masonry;
 - ii. building size, height, bulk, roof pitch;
 - iii. setback and location of the building on its lot;
 - iv. architectural style and design details of the building;
 - v. function of the building;
 - vi. relationship to surrounding development; and
 - vii. other characteristics considered by the local government to be relevant;
- c) Landscaping is to be provided to complement the appearance of the proposed development and its setting;
- d) Preparation of a noise management plan may be required for any development proposed adjacent to existing or potential residential development;
- e) The layout of car parking is to have regard for traffic circulation in existing parking areas and is to be integrated with any existing and adjoining parking area;
- f) Development is to be connected to adequate water, power and sewerage infrastructure.

5.21.3 Local Development Plan

- a) The local government may require the preparation of a local development plan as a means to guide future development as provided for under Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- b) Notwithstanding (a) above, the local government may consider development prior to the approval of a local development plan as provided for under Clause 56(2), Part 6, Schedule 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

PART 6 - SPECIAL CONTROL AREAS

6.1 OPERATION OF SPECIAL CONTROL AREAS

6.1.1 The following Special Control Areas are shown on the Scheme Map.

- Cranbrook Wastewater Treatment Plant Buffer Special Control Area.
- Cranbrook Water Supply Area Special Control Area.

6.1.2 In respect of a Special Control Area shown on the Scheme Map, the provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.2 CRANBROOK WASTEWATER TREATMENT PLANT BUFFER SPECIAL CONTROL AREA.

6.2.1 Purposes

To avoid development of sensitive uses which may be affected by odour and noise within the buffer area of the wastewater treatment plant.

6.2.2 Application Requirements

Despite the provisions of clause 8.2, planning approval is required for all development including a single house.

6.2.3 Relevant Considerations

When determining applications for planning approval the local government is to refer to guidelines prepared by the Water Corporation, and may refuse or approve with or without conditions such application having regard for those guidelines.

6.2.4 Referral of Applications

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

6.3 CRANBROOK WATER SUPPLY SPECIAL CONTROL AREA

6.3.1 Purposes

To protect the area from use and/or development which may adversely impact on public drinking water supplies. The Water Corporation has advised there is potential for contamination of the natural catchment for the Cranbrook water supply as a result of undesirable land use, particularly development that may cause contamination by aerial drift.

6.3.2 Application Requirements

Despite the provisions of clause 8.2, planning approval is required for all development including a single house.

6.3.3 Relevant Considerations

When determining applications for planning approval the local government is to refer to guidelines prepared by the Water Corporation, and may refuse or approve with or without conditions such application having regard for those guidelines.

6.3.4 Referral of Applications

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

PART 7 - HERITAGE PROTECTION

7.1 HERITAGE LIST

- 7.1.1. The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.
- 7.1.2 In the preparation of the Heritage List the local government is to:
- a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
 - b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.
- 7.1.3 In considering a proposal to include a place on the Heritage List the local government is to:
- a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
 - b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
 - c) carry out such other consultations as it thinks fit; and
 - d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- 7.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.
- 7.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.
- 7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

- Note:
1. The purpose and intent of the heritage provisions are -
 - (a) to facilitate the conservation of places of heritage value; and
 - (b) to ensure as far as possible that development occurs with due regard to heritage values.
 2. A "place" is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.2. DESIGNATION OF A HERITAGE AREA

- 7.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.
- 7.2.2 The local government is to:
- a) adopt for each heritage area a Local Planning Policy which is to comprise:
 - i) a map showing the boundaries of the heritage area;

- ii) a record of places of heritage significance; and
- iii) objectives and guidelines for the conservation of the heritage area;

and

- b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3 If a local government proposes to designate an area as a heritage area, the local government is to:

- a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- b) advertise the proposal by:
 - i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;

and

- c) carry out such other consultation as the local government considers appropriate.

7.2.4 Notice of a proposal under clause 7.2.3 b) is to specify:

- a) the area subject of the proposed designation;
- b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

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

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

7.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7 The local government may modify or revoke a designation of a heritage area.

7.2.8 Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3 HERITAGE AGREEMENTS

The local government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

- Note:
1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
 2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4 HERITAGE ASSESSMENT

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5 VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE OR HERITAGE AREA

Where desirable to:

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1, the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.5.2.

PART 8 - DEVELOPMENT OF LAND

8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government pursuant to the provisions of Part 9.

- Note:
1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 2. Development includes the erection, placement and display of any advertisement.

