



SHIRE OF
HARVEY

A Breath of Fresh Air

LOCAL PLANNING SCHEME NO. 2

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ORIGINAL LOCAL PLANNING SCHEME GAZETTAL DATE: 12 April 2024

SHIRE OF HARVEY LOCAL PLANNING

SCHEME NO. 2 – AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
Scheme	12/04/2024			

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PART 1 — PRELIMINARY

1. CITATION

This local planning scheme is the Shire of Harvey Local Planning Scheme No 2.

2. COMMENCEMENT

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

3. SCHEME REVOKED

The following local planning schemes are revoked:

<u>Name</u>	<u>Gazettal date</u>
Town Planning Scheme No. 6	23 rd July 1971
Town Planning Scheme No. 4	17 th November 1978
Town Planning Scheme No. 12	2 nd October 1987
District Planning Scheme No. 1	12 th November 1996

4. NOTES DO NOT FORM PART OF SCHEME

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

Note:

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

5. RESPONSIBILITY FOR SCHEME

The Shire of Harvey is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. SCHEME AREA

This Scheme applies to the area shown on the Scheme Map.

Note:

The Scheme area (or part) is also subject to the Greater Bunbury Region planning scheme (see clause 12) and other local planning schemes (see clause 11).

7. CONTENTS OF SCHEME

(1) In addition to the provisions set out in this document (the ***scheme text***), this Scheme includes the following:

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental provisions provided for in Schedule A;
- (b) the Scheme Map (Sheets 1 - 31).

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

8. PURPOSES OF SCHEME

The purposes of this Scheme are to:

- (1) set out the local government's planning aims and intentions for the Scheme area; and
- (2) set aside land as local reserves for public purposes; and
- (3) zone land within the Scheme area for the purposes defined in this Scheme; and
- (4) control and guide development including processes for the preparation of structure plans and local development plans; and
- (5) set out procedures for the assessment and determination of development applications; and
- (6) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (7) make provision for the administration and enforcement of this Scheme; and
- (8) address other matters referred to in Schedule 7 of the Act.

9. AIMS OF SCHEME

The aims of this Scheme are to:

- (1) facilitate the effective implementation of the Local Planning Framework, including the intentions and desired outcomes of the Local Planning Strategy; and
- (2) coordinate and integrate planning at the local level with planning at regional and state levels; and
- (3) facilitate the effective implementation of the State Planning Framework, including the Bunbury – Geographe Sub- Regional Strategy; and
- (4) ensure the protection and sustainable use of agricultural land and minimise land use conflicts; and
- (5) facilitate the sustainable use and development of land and water resources to promote the protection of environmental assets, efficient resource use and minimise waste; and
- (6) provide for the recognition and preservation of areas, places and objects of cultural and heritage significance; and
- (7) provide for a variety of residential densities to ensure the provision of a diversity of housing options and accommodation choices that meets the needs and aspirations of the community; and
- (8) facilitate a sustainable local and regional economy with a diverse range of business and employment opportunities; and
- (9) support and protect tourism throughout the Scheme area by providing for a range of accommodation types and land uses and embracing the historical and natural attributes and landscapes of the Scheme area; and

- (10) ensure the use and development of land does not result in significant adverse impacts on the physical and social environment and public health; and
- (11) facilitate a diverse and integrated network of open space catering for both the active and passive recreation needs of the community; and
- (12) preserve and protect native vegetation to enhance biodiversity, fauna habitat, land and water-based ecosystem function, ecological linkages and landscape and amenity values.

10. RELATIONSHIP WITH LOCAL LAWS

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES

The following local planning schemes of the Shire of Harvey also apply in the Scheme area:

<u>Name</u>	<u>Gazettal Date</u>
Town Planning Scheme No. 3	21 st April 1978
Joint Town Planning Scheme No. 1	17 th March 2006

12. RELATIONSHIP WITH REGION PLANNING SCHEME

The Greater Bunbury Region Scheme made (or continued) under Part 4 of the Act applies in respect of part or all of the Scheme area.

Note:

The authority responsible for implementing the Greater Bunbury Region Scheme is the Western Australian Planning Commission.

PART 2 — RESERVES

13. REGIONAL RESERVES

- (1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The lands marked as regional reserves are lands reserved for a public purpose under the Greater Bunbury Region Scheme.

Note:

The process of reserving land under a regional planning scheme is separate from the process of reserving land under the *Land Administration Act 1997* section 41.

14. LOCAL RESERVES

- (1) In this clause:

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930* (as amended);

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

- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows:

Table 1 — Reserve objectives

Reserve name	Objectives
Public Open Space	<ol style="list-style-type: none"> (a) To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. (b) To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental Conservation	<ol style="list-style-type: none"> (a) To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. (b) To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Foreshore	<ol style="list-style-type: none"> (a) To set aside areas for foreshore reserve abutting a body of water or water course, particularly those required pursuant to State Planning Policy 2.6 – State Coastal Planning Policy and any other Commission policy. (b) To provide for the protection of natural values, a range of active and passive recreational uses, cultural and community activities, activities promoting community education of the environment and/or uses that are compatible with and/or support the amenity of the reservation.
Civic and Community	<ol style="list-style-type: none"> (a) To provide for a range of community facilities which are compatible with surrounding development. (b) To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	To provide for a range of essential physical and community infrastructure.
Medical Services	Public Purposes which specifically provide for a range of essential medical services.

Reserve name	Objectives
Infrastructure Services	Public Purposes which specifically provide for a range of essential infrastructure services.
Education	Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	Public Purposes which specifically provide for a range of essential emergency services.
Heritage	Public Purposes which specifically provide for a range of heritage purposes.
Government Services	Public Purposes which specifically provide for a range of government services.
Recreational	Public Purposes which specifically provide for a range of public recreational facilities.
Cemetery	To set aside land required for a cemetery.
Drainage / Waterway	To set aside land required for significant waterways and drainage.
Railways	To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Special Purpose	(a) To set aside land for a special purpose. (b) Purposes that do not comfortably fit in any other reserve classification.

15. ADDITIONAL USES FOR LOCAL RESERVES

- (1) Table 2 sets out:
- (a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
 - (b) the conditions that apply to that additional use.
- (2) Despite anything contained in clause 14, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

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

No.	Description of land	Additional use	Conditions
AR1	R8966 Salisbury Road, Cookernup R31935 Scarp Road, Hoffman R30354 Waterloo Road, Roelands	Basic Raw Materials	Nil
AR2	Lot 1 (No. 106) on Plan 884 Young Street, Harvey	Betting Agency	Nil

PART 3 — ZONES AND USE OF LAND

16. ZONES

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows:

Table 3 — Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> (a) To provide for a range of housing and a choice of residential densities to meet the needs of the community. (b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. (c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ul style="list-style-type: none"> (a) To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. (b) To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. (c) To provide for a range of residential densities to encourage a variety of residential accommodation. (d) To provide an intermediate transitional zone following the lifting of an urban deferred zoning within a region planning scheme.
Priority Agriculture	<ul style="list-style-type: none"> (a) To identify land of State, regional or local significance for food production purposes. (b) To retain priority agriculture land for agricultural purpose. (c) To limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.
Rural	<ul style="list-style-type: none"> (a) To provide for the maintenance or enhancement of specific local rural character. (b) To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. (c) To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. (d) To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. (e) To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Rural Residential	<ul style="list-style-type: none"> (a) To provide for lot sizes in the range of 1 ha to 4 ha. (b) To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. (c) To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Environmental Conservation	<ul style="list-style-type: none"> (a) To identify land set aside for environmental conservation purposes. (b) To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.
Light Industry	<ul style="list-style-type: none"> (a) To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. (b) To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