8.2 PERMITTED DEVELOPMENT

AMD 5 GG 29/05/15

Except as otherwise provided in the Scheme, for the purpose of the Scheme the following development does not require the planning approval of the local government:

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building and where the use of the building is a permitted (P) use in the zone in which the land is situated and is not subject to any non-conforming use, except where:
 - (i) the building is located in a place that has been registered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the building is subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) the building is included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where:
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme; or
 - (iii) the development will be located on a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road; or
 - (iv) the development will be located on a lot located in a Rural Residential or Rural Smallholding zone; or
 - (v) the single house is a Transported Building on land in a gazetted townsite; or
 - (vi) the lot is zoned 'Rural' and already contains a single house; or
 - (vii) the lot is zoned Rural and the setbacks to any building do not comply with Clause 5.20.1.
- (c) the demolition of any building or structure except where the building or structure is:
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or

- (ii) the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme
- (d) a home office;
 - (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
 - (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a Heritage Area.
 - (g) the use of land which is a permitted (P) use in the zone in which that land is situated provided it complies with the relevant development standards and the requirements of the Scheme;
 - (h) a change of landuse to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with the relevant development standards and the requirements of the Scheme;
 - (i) the erection of a fence except where the fence is on a lot zoned Residential and it requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;
 - (j) installation or alterations of a dam land that is zoned Rural that does not entail damming of a stream that will impact on –
 - (i) the water availability for another lot or lot;
 - (ii) an adjacent lot or public road; and
 - (iii) is incidental to the predominant use of the lot. *AMD 5 GG 29/05/15*

8.3 AMENDING OR REVOKING A PLANNING APPROVAL

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.4 UNAUTHORISED EXISTING DEVELOPMENTS

8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful development upon the grant of planning approval.

- Note
1. Applications for approval to an existing development are made under Part 9.
 2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

PART 9 - APPLICATIONS FOR PLANNING APPROVAL

9.1 FORM OF APPLICATION

9.1.1 An application for approval for one or more of the following:

- a) a use or commencement of development on a Local reserve under clause 3.4;
- b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- d) commencement of a use not listed in the Zoning Table under clause 4.4.2 b);
- e) alteration or extension of a non-conforming use under clause 4.9;
- f) a change of a non-conforming use under clause 4.9;
- g) continuation of a non-conforming use under clause 4.12;
- h) variation of a site or development requirement under clause 5.5;
- i) commencement of development under clause 8.1;
- j) continuation of development already commenced or carried out under clause 8.4;
- k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- l) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2 An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

9.2 ACCOMPANYING MATERIAL

Unless the local government waives any particular requirement every application for planning approval is to be accompanied by:

- (a) a plan or plans to a scale of not less than 1:500 showing:
 - (i) the location of the site including street names, lot number(s), north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;

- (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all parking spaces intended to be provided;
 - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop those areas; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
 - (c) any specialist studies that the local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering, or urban design studies; and
 - (d) any other plan or information that the local government may reasonably require to enable the application to be determined.

9.3 ADDITIONAL MATERIAL FOR HERITAGE MATTERS

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application:

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4 ADVERTISING OF APPLICATIONS

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

- a) an 'A' use under clause 4.3.2; or
- b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

- 9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways:
- a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government are likely to be affected by the granting of planning approval stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
 - b) notice of the proposed use or development published in a newspaper circulating in the Scheme Area stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is published;
 - c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.
- 9.4.4 The notice referred to in clause 9.4.3 a) and b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.
- 9.4.5 Any person may inspect the application for planning approval referred to in the notice and material accompanying that application at the offices of the local government.
- 9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice, or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

PART 10 - PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 CONSULTATIONS WITH OTHER AUTHORITIES

- 10.1.1 In considering any application for planning approval the local government may consult with any other statutory, public, or planning authority it considers appropriate.
- 10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.2 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

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

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990* or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire, or any other risk;
- (n) the preservation of the amenity of the locality;

- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether the proposed construction of vehicle access/egress in to a road controlled by the State requiring approval by Main Roads Western Australia;
- (q) whether adequate provision had been made for the loading, unloading manoeuvring and parking of vehicles;
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (s) whether public transport services are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) whether adequate provision has been made for access by disabled persons;
- (w) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the planning approval;
- (z) any relevant submission received on the application;
- (za) the comments or submissions received from any authority consulted under clause 10.1.1;
- (zb) the need to protect Aboriginal sites of significance as required under the *Aboriginal Heritage Act 1972*;
- (zc) potential impacts of noise, dust light, risk and other pollutants on surrounding land uses and the need for buffers to avoid conflicts, potential adverse health effects and nuisance impacts from chemical use, dust or existing rural activities; and
- (zd) any other planning consideration the local government considers relevant.

AMD 5 GG 29/05/15

10.3 DETERMINATION OF APPLICATIONS

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

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

10.4 FORM AND DATE OF DETERMINATION

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

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

10.5 TERM OF PLANNING APPROVAL

10.5.1 Where the local government grants planning approval for the development of land:

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

10.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6 TEMPORARY PLANNING APPROVAL

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

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

10.7 SCOPE OF PLANNING APPROVAL

Planning approval may be granted:

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

10.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

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

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

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

10.9 DEEMED REFUSAL

10.9.1 Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.2 An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clauses 10.9.1 or 10.9.2 as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10 RIGHTS OF APPEAL

AMD 5 GG 29/05/15

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

PART 11 - ENFORCEMENT AND ADMINISTRATION

11.1 POWERS OF THE LOCAL GOVERNMENT

11.1.1 The local government in implementing the Scheme has the power to:

- a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- b) acquire any land or buildings within the Scheme Area under the provisions of the Scheme or the Planning and Development Act; and
- c) deal with or dispose of any land which it has acquired under the Scheme or the Planning and Development Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

AMD 5 GG 29/05/15

11.1.2 An employee of the local government authorised by the local government may at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2 REMOVAL AND REPAIR OF EXISTING ADVERTISEMENTS

11.2.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt, or otherwise modify the advertisement.

11.2.2 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to:

- a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
- b) remove the advertisement.

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify:

- a) the advertisement the subject of the notice;
- b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may appeal under Part V of the Planning and Development Act against the determination of the local government.

AMD 5 GG 29/05/15

11.3 DELEGATION OF FUNCTIONS

- 11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- 11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.
- 11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.
- 11.3.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

11.4 PERSON MUST COMPLY WITH PROVISIONS OF SCHEME

- 11.4.1 A person must not:
- a) contravene or fail to comply with the provisions of the Scheme;
 - b) use any land or commence or continue to carry out any development within the Scheme Area:
 - i) otherwise than in accordance with the Scheme;
 - ii) unless all approvals required by the Scheme have been granted and issued;
 - iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

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

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

Penalty: \$50,000, and a daily penalty of \$5,000. *AMD 5 GG 29/05/15*

11.5 COMPENSATION

- 11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under Section 173 of the *Planning and Development Act*: *AMD 5 GG 29/05/15*
- a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or

- b) where the land has been reserved for a public purpose and:
 - i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

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

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1

Note: A claim for compensation under section 173 of the *Planning and Development Act* may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*. AMD 5 GG 29/05/15

11.6 PURCHASE OR TAKING OF LAND

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

AMD 5 GG 29/05/15

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

Note: Section 190 and 191 of the *Planning and Development Act* empowers the local government to purchase or compulsorily acquire land comprised in a scheme. AMD 5 GG 29/05/15

11.7 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

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

11.7.2 The local government may recover expenses under Section 215(2) of the *Planning and Development Act* in a Court of competent jurisdiction AMD 5 GG 29/05/15

SCHEDULES
SCHEDULE 1 – DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

1. GENERAL DEFINITIONS

In the Scheme —

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“aged or dependent person” has the same meaning as in the Residential Design Codes;

“amenity” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“building” has the same meaning as in the Residential Design Codes

“building envelope” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

“Commission” means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985*;

“conservation” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“cultural heritage significance” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“floor area” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“frontage”, when used in relation to a building that is used for —

- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“Gazettal date”, in relation to a Scheme, means the date on which the Scheme was published in the *Gazette* under section 7(3) of the *Town Planning and Development 1928* (as applicable at the time) or in relation to a Scheme Amendment, means the date on which the amendment was published in the *Gazette* in accordance with the *Town Planning and Development 1928* or under Section 75 and Section 87 of the *Planning and Development Act 2005* (as applicable at the time); *AMD 5 GG 29/05/15*

“height” when used in relation to a building that is used for —

- (a) residential purposes, has the same meaning as in the Residential Design Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

“incidental use” means a use of premises which is ancillary and subordinate to the predominant use;

“local government” means the Shire of Cranbrook;

“Local Planning Strategy” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

“lot” shall have the same meaning given to it and for the purposes of the *Planning and Development Act*;
AMD 5 GG 29/05/15

“minerals” has the same meaning as in the *Mining Act 1978*;

“net lettable area (NLA)” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas —

- (a) all 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 such facilities are not for the exclusive use of occupiers of the floor or building;

“non-conforming use” has the same meaning as it has in section 172 of the *Planning and Development Act*; AMD 5 GG 29/05/15

“owner”, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity —

- (a) is entitled to the land for an estate in fee simple in possession;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

“place”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

“Planning and Development Act” means the *Planning and Development Act 2005* (as amended);
AMD 5 GG 29/05/15

“plot ratio”, in the case of residential dwellings has the same meaning as in the Residential Design Codes;

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

“predominant use” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

“premises” means land or buildings;

“region scheme” means a regional planning scheme made under the *Western Australian Planning Commission Act 1985*, as amended from time to time;

“Residential Design Codes” means the Residential Design Codes in ~~Appendix 2 to~~ the Western Australian Planning Commission Statement of Planning Policy No. 3.1, as amended from time to time; AMD 5 GG 29/05/15

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

“substantially commenced” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

“Tourist development” means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, use to provide – (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development; *AMD 7 GG 25/8/23*

“Town Planning Act” *DELETED BY AMD 5 GG 29/05/15*

“wholesale” means the sale of goods or materials to be sold by others;

“zone” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. LAND USE DEFINITIONS

In the Scheme —

“agriculture - extensive” means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;

“agriculture - intensive” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following —

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

“agroforestry” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;

“amusement parlour” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

“animal establishment” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre;

“ancillary dwelling” has the same meaning as in the Residential Design Codes; *AMD 5 GG 29/05/15*

“ancillary tourist use” means premises used for:

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

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

“animal husbandry - intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

“aquaculture” has the same meaning given to the term in the *Fish Resources Management Act 1994*;

“bed and breakfast” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

“betting agency” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

“caravan park” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

“caretaker’s dwelling” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

“car park” means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

“chalet” means a detached holiday accommodation unit including cooking facilities which may be fully self-contained or not, and which is generally of single storey or split-level construction.