Zone name	Objectives
General Industry	<ul style="list-style-type: none"> (a) To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. (b) To accommodate industry that would not otherwise comply with the performance standards of light industry. (c) Seek to manage impacts such as noise, dust and odour within the zone.
Strategic Industry	To designate industrial sites of State or regional significance.
Industrial Development	<ul style="list-style-type: none"> (a) To designate land for future industrial development. (b) To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme. (c) To provide an intermediate functional zone after the lifting of the Industry Deferred zone under a region planning scheme.
District Centre	<ul style="list-style-type: none"> (a) To provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas. (b) To provide for district centres to focus on weekly needs and services for a wider district catchment. (c) To provide a broad range of employment opportunities to encourage diversity within the District Centre. (d) To ensure a mix of commercial and residential development, which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links. (e) To provide for a wide range of different types of residential accommodation, including high density residential, to meet the diverse needs of the community. (f) To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.
Neighbourhood Centre	<ul style="list-style-type: none"> (a) To provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas. (b) To provide for neighbourhood and/or local centres to focus on the main daily household shopping and community needs. (c) To encourage high quality, pedestrian-friendly, street-orientated development. (d) To provide a focus for medium density housing. (e) Ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes toward a sense of place and community.
Commercial	<ul style="list-style-type: none"> (a) To provide for a range of shops, offices, restaurants and other commercial outlets in towns or activity centres. (b) To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or to improve the existing streetscape. (c) To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Mixed Use	<ul style="list-style-type: none"> (a) To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. (b) To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres and eating establishments.
Service Commercial	<ul style="list-style-type: none"> (a) To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. (b) To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones. (c) To ensure land use is compatible with any adjacent commercial, mixed-use or residential areas and would not have a detrimental effect on the amenity of the locality.

Zone name	Objectives
Tourism	<ul style="list-style-type: none"> (a) To promote and provide for tourism opportunities. (b) 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. (c) To allow limited residential uses where appropriate. (d) 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.
Private Community Purposes	<ul style="list-style-type: none"> (a) To provide sites for privately owned and operated recreation, institutions and places of worship. (b) To integrate private recreation areas with public recreation areas wherever possible. (c) To separate potentially noisy engine sports from incompatible uses. (d) To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. (e) To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Special Use	<ul style="list-style-type: none"> (a) To facilitate special categories of land uses which do not sit comfortably within any other zone. (b) To enable the local government to impose specific conditions associated with the special use.

17. ZONING TABLE

The zoning table for this Scheme is as follows —

Table 4 — Zoning table

USE CLASS	RESIDENTIAL	RURAL RESIDENTIAL	TOURISM	MIXED USE	SERVICE COMMERCIAL	DISTRICT CENTRE	NEIGHBOURHOOD CENTRE	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	PRIVATE COMMUNITY PURPOSE	ENVIRONMENTAL CONSERVATION	PRIORITY AGRICULTURE	RURAL	STRATEGIC INDUSTRY	INDUSTRIAL DEVELOPMENT	URBAN DEVELOPMENT	SPECIAL USE
Abattoir	X	X	X	X	X	X	X	X	X	A	X	X	X	A	X			
Agriculture — Extensive	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X			
Agriculture — Intensive	X	X	X	X	X	X	X	X	X	X	X	X	P	D	X			
Amusement Parlour	X	X	I	D	P	P	D	D	D	X	D	X	X	X	X			
Animal Establishment	A	A	X	A	D	X	X	X	A	X	X	X	D	D	X			
Animal Husbandry — Intensive	X	X	X	X	X	X	X	X	X	X	X	X	A	A	X			
Art Gallery	A	A	D	D	D	P	P	P	I	X	D	X	D	D	X			
Bed and Breakfast	A	D	X	A	X	X	X	X	X	X	X	X	A	D	X			
Betting Agency	X	X	X	P	X	P	P	P	X	X	X	X	X	X	X			
Brewery	X	X	A	A	A	A	A	A	D	D	X	X	A	A	X			
Bulky Goods Showroom	X	X	X	X	D	D	D	D	X	X	X	X	X	X	X			
Car Park	A	X	I	P	P	P	P	P	P	P	P	I	X	X	X		REFER CLAUSE 18(6)	
Caravan Park	A	X	P	X	X	X	X	X	X	X	X	X	X	A	X			
Caretaker's Dwelling	X	X	X	X	X	X	X	X	I	I	X	X	X	X	X			
Child Care Premises	A	X	X	D	X	D	D	D	X	X	P	X	X	X	X			
Cinema/Theatre	X	X	A	A	X	D	D	D	X	X	A	X	X	X	X			
																	REFER CLAUSE 18(6)	
																	REFER CLAUSE 18(6)	
																		REFER CLAUSE 21

USE CLASS	RESIDENTIAL	RURAL RESIDENTIAL	TOURISM	MIXED USE	SERVICE COMMERCIAL	DISTRICT CENTRE	NEIGHBOURHOOD CENTRE	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	PRIVATE COMMUNITY PURPOSE	ENVIRONMENTAL CONSERVATION	PRIORITY AGRICULTURE	RURAL	STRATEGIC INDUSTRY	INDUSTRIAL DEVELOPMENT	URBAN DEVELOPMENT	SPECIAL USE
Civic Use	A	A	D	D	D	D	D	D	D	X	P	X	X	D	X	REFER CLAUSE 18(6)	REFER CLAUSE 18(6)	REFER CLAUSE 21
Club Premises	A	A	X	D	D	D	D	D	D	X	P	X	X	A	X			
Commercial Vehicle Parking	A	A	X	X	I	X	X	I	I	I	X	X	D	D	I			
Community Purpose	A	A	X	D	D	D	D	D	D	X	P	X	X	X	X			
Consulting Rooms	A	A	X	D	D	P	D	D	X	X	P	X	X	X	X			
Convenience Store	X	X	D	P	P	P	P	P	X	X	X	X	X	X	X			
Corrective Institution	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X			
Educational Establishment	A	A	X	D	D	D	D	D	D	X	P	A	X	A	X			
Exhibition Centre	X	X	D	D	D	D	D	D	X	X	D	X	X	A	X			
Family Day Care	A	A	X	X	X	X	X	X	X	X	X	X	X	D	X			
Fast Food Outlet	X	X	I	D	X	P	P	P	X	X	X	X	X	X	X			
Freeway Service Centre	X	X	X	X	D	X	X	X	D	X	X	X	X	A	X			
Fuel Depot	X	X	X	X	X	X	X	X	D	D	X	X	X	X	D			
Funeral Parlour	X	X	X	X	P	X	D	D	D	X	X	X	X	X	X			
Garden Centre	X	X	X	X	P	X	D	D	P	X	X	X	X	A	X			
Grouped Dwelling	D	X	X	D	X	A	A	X	X	X	X	X	X	X	X			
Holiday Accommodation	A	X	P	X	X	D	D	D	X	X	X	X	A	A	X			
Holiday House	A	A	P	X	X	X	X	X	X	X	X	D	A	A	X			
Home Business	A	A	X	X	X	D	D	X	X	X	X	D	D	D	X			
Home Occupation	D	D	X	X	X	P	P	X	X	X	X	P	P	P	X			
Home Office	P	P	X	P	X	P	P	P	X	X	X	P	P	P	X			
Home Store	A	A	X	D	X	D	D	D	X	X	X	X	X	A	X			