“child care premises” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;

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

“civic use” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;

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

“community purpose” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;

“consulting rooms” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;

“convenience store” means premises —

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

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

“dwelling” has the same meaning as in the Residential Design Codes;

“educational establishment” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

“exhibition centre” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

“family day care” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;

“fast food outlet” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

“funeral parlour” means premises used to prepare and store bodies for burial or cremation;

“grouped dwelling” has the same meaning as in the Residential Design Codes;

“holiday accommodation” means accommodation specifically catering for tourists and includes bed and breakfast accommodation, chalets, farmstay, guesthouses, caravan parks, etc. but does not include hotels, or motels;

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

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres, except that for land in the Rural zone under the Scheme the local government may permit an area up to 200 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, except that for land in the Rural zone under the Scheme the local government may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home occupation” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that – *AMD 6 GG 23/11/18*

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

“home office” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not —

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

“home store” means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

“hospital” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“hotel” means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for —

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

incidental to any of those industrial operations;

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

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

“industry - extractive” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;

“industry - general” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“industry - light” means an industry —

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“industry - mining” means land used commercially to extract minerals from the land;

“industry - rural” means —

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry - service” 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;

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

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

“medical centre” means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

“motel” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

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

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

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

“motor vehicle wash” means premises where the primary use is the washing of motor vehicles;

“night club” means premises —

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Licensing Act 1988*;

“office” means premises used for administration, clerical, technical, professional or other like business activities;

“park home park” has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

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

“plantation” has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

“plant nursery” means premises used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden décor.

“reception centre” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

“recreation - private” means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

“residential building” has the same meaning as in the Residential Design Codes;

“restaurant” means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;

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

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (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;

“rural pursuit” means any premises used for —

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture – extensive or agriculture – intensive;

“service station” means premises used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray-painting, major repairs or wrecking;

“shop” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“shop (kiosk)” means the use of premises which is incidental to the predominant use and which complements that use for the purpose of the display and sale of souvenirs and/or refreshments to patrons of the predominant use.

“showroom” means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

“single house” has the same meaning as in the Residential Design Codes;

“storage” means premises used for the storage of goods, equipment, plant or materials;

“tavern” means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;

“telecommunications infrastructure” means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

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

“transport depot” means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers;

“transport structure” means a building or structure which has been prefabricated at another location and transported either whole or in parts to the intended location; *AMD 5 GG 29/05/15*

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

“warehouse” means premises used to store or display goods and may include sale by wholesale;

“winery” means premises used for the production of viticultural produce and may include sale of the produce.

“workers’ accommodation” means a building or buildings used for the accommodation of persons who are employed by the predominant industry or business operating on the same site; are seasonal workers in the agricultural industry; or another major industry in the same local government area that is considered vital by the Shire to the local community. Workers Accommodation may include a range of associated facilities for the exclusive use of staff including, but not limited to, the provision of meals, cooking facilities, ancillary services, recreational areas, laundry facilities, car parking and bus parking, but does not include a Single Dwelling, Grouped Dwelling, Ancillary Dwelling or Residential Building as defined in the Residential Design Codes.

AMD 5 GG 29/05/15

“workforce accommodation-temporary” means any habitable buildings or structures not permanently affixed to the ground and includes any caravans, transportable buildings, park homes or any camping ground area used for the purpose of temporary accommodation of workers employed for construction and building works inclusive of site works in the Scheme area. Workforce Accommodation may include a range of temporary associated facilities for the exclusive use of staff including, but not limited to, the provision of meals, cooking facilities, ancillary services, recreational areas, laundry facilities, car parking, bus parking and other temporary ancillary uses.

AMD 5 GG 29/05/15

SCHEDULE 2 - ADDITIONAL USES

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS

SCHEDULE 3 - RESTRICTED USES

NO.	DESCRIPTION OF LAND	RESTRICTED USE	CONDITIONS

SCHEDULE 4 - SPECIAL USE ZONES

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
1	Lot 141 Cnr of King, Edward and Mason Streets, Cranbrook	Caravan Park	Development standards are to be as determined by the local government.
2	Lots 138, 139 Edward, King, and Gardiner Streets, Cranbrook.	Transport Depot; Plant Nursery	(1) Development standards are to be as determined by the local government. (2) When determining an application for planning approval for a plant nursery the local government is to provide for protection of the amenity of the surrounding area.
3	Portion Lot 75 Toovey and Herbert Streets, Frankland.	Transport Depot	Development standards are to be as determined by the local government.
4	Portion of Hay Location 2001, Frankland - Cranbrook Road, Frankland. <i>AMD 6 GG 23/11/18</i>	<p>(1) Strata Lots</p> <p>(i) Grouped dwelling subject to the prior approval of the local government.</p> <p>(ii) Home occupation subject to the prior approval of the local government.</p> <p>(iii) Rural use ancillary to the use of the strata lot for residential purposes but excluding the keeping of pigs or any commercial rural activity.</p> <p>(iv) Ancillary outbuildings subject to the approval of the local government.</p> <p>(v) Incidental development and infrastructure as approved by the local government.</p> <p>(2) Common Property</p> <p>(i) 'Land use permissibility shall be determined in accordance with the Rural Zone use rights outlined in Table 1 Zoning Table except that:</p> <ul style="list-style-type: none"> - the keeping of pigs and poultry shall not be permitted; - 'single house' shall be deemed to be a prohibited (X) use rather than a permitted (P) use; and - 'rural pursuit' shall be deemed to be a discretionary (D) use rather than a permitted (P) use; <p>(ii) Where a use is to be approved it shall be subject to adequate buffers being provided within the common property area to prevent land-use conflicts with existing or future sensitive uses (namely houses) on the adjacent rural, rural residential or strata lots; and</p>	<p>(1) Subdivision</p> <p>(i) Subdivision is to be by way of a strata plan of subdivision under the Strata Titles Act 1985 generally in accordance with the Strata Guide Plan but this is not to prevent variations to the Guide Plan where the local government considers such variation is appropriate.</p> <p>(ii) A strata lot is not to be transferred to the purchaser of such lot until the Strata Company has entered into a contract with the person or persons (to be approved by the local government) who will be responsible for the management of the plantation.</p> <p>(2) Development</p> <p>(i) A grouped dwelling is not to be constructed unless a minimum of 92 kilolitre water storage tank and an approved method of effluent disposal has been incorporated into the plans of the grouped dwelling and approved by the local government.</p> <p>(ii) Reference is to be made to Department of Agriculture Guidelines relating to water storage, tank size, and area of roof catchments.</p> <p>(iii) The local government is to require that a prospective purchaser of a strata lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.</p> <p>(iv) A dwelling that has been previously constructed and occupied elsewhere is not to be placed on a strata lot and occupied as a dwelling following transportation as a whole or as parts of a dwelling.</p> <p>(v) A building comprising second hand or previously used material(s) is not to be constructed on a strata lot.</p> <p>(vi) Storage dams are not to be constructed on any strata lot.</p> <p>(vii) The private streets giving access to the proposed strata lots are to be constructed and maintained to the satisfaction of the local government.</p> <p>(viii) Where considered necessary by the local government the land the subject of the strata title subdivision is to be fenced from adjoining properties to the satisfaction of the local government.</p> <p>(3) Building Envelopes</p>

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
		(iii) In the event the land is to be stocked, the areas of remnant vegetation are to be protected through the erection of stock proof fencing.	<p>(i) A building envelope with an area not exceeding 20% of the area of the relevant strata lot is to be defined in a position to be agreed by the local government.</p> <p>(ii) A building is not to be constructed on a strata lot other than within the approved defined building envelope without the written approval of the local government.</p> <p>(iii) All building envelopes are to be set back a minimum of 20 metres from a strata lot boundary, and a minimum of 40 metres from the Frankland - Cranbrook Road.</p> <p>(4) Vegetation Protection and Enhancement</p> <p>(i) No trees or shrubs are to be felled or removed from a strata lot other than from within an approved building envelope except where in the opinion of the local government:</p> <ul style="list-style-type: none"> ▫ such trees or shrubs are dead, diseased or dangerous; ▫ removal is required for the establishment of a firebreak as required under any law, regulation, or local law; ▫ removal is necessary for driveway or fence construction. <p>(ii) In order to enhance the rural amenity of the land comprised in a strata lot which the local government considers is deficient in tree cover it may require as a condition of any planning approval the planting and maintenance of trees and/ or groups of trees of such species and in such position as may be specified by the local government.</p> <p>(iii) The areas of remnant vegetation shown on the Strata Guide Plan are to be retained.</p> <p>(iv) A 5 metre wide vegetated visual buffer strip along the Frankland -Cranbrook Road is to be provided to the satisfaction of the local government prior to the registration of a strata plan of subdivision. Vegetation within the buffer strip is to be maintained by the landowner(s) to the satisfaction of the local government.</p> <p>(5) Bush Fire Measures</p> <p>A Fire Management Plan is to be prepared in consultation with and to the satisfaction of the local government and the Bush Fires Service prior to the approval of the Strata Plan of Subdivision.</p>