USE CLASS	RESIDENTIAL	RURAL RESIDENTIAL	TOURISM	MIXED USE	SERVICE COMMERCIAL	DISTRICT CENTRE	NEIGHBOURHOOD CENTRE	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	PRIVATE COMMUNITY PURPOSE	ENVIRONMENTAL CONSERVATION	PRIORITY AGRICULTURE	RURAL	STRATEGIC INDUSTRY	INDUSTRIAL DEVELOPMENT	URBAN DEVELOPMENT	SPECIAL USE
Hospital	X	X	X	A	X	X	X	X	X	X	D	X	X	X	X	REFER CLAUSE 18(6)	REFER CLAUSE 18(6)	REFER CLAUSE 21
Hotel	X	X	D	A	X	D	D	D	X	X	X	X	X	X	X			
Independent Living Complex	D	X	D	D	X	D	D	X	X	X	D	X	X	X	X			
Industry	X	X	X	X	X	X	X	X	D	D	X	X	I	I	D			
Industry — Cottage	A	A	X	X	X	X	X	X	X	X	X	X	D	D	X			
Industry — Extractive	X	X	X	X	X	X	X	X	X	A	X	X	A	A	A			
Industry — Light	X	X	X	X	X	X	X	X	D	X	X	X	X	X	X			
Industry — Rural	X	X	X	X	X	X	X	X	D	D	X	X	A	A	X			
Liquor Store — Large	X	X	X	X	X	A	A	A	X	X	X	X	X	X	X			
Liquor Store — Small	X	X	A	A	X	D	A	A	X	X	X	X	X	X	X			
Lunch Bar	X	X	X	D	X	P	P	P	P	D	X	X	X	X	X			
Marina	X	X	A	X	X	X	X	X	X	X	X	X	X	X	X			
Marine Filling Station	X	X	X	X	X	X	X	X	D	D	X	X	X	X	X			
Market	X	X	D	D	D	P	P	D	X	X	D	X	X	X	X			
Medical Centre	A	X	X	D	D	P	D	D	X	X	D	X	X	X	X			
Mining Operations	X	X	X	X	X	X	X	X	X	X	X	X	X	D	X			
Motel	X	X	D	D	X	D	D	D	X	X	X	X	X	A	X			
Motor Vehicle, Boat Or Caravan Sales	X	X	X	X	D	X	X	X	P	D	X	X	X	X	X			
Motor Vehicle Repair	X	X	X	X	D	X	X	X	P	D	X	X	X	X	X			
Motor Vehicle Wash	X	X	X	X	D	X	X	X	P	X	X	X	X	X	X			
Multiple Dwelling	D	X	X	D	X	D	D	D	X	X	X	X	X	X	X			
Nature Based Park	X	X	P	X	X	X	X	X	X	X	X	A	A	A	X			

USE CLASS	RESIDENTIAL	RURAL RESIDENTIAL	TOURISM	MIXED USE	SERVICE COMMERCIAL	DISTRICT CENTRE	NEIGHBOURHOOD CENTRE	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	PRIVATE COMMUNITY PURPOSE	ENVIRONMENTAL CONSERVATION	PRIORITY AGRICULTURE	RURAL	STRATEGIC INDUSTRY	INDUSTRIAL DEVELOPMENT	URBAN DEVELOPMENT	SPECIAL USE
Nightclub	X	X	A	X	A	A	X	A	A	X	X	X	X	X	X			
Office	X	X	I	P	D	P	P	D	I	I	I	I	I	I	I			
Park Home Park	A	X	X	X	X	X	X	X	X	X	X	X	X	A	X			
Place Of Worship	A	A	X	D	D	D	D	D	D	X	D	X	X	A	X			
Reception Centre	X	X	D	D	D	D	X	D	X	X	P	X	X	A	X			
Recreation — Private	X	X	I	X	D	D	D	D	D	X	D	X	X	D	X			
Renewable Energy Facility	X	X	X	X	X	X	X	X	X	X	X	X	A	A	D			
Repurposed Dwelling	D	D	X	X	X	X	X	X	X	X	X	D	D	D	X			
Residential Building	D	A	X	X	X	X	X	X	X	X	P	X	X	A	X			
Residential Aged Care Facility	A	A	X	A	X	X	X	X	X	X	P	X	X	A	X			
Resource Recovery Centre	X	X	X	X	X	X	X	X	A	A	X	X	X	X	X			
Restaurant/Cafe	X	X	A	D	X	P	D	D	X	X	X	X	A	A	X			
Restricted Premises	X	X	X	X	A	X	X	X	D	X	X	X	X	X	X			
Roadhouse	X	X	X	X	D	X	X	X	D	X	X	X	X	A	X			
Rural Home Business	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Rural Pursuit/Hobby Farm	X	D	X	X	X	X	X	X	X	X	X	X	P	P	X			
Second-Hand Dwelling	D	D	X	X	X	X	X	X	X	X	X	D	D	D	X			
Service Station	X	X	X	A	D	D	D	D	P	D	X	X	X	X	X			
Serviced Apartment	A	X	D	D	X	D	D	D	X	X	X	X	X	X	X			
Shop	X	X	I	D	X	P	P	P	X	X	I	X	X	X	X			
Single House	P	P	X	X	X	P	I	X	X	X	X	D	P	P	X			
Small Bar	X	X	D	X	X	D	A	A	X	X	X	X	X	X	X			
																REFER CLAUSE 18(6)	REFER CLAUSE 18(6)	REFER CLAUSE 21

USE CLASS	RESIDENTIAL	RURAL RESIDENTIAL	TOURISM	MIXED USE	SERVICE COMMERCIAL	DISTRICT CENTRE	NEIGHBOURHOOD CENTRE	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	PRIVATE COMMUNITY PURPOSE	ENVIRONMENTAL CONSERVATION	PRIORITY AGRICULTURE	RURAL	STRATEGIC INDUSTRY	INDUSTRIAL DEVELOPMENT	URBAN DEVELOPMENT	SPECIAL USE
Tavern	X	X	A	X	X	A	A	A	X	X	X	X	X	X	X			
Telecommunications Infrastructure	A	A	A	D	P	D	D	D	P	P	D	D	D	D	D			
Tourist Development	X	X	P	X	X	X	X	X	X	X	X	A	X	A	X			
Trade Supplies	X	X	X	D	P	P	D	D	P	X	X	X	X	X	X			
Transport Depot	X	X	X	X	X	X	X	X	P	D	X	X	A	A	X			
Tree Farm	X	X	X	X	X	X	X	X	X	X	X	X	A	P	X			
Veterinary Centre	A	X	X	D	D	P	P	P	X	X	X	X	D	D	X			
Warehouse/Storage	X	X	X	X	D	I	I	I	P	D	X	X	X	X	D			
Waste Disposal Facility	X	X	X	X	X	X	X	X	X	A	X	X	X	X	X			
Waste Storage Facility	X	X	X	X	X	X	X	X	X	A	X	X	X	X	X			
Winery	X	X	X	X	X	X	X	X	A	X	X	X	A	A	X			
Workforce Accommodation	X	X	X	X	X	X	X	X	X	X	X	X	A	A	X			
																REFER CLAUSE 18(6)	REFER CLAUSE 18(6)	REFER CLAUSE 21

18. INTERPRETING ZONING TABLE

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings:
 - P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.
 2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
 - (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table:
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
 - (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

- (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land:
 - (a) a structure plan;
 - (b) a local development plan.

19. ADDITIONAL USES

- (1) Schedule 1 sets out:
 - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that additional use.
- (2) Despite anything contained in the zoning table, land that is specified in the Schedule to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. RESTRICTED USES

- (1) Schedule 2 sets out:
 - (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that restricted use.
- (2) Despite anything contained in the zoning table, land that is specified in the Schedule to subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

21. SPECIAL USE ZONES

- (1) Schedule 3 sets out:
 - (a) special use zones for specified land that are in addition to the zones in the zoning table; and
 - (b) the classes of special use that are permissible in that zone; and
 - (c) the conditions that apply in respect of the special uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note:

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

22. NON-CONFORMING USES

- (1) Unless specifically provided, this Scheme does not prevent:
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if:
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if:
 - (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government:
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. CHANGES TO NON-CONFORMING USE

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

24. REGISTER OF NON-CONFORMING USES

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

PART 4 — GENERAL DEVELOPMENT REQUIREMENTS

25. R-CODES

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

26. MODIFICATION OF R-CODES

- (1) For land zoned Residential that is identified on the Scheme Map as having a dual density code of R15/30:
 - (a) development and/or subdivision at the R30 density code shall only be considered where the site can be connected to reticulated sewer or otherwise approved for on-site sewage disposal in accordance with the Government Sewerage Policy.
 - (b) buildings set back a minimum of 6m from the primary street boundary are considered to meet the deemed-to-comply provisions of the R-Codes and are a substitution for Clause 5.1.2 C2.1(i-v) of the R-Codes.
 - (c) street walls and fences within the primary street setback area that are visually permeable above 0.9m above natural ground level and do not exceed 1.6m in height are considered to meet the deemed-to-comply provisions of the R-Codes and are a substitution for Clause 5.2.4 C4 of the R-Codes.
- (2) For land zoned Residential that is identified on the Scheme Map as having a density code of R2, R2.5, R5 or R10, despite the minimum site area per dwelling of Table 1 of the R-Codes, further subdivision may not be supported by the local government to maintain and protect the amenity and environmental attributes.

29. OTHER PLANNING CODES TO BE READ AS PART OF SCHEME

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

30. MODIFICATION OF PLANNING CODES

- (1) There are no modifications to a planning code that, under clause 29, is to be read as part of the Scheme.

31. ENVIRONMENTAL CONDITIONS

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

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*.

32. ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

- (1) Schedule 4 sets out requirements relating to development that are additional to those set out in the R-Codes or other planning codes listed under clause 29, precinct structure plans, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes or other planning code listed under clause 29, a precinct structure plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails.

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

- (1) Schedule 5 sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015 and local development plans that apply in the Scheme area.

34. VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS

- (1) In this clause:

additional site and development requirements means requirements set out in clauses 26, 32, 33 and 36.

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

- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that:
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and
 - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. RESTRICTIVE COVENANTS

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

PART 5 — SPECIAL CONTROL AREAS

36. SPECIAL CONTROL AREAS

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Schedule 6, in addition to provisions that apply to the underlying zone or reserve.

PART 6 — TERMS REFERRED TO IN SCHEME

DIVISION 1 — GENERAL DEFINITIONS USED IN SCHEME

37. TERMS USED

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

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

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

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

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

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

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

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

drive-through means premises designed, constructed and/or operated so that food, goods or services may be purchased, provided or exchanged with customers while remaining in their vehicle;

floor area has meaning given in the Building Code of Australia;

minerals has the meaning given in the *Mining Act 1978* section 8(1) (as amended);

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

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

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

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

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

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

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

- (2) A word or expression that is not defined in this Scheme:
- (a) has the meaning it has in the *Planning and Development Act 2005* (as amended);
or
 - (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes.

DIVISION 2 — LAND USE TERMS USED IN SCHEME

38. LAND USE TERMS USED

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

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

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

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

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

amusement parlour means premises:

- (a) that are open to the public;
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines;

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

animal husbandry — intensive means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) sheep or other livestock in feedlots, sheds or rotational pens, but does not include agriculture — extensive;

art gallery means premises:

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

bed and breakfast means a dwelling:

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

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

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

bulky goods showroom means premises:

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes, such as:
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;

- (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods; party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and children's goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;
- or
- (b) used to sell by retail goods and accessories by retail if:
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods,
 but does not include a shop;

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

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

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

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

child care premises means premises where:

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia) 2012* section 5(1) (as amended), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007*(as amended) section 4 is provided;

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

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

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

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

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

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

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

convenience store means premises:

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

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

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

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

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia) 2012* (as amended) is provided;

fast food outlet means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten:

- (a) without further preparation; and
- (b) primarily off the premises;

freeway service centre means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services:

- (a) service station facilities;
- (b) emergency breakdown repair for vehicles;
- (c) charging points for electric vehicles;
- (d) facilities for cyclists;
- (e) restaurant, café or fast food services, excluding the sale or consumption of alcohol under the *Liquor Licensing Act 1988* (as amended);
- (f) take-away food retailing, without a drive-through facility;
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;
- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas; and
- (j) dump points for the disposal of black and/or grey water from recreational vehicles;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used:

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used:

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

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

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50m²;
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not:
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood;
- (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 dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation:

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

home store means a shop attached to a dwelling that:

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

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

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

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

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

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

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

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

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

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

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

industry — rural means premises used for an industry that:

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production.

liquor store — large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* (as amended) with a net lettable area of more than 300m²;

liquor store — small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* (as amended) with a net lettable area of not more than 300m²;

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;

marina means:

- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
- (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;

marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

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

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

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

motel means premises, which may be licensed under the *Liquor Control Act 1988* (as amended) and:

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

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

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

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

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

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

nightclub means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988* (as amended);

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

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* (as amended);

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

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

recreation — private means premises that are:

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced for commercial gain (i.e. solar farms as opposed to solar panels);

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

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

- (a) appropriate staffing to meet the nursing and personal care needs of residents;
- (b) meals and cleaning services;
- (c) furnishings, furniture and equipment.

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

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

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

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

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

roadhouse means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services:

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and
- (f) dump points for the disposal of black and/or grey water from recreational vehicles;

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

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

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

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

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

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

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

serviced apartment means a group of units or apartments providing:

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

shop means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988* (as amended);

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988* (as amended);

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

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

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

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

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

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

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

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

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

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

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

waste disposal facility means premises used:

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

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

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

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

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

SCHEDULE A – SUPPLEMENTAL PROVISIONS

Note:

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

61. DEVELOPMENT FOR WHICH DEVELOPMENT APPROVAL NOT REQUIRED

- (1) Development approval is not required for works if:
- (a) the works are of a class specified in Column 1 of an item in the Table; and
 - (b) if conditions are set out in Column 2 of the Table opposite that item — all of those conditions are satisfied in relation to the works.