SCHEDULE 5 - EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Dwellings	One professional nameplate as appropriate.	0.2m ²
Home Business or Home Occupation	One advertisement describing the nature of the home business or home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Local Laws.	Not Applicable
Industrial and Warehouse Premises	A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building. A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.	Total area of such advertisements are not to exceed 15m ² Maximum permissible total area is not to exceed 10m ² and individual advertisement signs are not to exceed 6m ² .
Showroom, racecourses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not Applicable
Public Places and Reserves	Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government, and Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not Applicable Not Applicable Not Applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.	No sign is to exceed 2m ² in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:</p> <p>(a) Dwellings</p> <p>(b) Multiple dwellings, shops, commercial and industrial properties</p> <p>(c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above</p> <p>One additional sign showing the name of the project builder.</p>	<p>2m²</p> <p>5m²</p> <p>10m²</p> <p>5m²</p>
<p>Sales of goods or livestock</p>	<p>One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose</p>	<p>2m²</p>
<p>Property transactions</p> <p>Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:</p> <p>(a) Dwellings</p> <p>(b) Multiple dwellings, shops, commercial and industrial properties</p> <p>(c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.</p>	<p>One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above</p>	<p>Each sign is not to exceed an area of 2m²</p> <p>Each sign is not to exceed an area of 5m²</p> <p>Each sign is not to exceed an area of 10m²</p>
<p>Display Homes</p> <p>Advertisement signs displayed for the period over which homes are on display for public inspection</p>	<p>(a) One sign for each dwelling on display.</p> <p>(b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.</p>	<p>2m²</p> <p>5m²</p>

SCHEDULE 6 - FORM OF APPLICATION FOR PLANNING APPROVAL

APPLICATION FOR PLANNING APPROVAL

OWNER DETAILS:

Name.....

Address..... Post Code.....

Phone (work)..... (home)..... Fax..... E-Mail.....

Contact Person.....

Signature..... Date.....

Signature..... Date.....

The signature of the landowner(s) is required on all applications. This application will not proceed without that signature.

APPLICANT DETAILS:

Name.....

Address..... Post Code.....

Phone (work)..... (home)..... Fax..... E-Mail.....

Contact Person for correspondence.....

Signature..... Date.....

PROPERTY DETAILS:

Lot No..... House/Street No. Location No.

Diagram or Plan No. Certificate of Title No. Folio.....

Diagram or Plan No. Certificate of Title No. Folio.....

Title Encumbrances (eg, easements, restrictive covenants).....

Street Name..... Suburb.....

Nearest Street Intersection.....

Existing Building/Land Use.....

Description of proposed development and/or use.....

.....

Nature of any existing buildings and/or use.....

.....

Approximate cost of proposed development.....

Estimated time of completion.....

OFFICE USE ONLY

Acceptance Officer's Initials..... Date Received.....

Local government Reference No.

SCHEDULE 7 - ADDITIONAL INFORMATION FOR ADVERTISEMENTS

ADDITIONAL INFORMATION FOR ADVERTISEMENTS (NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM)

1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....
.....

2. Details of Proposed Sign:

- (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):

.....

- (b) HeightWidth:.....Depth:

- (c) Colours to be used:

- (d) Height above ground level - (to top of advertisement):

- (to the underside):

- (e) Materials to be used.....

Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

.....

3. Period of time for which advertisement is required:

4. Details of signs (if any) to be removed if this application is approved:

.....
.....
.....
.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of Advertiser(s):
(if different from landowners)

.....

Date:

SCHEDULE 8 - NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

Planning and Development Act 2005
AMD 5 GG 29/05/15

SHIRE OF CRANBROOK

TOWN PLANNING SCHEME NO. 4

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

LOT NO. STREET.....
SUBURB.....
PROPOSAL.....
.....
.....

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the..... day of.....

.....
CHIEF EXECUTIVE OFFICER

.....
DATE

SCHEDULE 9 - NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Planning and Development Act 2005
AMD 5 GG 29/05/15

SHIRE OF CRANBROOK

TOWN PLANNING SCHEME NO. 4

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

LOCATION:

LOT: PLAN/DIAGRAM:.....

VOL: NO: FOLIO NO:

Application Date:..... Received on:

Description of proposed development:.....
.....

The application for planning approval is:

- granted subject to the following conditions:
- refused for the following reason(s):

CONDITIONS / REASONS FOR REFUSAL:

.....
.....
.....
.....
.....
.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there may be right to lodge an Application for Review under Part 14 of the *Planning and Development Act 2005*.

Any application for review must be lodged with the State Administrative Tribunal within 28 days of the local government's determination. *AMD 5 GG 29/05/15*