Table

	Column 1 Works	Column 2 Conditions
22.	The erection of, or alterations or additions to, a single house on a lot.	<ul style="list-style-type: none"> (a) The R-Codes do not apply to the works. (b) The works comply with the provisions of this Scheme. (c) The lot has access to a gazetted road and abuts a constructed road. (d) The single house is not a Repurposed Dwelling or Second-Hand Dwelling. (e) The works are not located in a heritage-protected place.
23.	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling: <ul style="list-style-type: none"> (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a boundary wall or fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a deck; (i) a garage; (j) a carport. 	<ul style="list-style-type: none"> (a) The R-Codes do not apply to the works. (b) The works comply with the provisions of this Scheme. (c) The works are not located in a heritage-protected place.
24.	The installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling: <ul style="list-style-type: none"> (a) a swimming pool; (b) shade sails. 	<ul style="list-style-type: none"> (a) The R-Codes do not apply to the works. (b) The works comply with the provisions of this Scheme. (c) The works are not located in a heritage-protected place.
25.	The installation of a water tank.	<ul style="list-style-type: none"> (a) The location of the water tank complies with the provisions of this Scheme. (b) The works are not located in a heritage-protected place.
26.	The filling or excavation of land associated with the installation and/or construction of a structure and/or building within the Priority Agriculture or Rural zone.	<ul style="list-style-type: none"> (a) The height/depth of fill or excavation does not exceed 1.5 metres.

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

(i) the development of two grouped dwellings if:

- (i) the development complies with deemed-to comply provisions of the R-Codes;
- (ii) the grouped dwelling is not a Repurposed Dwelling or Second-Hand Dwelling;
- or
- (iii) the development is not located in a heritage-protected place.

SCHEDULE 1 – ADDITIONAL USES

[Clause 19]

Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 96 (No. 29) on Plan 7334 Paris Road, Australind	As a D use: - Office	Nil
A2	Lot 60 (No. 135) on Plan 402349 Grand Entrance and Lot 61 (No. 3) on Plan 402349 Antlia Way, Australind	As a D use: - Fast Food Outlet	Nil
A3	Lot 4857 (No. 5713) on Plan 166937 Forrest Highway, Myalup	As a D use: - Holiday Accommodation - Shop - Office - Restaurant/Café	(1) The Commercial/Tourist Use of the site shall preserve the rural character of the site and sustain its agricultural production potential. (2) Holiday Accommodation shall be subject to a Local Development Plan. (3) The Shop use shall be for a Tourist Shop and shall be restricted to a maximum total floorspace of 250m ² . (4) The Office use shall be for Tourist Information only.
A4	Portion of Lot 1 (No. 157) on Plan 415341 Grand Entrance, Australind	As a D use: - Fast Food Outlet	(1) The Fast Food Outlet use shall be a Drive Through Coffee Shop only.
A5	Lot 6 (No. 5) on Plan 19490 Feast Place, Leschenault	As a D use: - Animal Establishment	(1) The Animal Establishment use shall be a Cattery only. (2) All development shall be located within the Building Envelope and in accordance with the Development Plan dated 2019, unless otherwise approved by the local government. (3) Modifications to the development and/or use shall be advertised pursuant to clause 64 of the Deemed Provisions. (4) No more than 40 cats shall be housed at any given time. (5) The proponent shall ensure that no noise or other disturbances emanate from the premises which are likely to cause a nuisance to the adjoining occupiers or are detrimental to the amenity of the neighbourhood.
A6	Lots 117 (portion of) and 145 Seventh Street and Lots 147 and 149 Eighth Street on Plan 2492, Lots 400 and 401 Seventh Street on Plan 302521 and Lot 3 on Seventh Street on Diagram 70328, Harvey	As a D use: - Abattoir	(1) The development of on-site sewage systems ancillary to the Abattoir use shall be permitted. (2) A 30m wide dense vegetation buffer shall be maintained between the buildings and Uduc Road and around the on-site sewage lagoons.
A7	Lot 22 (No. 163) on Plan 2344 Third Street, Harvey	As a D use: - Industry	(1) The Industry use shall be for the extraction and production of fruit juice only.

No.	Description of land	Additional use	Conditions
A8	Portion of Lot 280 (No. 71) on Diagram 94781 Millar Street, Yarloop	As a D use: - Industry – Light As an I use: - Caretaker's Dwelling	(1) The Industry – Light use for a Machine Shop shall be restricted to 1,500m ² of gross floor area. (2) An additional 1,000m ² may be permitted if the following can be satisfactorily addressed: (a) comprehensive landscaping and revegetation; and (b) the operation of the land use not adversely impacting surrounding residents.
A9	Lot 4 (No. 110) on Diagram 57526 Beela Road, Brunswick	As a D use: - Restaurant/Café	Nil
A10	Lot 60 on Diagram 97684 Coalfields Road, Roelands	As a D use: - Restaurant/Café - Service Station - Roadhouse - Caretaker's Dwelling - Motor Vehicle Repair - Civic Use As an I use: - Car Park	(1) Development shall be generally in accordance with the approved Development Concept Plan dated 24 September 1997. (2) The additional uses shall be restricted to the following maximum floorspace: (a) Restaurant/Café – 144m ² ; (b) Service Station or Roadhouse – 252m ² (c) Caretaker's Dwelling – 108m ² (d) Motor Vehicle Repair – 216m ² (3) Floorspace areas not utilised for a specific use shall not be transferable to any other use. (4) A Car Park shall be incidental to the predominate use. (5) All buildings shall be of a design, and constructed of materials, that complement and enhance the rural amenity of the locality. (6) Access, egress and turning lanes shall be designed and constructed in consultation with Main Roads. (7) The on-site sewage system shall be approved by the local government and Department of Health and be consistent with Government policy.
A11	Lot 4 (No. 16) on Diagram 56624 South Western Highway, Harvey	As a D use: - Shop	(1) The Shop use shall be restricted to a maximum floorspace of 150m ² NLA.
A12	Lot 39 (No. 9) on Plan 12443 Uduc Road, Harvey	As an A use: - Bed and Breakfast - Grouped Dwelling - Multiple Dwelling - Short Stay Accommodation - Single Dwelling	(1) The development of Single Dwelling or Grouped Dwelling shall be in accordance with the R40 density code.
A13	Lot 11 on Plan 24275 and Lot 112 on Plan 28885 Thompson Road, Cookernup	Harvey Springs Estate Tourism Precinct As an 'A' use: - Exhibition Centre - Market - Reception Centre	(1) Prior to the issue of a Development Approval for an additional use a Local Development Plan (LDP) must be prepared and approved for the precinct. This LDP is to reflect the site layout indicated in the Harvey Springs Estate Opportunities Plan dated 9.2.2022 Planned Focus Plan No.

No.	Description of land	Additional use	Conditions
		<ul style="list-style-type: none"> - Tavern - Tourist Development 	<p>1064-5-003. The LDP is to address, to the satisfaction of the local government, the following:</p> <ul style="list-style-type: none"> (a) Separation distances between sensitive land uses and neighbouring lots; (b) Bushfire Risk and emergency management principles; (c) Servicing principles including approach to wastewater management; (d) Noise Management as relevant; (e) Suitable traffic, parking and access arrangements aligned to development thresholds; and (f) Use, built form and layout obligations suited to the rural location. This may include presentation and screening of development as necessary to Thompson Road and Salisbury Road. <p>(2) Development Applications shall address (in addition to any other matters considered relevant by the local government) the following:</p> <ul style="list-style-type: none"> (a) Bushfire Attack Level Assessments (and Management Plans where required); (b) Wastewater disposal by way of site plan; (c) Visual and acoustic impacts on neighbouring development; (d) Traffic Impact Assessments; and (e) Site and Soil Evaluation. <p>(3) Development Applications should not be supported where it has not been demonstrated that cumulative impacts from existing land uses within the Precinct have been addressed to the satisfaction of the local government.</p>

SCHEDULE 2 – RESTRICTED USES

[Clause 20]

Specified restricted uses for zoned land in Scheme area

No.	Description of land	Restricted use	Conditions
R1	Lot 100 on Diagram 99553 Rigg Road, Myalup (also known as Strata Lots 1 – 63 on Strata Plan 45229, Freshwater Lakes)	<p>As a P use:</p> <ul style="list-style-type: none"> - Home Office - Single House <p>As a D use:</p> <ul style="list-style-type: none"> - Holiday Accommodation - Art Gallery - Bed and Breakfast - Home Occupation - Holiday House 	<p>(1) Development shall be in accordance with the approved Structure Plan.</p> <p>(2) Buildings and structures shall be designed and constructed to complement the rural character of the area.</p> <p>(2) Buildings and structures shall be setback in accordance with an R15 density code.</p> <p>(4) The on-site sewage system shall be as approved by the local government and Department of Health and be consistent with Government policy.</p> <p>(5) An Art Gallery will only be considered for Strata Lots 31 – 35 on Strata Plan 45229.</p> <p>(6) When considering an application for development approval, the local government shall have due regard to the Strata Bylaws.</p>
R2	Kemerton Ancillary Industry – As shown on the Scheme maps.	<p>As a D use:</p> <ul style="list-style-type: none"> - Industry - Fuel Depot - Transport Depot - Industry – Light - Renewable Energy Facility - Telecommunications Infrastructure - Warehouse/storage <p>As an A use:</p> <ul style="list-style-type: none"> - Service Station - Animal Husbandry – Intensive - Animal Establishment <p>As an I Use:</p> <ul style="list-style-type: none"> - Commercial Vehicle Parking - Office 	<p>The objectives of this restricted use land are to:</p> <p>(1) To provide for industries that are likely to support, and not compromise, the heavy industry in the Strategic Industry zone.</p> <p>(2) To provide for ancillary industry development that can demonstrate that the major portion of the source material, finished product, or services provided are orientated within the Strategic Industry area and do not provide wholesale or retail products and/or services to the wider community.</p> <p>The conditions of this restricted use land are to:</p> <p>(1) Industry within this area shall be a use which is likely to support and does not compromise the heavy industry in the Strategic Industry zone.</p> <p>(2) All development requires development approval.</p> <p>(3) All development shall comply with the requirements of the Scheme. Where an inconsistency exists, the provisions of this schedule prevail.</p> <p>(4) Unless otherwise approved by the local government, development shall be setback: Front: 11m Rear: 5m Side: 5m</p> <p>(5) No residential development is permitted.</p> <p>(6) The local government shall consult with the relevant State Government Department or other relevant referral agencies, when assessing development applications in this area, to ensure the proposal does not conflict with the strategic intentions for industry and</p>

			<p>infrastructure development within the Strategic Industrial zone.</p> <p>(7) 10% of the site area shall be provided with landscaping.</p> <p>(8) The Local Government shall consult with the relevant State Government or other relevant organisations, when assessing development applications within R2 to ensure the proposal does not conflict with the strategic intentions for industry and infrastructure development within the Kemerton Strategic Industry area.</p>
R3	Kemerton Industry Buffer – As shown on the Scheme maps.	<p>As a D use:</p> <ul style="list-style-type: none"> - Renewable Energy Facility - Tree Farm - Telecommunications Infrastructure <p>As an A use:</p> <ul style="list-style-type: none"> - Rural Pursuit/Hobby Farm - Industry - Rural - Industry – Extractive - Animal Establishment 	<p>The objectives of this restricted use land are to:</p> <ol style="list-style-type: none"> (1) Allow for low intensity development compatible with the activities within the Strategic Industry zone and the Kemerton Ancillary Industry area (R2). (2) Prevent the use and development of the land for sensitive uses or purposes incompatible with the intentions of the Strategic Industry zone. (3) Encourage the conservation of public recreation and flora and fauna. <p>The conditions of this restricted use land are to:</p> <ol style="list-style-type: none"> (1) All development requires development approval. (2) All development shall comply with the requirements of the Scheme. Where an inconsistency exists, the provisions of this schedule prevail. (3) Unless otherwise approved by the local government, development shall be setback: Front: 11m Rear: 5m Side: 5m (4) No residential development is permitted.
R3A	Lot 42 (No. 35) on Diagram 67196 Stanley Road, Wellesley Portion of Lot 335 (No. 38) Stanley Road, Wellesley	<p>As a D use:</p> <ul style="list-style-type: none"> - Warehouse/Storage - Telecommunications Infrastructure - Transport Depot - Renewable Energy Facility 	<p>The objectives of this restricted use land are to:</p> <ol style="list-style-type: none"> (1) To provide for a low intensity use area between the Strategic Industry zone, Kemerton Ancillary Industry area (R2) and the surrounding land uses. (2) To prevent the use and development of the land for residential or incompatible purposes. (3) To encourage the conservation of public recreation and flora and fauna. <p>The conditions of this restricted use land are to:</p> <ol style="list-style-type: none"> (1) The Warehouse/Storage use shall only occupy the area of land clear of native vegetation. (2) The Warehouse/Storage use shall not display or sell goods by wholesale. (3) Further clearing of native vegetation shall not be permitted.

R3B	Portion of Lot 335 (No. 38) Stanley Road, Wellesley	<p>As a D use:</p> <ul style="list-style-type: none"> - Convenience Store - Fast-Food Outlet - Lunch Bar - Restaurant/Café - Service Station 	<p>The objectives of this restricted use land are to:</p> <ol style="list-style-type: none"> (1) To provide for a low intensity use area between the Strategic Industry zone, Kemerton Ancillary Industry zone (R2) and the surrounding land uses. (2) To prevent the use and development of the land for residential or incompatible purposes. (3) To encourage the conservation of public recreation and flora and fauna. <p>The conditions of this restricted use land are to:</p> <ol style="list-style-type: none"> (1) Development shall be in accordance with the Development Assessment Panel Approval (DAP/21/02149) dated 5 July 2022.
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SCHEDULE 3 – SPECIAL USE ZONES

[Clause 21]

No.	Description of land	Special use	Conditions
SU1	Lot 100 (No. 621) on Strata Plan 25140 Lake Preston Road, Myalup	As a D use: - Grouped Dwellings	(1) The land may be developed for a maximum of 31 residential grouped dwellings and associated outbuildings. (2) Development approval is required prior to commencing any development or land use on the land, including the clearing of native vegetation. (3) In considering an application for development approval, the local government shall have due regard to the Strata Bylaws. (4) Where applicable, any new development shall be consistent with the principles of Government policy to ensure the risks to the adjacent RAMSAR wetland are mitigated.
SU2	Lot 200 (No. 107) on Plan 302101 Lake Preston Road, Myalup	As a D use: - Grouped Dwellings	(1) The land may be developed for a maximum of 40 residential grouped dwellings and associated outbuildings. (2) Development approval is required prior to commencing any development or land use on the land, including the clearing of native vegetation. (3) In considering an application for development approval, the local government shall have due regard to the Deed of Covenant. (4) Where applicable, any new development shall be consistent with the principles of Government policy to ensure the risks to the adjacent RAMSAR wetland are mitigated.
SU3	Lot 81 (No. 10842) on Plan 403387 South Western Highway, Warawarrup	As a D use: - Industry	(1) The Industry use shall be limited to 'concrete batching plants' activities where concrete is batched for concrete products manufactured on site for use at places other than the subject site, and includes storage of associated products and materials and any other incidental uses approved at the discretion of the local government.