.....
CHIEF EXECUTIVE OFFICER

.....
DATE

SCHEDULE 10 - ENVIRONMENTAL CONDITIONS

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

SCHEDULE 11 - RURAL RESIDENTIAL ZONE

No.	PARTICULARS OF LAND	REQUIREMENTS
1.	Lots 1, 10, 20, 21, and 22, and Hay Location 2001, Frankland - Cranbrook Road; Lots 3, 11-14 Hay Location 1217, Frankland – Rocky Gully Road; Lots 15-18 Hay Location 1217, Ward Place; Lots 1, 24, and 25, Hay Location 98 Frankland – Cranbrook Road; Lot 28 Hay Location 98 Wingebellup Road; Lots 39-41 Booka Street; and Lots 42-44 Wingebellup Road, Frankland	<ol style="list-style-type: none"> 1 Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission. 2 <ol style="list-style-type: none"> (a) The Creek Protection Area indicated on the Plan of Subdivision is to be fenced, revegetated, and maintained to the specification and satisfaction of the local government. (b) With the exception of providing for access to property, no use or development is to be permitted within the Creek Protection Area. 3 <ol style="list-style-type: none"> (a) Materials, equipment or outbuildings that are visually unsightly or could detract from the amenity of the area are not permitted on a lot unless they are screened to the local government's satisfaction. (b) Where the local government determines that a lot is not being maintained in a clean and tidy condition and that the lot has a detrimental effect on the amenity of the area, the local government may require the owner/occupier to carry out improvements to the local government's specification and satisfaction. 4 A dwelling is to be provided with a supply of potable water, either from a reticulated system, underground bore(s), or rainwater storage tank with a minimum capacity of 90 kilolitres and connected to a suitable rainfall catchment with a surface area of not less than 350 square metres. A dwelling is not to be considered fit for human habitation until a potable water supply has been installed and is operating. Any auxiliary holding tanks that may be required are not to exceed a capacity of 10 kilolitres. Water supply tanks are to be fitted with camlock fittings providing access to 25% of the tank capacity for bush fire fighting purposes. 5 Livestock may be kept on a lot subject to all remnant vegetation being protected by suitable fencing to the satisfaction of the local government. The numbers of livestock on a lot are not to exceed standards of good animal husbandry to the satisfaction of the local government. 6 A fence, other than a fence which may be required by the local government to be erected around a swimming pool, is to comprise non-electrified stock proof wire or ring-lock fencing to a minimum height of 1.2 metres above the natural surface of the land, with posts being split jarrah or treated pine or similar. 7 A dam or artificial lake is not to be developed on a lot without the planning approval of the local government.

No.	PARTICULARS OF LAND	REQUIREMENTS
2.	<p>Lot 159 Lunt Road; Lots 156-158 Archers Road; Lot 162 Lomas Street, Sub Lots 1 and 2 Harper Road, Sub Lots 3-6, and 39, 42, 43, and 46, and Lots 144-147 Trimmer Road, Lot 152 and Unallocated Crown Land Fenwick Street, Sub Lots 7-9, 17, 20, 21, and 24, Lots 148, 149, 163, Toovey Street, Sub Lots 10, 11, 15, 29, 30, and 35, Lots 150, 155, Warburton Street, Sub Lots 31 and 34 Climie Street; Sub Lots 26-28, 32, 33, 40, 41, 44, and 45 Albany Highway, Sub Lot 16 and 18 Brooking Street, Sub Lots 19 and 22 Parsons Road; Sub Lot 23, and Lot 8 Gillian Street, Lot 132 Pingellup Street, Lots 127 and 129 Herbert Street, Lots 120-123 Brewer Street, Lots 118, 119, 133, and 134 Gardiner Street, Lots 124-126, 128, 130, and 131 Ronaldshaw Road, Lots 111-117 Moore Street, Sub Lots 37 and 38 Sherwood Road, Lots 47 and 48 Glyde Road, Tenterden</p>	<p>1 The local government will not recommend to the Commission support for further subdivision, but this will not preclude the local government recommending to the Commission support for a rationalisation of lot boundaries provided no additional lots are created and the resultant lot sizes and shapes are to the satisfaction of the local government.</p> <p>2 (a) Materials, equipment or outbuildings that are visually unsightly or could detract from the amenity of the area are not permitted on a lot unless they are screened to the local government's satisfaction. (b) Where the local government determines that a lot is not being maintained in a clean and tidy condition and that the lot has a detrimental effect on the amenity of the area, the local government may require the owner/occupier to carry out improvements to the local government's specification and satisfaction.</p> <p>3 A dwelling is to be provided with a supply of potable water, either from a reticulated system, underground bore(s), or rainwater storage tank with a minimum capacity of 90 kilolitres and connected to a suitable rainfall catchment with a surface area of not less than 350 square metres. A dwelling is not to be considered fit for human habitation until a potable water supply has been installed and is operating. Any auxiliary holding tanks that may be required are not to exceed a capacity of 10 kilolitres. Water supply tanks are to be fitted with camlock fittings providing access to 25% of the tank capacity for bush fire fighting purposes.</p> <p>4 Livestock may be kept on a lot subject to all remnant vegetation being protected by suitable fencing to the satisfaction of the local government. The numbers of livestock on a lot are not to exceed standards of good animal husbandry to the satisfaction of the local government.</p> <p>5 A fence, other than a fence which may be required by the local government to be erected around a swimming pool, is to comprise non-electrified stock proof wire or ring-lock fencing to a minimum height of 1.2 metres above the natural surface of the land, with posts being split jarrah or treated pine or similar.</p>
3.	<p>Lot 216 Frankland - Cranbrook Road, and Shamrock Road, Frankland</p>	<p>1 (a) Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission.</p>