SCHEDULE 4 – ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

[Clause 32]

1. SETBACK REQUIREMENTS

- (1) Development shall be setback from the lot boundary in accordance with Table 5 unless otherwise approved by the local government pursuant to clause 34 of this Scheme.

Table 5 — Setback requirements

Zone	Front	Rear	Side	Other
Commercial	9m	Refer Note 1	Refer Note 1	
Community Purpose	11m	7.5m	2m	
District Centre	9m	Refer Note 1	Refer Note 1	
Environmental Conservation	Refer Note 2	Refer Note 2	Refer Note 2	
General Industry	9m	Refer Note 1	Refer Note 1	
Industrial Development	Refer Note 3	Refer Note 3	Refer Note 3	
Strategic Industry	20m	30m	10m	
Light Industry	9m	Refer Note 1	Refer Note 1	
Mixed Use	9m	Refer Note 1	Refer Note 1	
Neighbourhood Centre	9m	Refer Note 1	Refer Note 1	
Residential land	Refer to R-Codes			
Rural	20m	20m	20m	
Rural Residential	20m	20m	10m	Refer to clause 5 of this Schedule
Priority Agriculture	20m	20m	10m	
Service Commercial	9m	Refer Note 1	Refer Note 1	
Special Use	Refer Note 3	Refer Note 3	Refer Note 3	
Tourism	Refer Note 2	Refer Note 2	Refer Note 2	
Urban Development	Refer Note 4	Refer Note 4	Refer Note 4	
Notes:				
1. As per the Building Code of Australia				
2. As determined by the local government				
3. As per Structure Plan or as determined by the local government				
4. As per R-Codes, Structure Plan or as determined by the local government				

2. LANDSCAPING REQUIREMENTS

- (1) For land where the R-Codes do not apply, development sites shall be provided with a landscaped area with a minimum width of 1.5m along all property boundaries abutting a road reserve or as determined by the local government.
- (2) In considering the landscaping requirement of any application for development approval, the following shall apply:
- (a) landscaping is to be provided on-site in accordance with subclause (1);
 - (b) landscaping shall be designed and located to improve the visual amenity of the development and should be generally located to the front of the development site to enhance the streetscape;
 - (c) landscaping shall generally consist of vegetation species endemic to the locality;
 - (d) landscaping shall be fully reticulated and maintained to the satisfaction of the local government;
 - (e) a landscaping strip with a minimum width of 3m shall be provided within the boundaries of the property adjoining road frontages; and

- (f) except for a change of land use of an existing development, on-site car parking areas within new developments are to be landscaped with shade trees planted at a rate of no less than 1 tree per 4 car parking bays. Species and sizes of trees are to be to the specifications of the local government.
- (3) The local government may, in a landscaped area, restrict the use of concrete, gravel, pebble and other hard materials and require the planting of native trees, shrubs, lawns or other cover that are considered low maintenance.
- (4) Where a proposed development utilises less than 50% of the allowable plot ratio, the local government may reduce the landscaping requirement, but the landscaping requirement shall be required proportionately as subsequent development occurs.

3. USE OF LAND IN FRONT SETBACK AREA

- (1) On land within in the District Centre, Neighbourhood Centre, Commercial, Mixed Use, Service Commercial, Light Industry and General Industry zones, a person shall not develop the land within the street setback area except for one or more of the following:
- (a) an access driveway;
- (b) a parking area;
- (c) loading and unloading of vehicles;
- (d) a trade display, but not within 3m of the street alignment; or
- (e) garden or other landscaping.

4. CAR PARKING REQUIREMENTS

- (1) Car parking shall be provided on-site in accordance with Table 6 and to Australian Standard A2890.1-2004 (as amended).

Table 6 — Car parking requirements

Land Use Class	Minimum Car Parking Requirements
Abattoir	• As determined by the local government
Agriculture — Extensive	• As determined by the local government
Agriculture — Intensive	• As determined by the local government
Amusement Parlour	• 1 bay/20m ² of NLA; or • 1 bay/4 people the premises is designed to accommodate; (whichever is greater)
Animal Establishment	• 1 bay/employee; plus • 1 visitor bay
Animal Husbandry — Intensive	• 1 bay/employee; plus • 1 visitor bay
Art Gallery	• As determined by the local government
Bed and Breakfast	• As per R-Codes; plus • 1 bay/guest bedroom
Betting Agency	• 1 bay/20m ² of NLA
Brewery	• 1 bay/employee; plus • 1 bay/50m ² of NLA public area or • 1 bay/4 seats; or • 1 bay/5m ² dining/drinking area (whichever is greater)
Bulky Goods Showroom	• 1 bay/50m ² of NLA; plus • 1 bay/100m ² NLA non-public area
Caravan Park	• As per the <i>Caravan Parks and Camping Grounds Regulations 1997</i> (as amended)

Land Use Class	Minimum Car Parking Requirements
Caretaker's Dwelling	<ul style="list-style-type: none"> As per the comparable dwelling type in the R-Codes
Child Care Premises	<ul style="list-style-type: none"> 1 bay/5 children; plus 1 bay/employee
Cinema/Theatre	<ul style="list-style-type: none"> 1 bay/4 seats; or 1 bay/4 people the premises is designed to accommodate; (whichever is greater)
Civic Use	<ul style="list-style-type: none"> 1 bay/4 seats; or 1 bay/4 people the premises is designed to accommodate; (whichever is greater)
Club Premises	<ul style="list-style-type: none"> 1 bay/4 seats; or 1 bay/4 people the premises is designed to accommodate; (whichever is greater)
Commercial Vehicle Parking	<ul style="list-style-type: none"> 1 bay/commercial vehicle approved
Community Purpose	<ul style="list-style-type: none"> 1 bay/4 seats; or 1 bay/4 people the premises is designed to accommodate; (whichever is greater)
Consulting Rooms	<ul style="list-style-type: none"> 4 bays/consulting room; plus 1 bay/employee
Convenience Store	<ul style="list-style-type: none"> 1 bay/20m² of NLA
Corrective Institution	<ul style="list-style-type: none"> As determined by the local government
Educational Establishment	<p>KINDY/PRE PRIMARY:</p> <ul style="list-style-type: none"> 2 bays/10 students; plus 1 bay/staff <p>PRIMARY SCHOOL:</p> <ul style="list-style-type: none"> 1 bay/10 students; plus 1 bay/staff <p>HIGH SCHOOL:</p> <ul style="list-style-type: none"> 1 bay/10 students; plus 1 bay/staff <p>TERTIARY:</p> <ul style="list-style-type: none"> 1 bay/5 students; plus 1 bay/staff <p>OTHER:</p> <ul style="list-style-type: none"> As determined by the local government
Exhibition Centre	<ul style="list-style-type: none"> 1 bay/4 seats; or 1 bay/4 people the premises is designed to accommodate; (whichever is greater)
Family Day Care	<ul style="list-style-type: none"> As per R-Codes; plus 1 bay
Fast Food Outlet	<ul style="list-style-type: none"> 1 bay/2.5m² of internal service queuing area (min. 4 bays); plus 1 bay/5m² eating area; plus 4 queuing bays for a drive-through facility
Freeway Service Centre	<ul style="list-style-type: none"> 4 bays/workshop and/or service bay; plus 1 bay/employee; plus Additional bays as required for each additional land use
Fuel Depot	<ul style="list-style-type: none"> 1 bay/100m² of NLA; or 1 bay/employee; (whichever is greater); plus 1 bay/petrol and/or service bay
Funeral Parlour	<ul style="list-style-type: none"> 1 bay/4 people the premises is designed to accommodate; plus 1 bay/employee
Garden Centre	<ul style="list-style-type: none"> 1 bay/50m² of NLA open to public and used for display, hire or sale; plus 1 bay/100m² of NLA non-public area
Holiday Accommodation	<ul style="list-style-type: none"> 2 bays for 0-4 guests 4 bays for 5-8 guests 5 bays for 9-12 guests
Holiday House	<ul style="list-style-type: none"> 2 bays for 0-4 guests 4 bays for 5-8 guests 5 bays for 9-12 guests
Home Occupation	<ul style="list-style-type: none"> As determined by the local government