No.	PARTICULARS OF LAND	REQUIREMENTS
		<p>(b) The Plan of Subdivision is to be based on a Land Capability and Environmental Management assessment, and provide for:</p> <ul style="list-style-type: none"> (i) the retention and protection of remnant vegetation; (ii) revegetation along watercourses and to link areas of remnant vegetation; (iii) setbacks from industrial lots to address buffer separation in accordance with Environmental Protection Authority guidelines through building envelopes and/or landscaped development exclusion areas. <p>2 The local government will recommend to the Commission that a Condition of subdivision require revegetation in accordance with the Plan of Subdivision, and fencing of vegetation</p> <p>3 (a) Materials, equipment or outbuildings that are visually unsightly or could detract from the amenity of the area are not permitted on a lot unless they are screened to the local government's satisfaction.</p> <p>(b) Where the local government determines that a lot is not being maintained in a clean and tidy condition and that the lot has a detrimental effect on the amenity of the area, the local government is to require the owner/occupier to carry out improvements to the local government's specification and satisfaction.</p> <p>4 A dwelling is to be provided with a supply of potable water, either from a reticulated system, underground bore(s), or rainwater storage tank with a minimum capacity of 90 kilolitres and connected to a suitable rainfall catchment with a surface area of not less than 350 square metres. A dwelling is not to be considered fit for human habitation until a potable water supply has been installed and is operating. Any auxiliary holding tanks that may be required are not to exceed a capacity of 10 kilolitres. Water supply tanks are to be fitted with camlock fittings providing access to 25% of the tank capacity for bush fire fighting purposes.</p> <p>5 Livestock may be kept on a lot subject to all remnant vegetation being protected by suitable fencing to the satisfaction of the local government. The numbers of livestock on a lot are not to exceed standards of good animal husbandry to the satisfaction of the local government.</p> <p>6 A dam or artificial lake is not to be developed on a lot without the planning approval of the local government.</p>
4.	Lots 144-147 Rodgers Street, Lots 142 and 143 Gardiner Street, Lots 131, 136 ,and 137 Edward Street, Unallocated Crown Land, Climie Street, and Lots 132 and 133 Bridge Street, Cranbrook	<p>1 The local government will not recommend to the Commission support for further subdivision, but this will not preclude the local government recommending to the Commission support for a rationalisation of lot boundaries provided no additional lots are created and the resultant lot sizes and shapes are to the satisfaction of the local government.</p>

No.	PARTICULARS OF LAND	REQUIREMENTS
		<p>2 (a) Materials, equipment or outbuildings that are visually unsightly or could detract from the amenity of the area are not permitted on a lot unless they are screened to the local government's satisfaction.</p> <p>(b) Where the local government determines that a lot is not being maintained in a clean and tidy condition and that the lot has a detrimental effect on the amenity of the area, the local government may require the owner/occupier to carry out improvements to the local government's specification and satisfaction.</p> <p>3 Livestock may be kept on a lot subject to all remnant vegetation being protected by suitable fencing to the satisfaction of the local government. The numbers of livestock on a lot are not to exceed standards of good animal husbandry to the satisfaction of the local government.</p>

SCHEDULE 12 - RURAL SMALLHOLDING ZONE

No.	PARTICULARS OF LAND	REQUIREMENTS
1.	Plantagenet Locations 980 and 2771 Ronaldshaw Road, Salt River Road, and Townsend Road, Cranbrook.	<p>1 (a) Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission.</p> <p>(b) The Plan of Subdivision is to provide for:</p> <p>(i) the retention and protection of remnant vegetation;</p> <p>(iii) revegetation along watercourses and to link areas of remnant vegetation.</p> <p>2 The Creek Protection Area indicated on the Plan of Subdivision is to be fenced and revegetated to the specification and satisfaction of the local government.</p> <p>3 The first application for planning approval for a use or development on a lot is to nominate the position of a building envelope on the lot for approval by the local government. A building envelope is to have an area of not more than 2,000 square metres.</p> <p>4 A dwelling is to be provided with a supply of potable water, either from a reticulated system, underground bore(s), or rainwater storage tank with a minimum capacity of 90 kilolitres and connected to a suitable rainfall catchment with a surface area of not less than 350 square metres. A dwelling is not to be considered fit for human habitation until a potable water supply has been installed and is operating. Any auxiliary holding tanks that may be required are not to exceed a capacity of 10 kilolitres. Water supply tanks are to be fitted with camlock fittings providing access to 25% of the tank capacity for bush fire fighting purposes.</p> <p>5 Livestock may be kept on a lot subject to all remnant vegetation being protected by suitable fencing to the satisfaction of the local government. The numbers of livestock on a lot are not to exceed standards of good animal husbandry to the satisfaction of the local government.</p> <p>6 A fence, other than a fence which may be required by the local government to be erected around a swimming pool, is to comprise non-electrified stock proof wire or ring-lock fencing to a minimum height of 1.2 metres above the natural surface of the land, with posts being split jarrah or treated pine or similar.</p> <p>7 A dam or artificial lake is not to be developed on a lot without the planning approval of the local government.</p>

ADOPTION

Adopted by Resolution of the local government of the Shire of Cranbrook at the meeting of the local government held on the 20th day of December 2001.

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted by Resolution of the local government of the Shire of Cranbrook at the meeting of the local government held on the 18th day of February 2004 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

The Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.4 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
DELEGATED UNDER S 20 OF THE
WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985

.....
DATE

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING AND INFRASTRUCTURE

.....
DATE