Land Use Class	Minimum Car Parking Requirements
Home Store	<ul style="list-style-type: none"> • As per R-Codes; plus • 1 bay/20m² of NLA
Hospital	<ul style="list-style-type: none"> • 1 bay/4 beds; plus • 1 bay/employee
Hotel	<ul style="list-style-type: none"> • 1 bay/bedroom or accommodation unit; plus • 1 bay/15m² of NLA not used for accommodation purposes; plus • 5 queuing bays for a drive-through facility
Industry	<ul style="list-style-type: none"> • 1 bay/100m² of NLA; or • 1 bay/employee; (whichever is greater); plus • 1 bay/30m² of NLA used for retailing and/or wholesaling
Independent Living Complex	<ul style="list-style-type: none"> • 1 bay/4 bedrooms; plus • 1 visitor bay/4 bedrooms; plus • 1 bay/employee
Industry — Cottage	• As determined by the local government
Industry — Extractive	• As determined by the local government
Industry — Light	<ul style="list-style-type: none"> • 1 bay/75m² of NLA; or • 1 bay/employee; (whichever is greater); plus • 1 bay/30m² of NLA used for retailing and/or wholesaling
Industry — Rural	• As determined by the local government
Liquor Store — Large	<ul style="list-style-type: none"> • 1 bay/20m² of NLA; plus • 5 queuing bays for a drive-through facility
Liquor Store — Small	<ul style="list-style-type: none"> • 1 bay/20m² of NLA; plus • 5 queuing bays for a drive-through facility
Lunch Bar	• 1 bay/15m ² of NLA
Marina	<ul style="list-style-type: none"> • 1 bay/wet berth; plus • 1 bay/5 dry berths or swing moorings; plus • 1 bay/50m² of NLA for each ancillary and/or incidental use
Marine Filling Station	<ul style="list-style-type: none"> • 1 bay/100m² of NLA; or • 1 bay/employee; (whichever is greater); plus • 1 bay/petrol and/or service bay
Market	• 1 bay/30m ² of NLA used for market purposes
Medical Centre	<ul style="list-style-type: none"> • 4 bays/consulting room and/or health consultant; or • 1 bay/20m² of NLA; (whichever is greater)
Mining Operations	• As determined by the local government
Motel	<ul style="list-style-type: none"> • 1 bay/bedroom or accommodation unit; plus • 1 bay/15m² of NLA not used for accommodation purposes
Motor Vehicle, Boat or Caravan Sales	<ul style="list-style-type: none"> • 1 bay/200m² of NLA used for display, sale or hire; plus • 4 bays/vehicle service and/or work bay; or • 1 bay/50m² of NLA; (whichever is greater) where premises incorporates repair and/or servicing
Motor Vehicle Repair	• As determined by the local government
Motor Vehicle Wash	<ul style="list-style-type: none"> • 1 bay/employee; plus • 2 bays/wash bay; plus • 3 queuing bays for each wash bay
Nature Based Park	• As per the <i>Caravan Parks and Camping Grounds Regulations 1997</i> (as amended)
Nightclub	• 1 bay/15m ² of NLA
Office	• 1 bay/30m ² of NLA
Park Home Park	<ul style="list-style-type: none"> • 1 bay/park home site; plus • 1 visitor bay/10 park home sites; plus • 1 bay/employee
Place Of Worship	<ul style="list-style-type: none"> • 1 bay/4 seats; or • 1 bay/4 people the premises is designed to accommodate; (whichever is greater)

Land Use Class	Minimum Car Parking Requirements
Reception Centre	<ul style="list-style-type: none"> • 1 bay/4 seats; or • 1 bay/4 people the premises is designed to accommodate; (whichever is greater)
Recreation — Private	<ul style="list-style-type: none"> • 1 bay/4 seats; or • 1 bay/4 people the premises is designed to accommodate; (whichever is greater)
Renewable Energy Facility	• As determined by the local government
Repurposed Dwelling	• As determined by the local government
Residential Building	<ul style="list-style-type: none"> • 1 bay/bedroom; plus • 1 visitor bay/4 bedrooms; plus • 1 bay/employee
Residential Aged Care Facility	<ul style="list-style-type: none"> • 1 bay/4 bedrooms; plus • 1 visitor bay/4 bedrooms; plus • 1 bay/employee
Resource Recovery Centre	• As determined by the local government
Restaurant/Cafe	• 1 bay/15m ² of NLA
Restricted Premises	• 1 bay/20m ² of NLA
Roadhouse	<ul style="list-style-type: none"> • 4 bays/workshop and/or service bay; plus • 1 bay/employee; plus • Additional bays as required for each additional land use
Rural Pursuit/Hobby Farm	• As determined by the local government
Second Hand-Dwelling	• As determined by the local government
Service Station	<ul style="list-style-type: none"> • 4 bays/workshop and/or service bay; plus • 1 bay/employee
Serviced Apartment	• As per R-Codes
Shop	• 1 bay/20m ² of NLA
Small Bar	• 1 bay/15m ² of NLA
Tavern	<ul style="list-style-type: none"> • 1 bay/15m² of NLA; plus • 5 queuing bays for a drive-through facility
Telecommunications Infrastructure	• As determined by the local government
Tourist Development	<ul style="list-style-type: none"> • As per the comparable dwelling type in the R-Codes; and/or • 1 bay/bedroom or accommodation unit; plus • 1 bay/15m² of NLA not used for accommodation purposes
Trade Supplies	<ul style="list-style-type: none"> • 1 bay/50m² of NLA open to public and used for display, hire or sale; plus • 1 bay/100m² of NLA non-public area
Transport Depot	<ul style="list-style-type: none"> • 1 bay/commercial vehicle approved; plus • 1 bay/employee
Tree Farm	• As determined by the local government
Veterinary Centre	<ul style="list-style-type: none"> • 4 bays/consulting room and/or veterinary health consultant; or • 1 bay/20m² of NLA; (whichever is greater)
Warehouse/Storage	<ul style="list-style-type: none"> • 1 bay/50m² of NLA open to public and used for display or sale by wholesale; plus • 1 bay/100m² of NLA non-public area
Waste Disposal Facility	• As determined by the local government
Waste Storage Facility	• As determined by the local government
Winery	• As determined by the local government
Workforce Accommodation	• As determined by the local government

- (2) Where a development or use results in the likely demand for parking of trailers, caravans, buses and/or coaches, parking spaces for such vehicles shall be integrated with the development.

- (3) Where a land use is not listed in the Table, the number of parking spaces required shall be determined by the local government having due regard to the:
 - (a) nature of the proposed development and/or use;
 - (b) number of employees or others likely to be employed or engaged in the use of the land;
 - (c) anticipated demand for visitor parking;
 - (d) availability of on-street parking;
 - (e) method of transport that will be used to gain access to the development; and
 - (f) availability of public transport.
- (4) Car parking facilities shall generally be constructed to a sealed standard, unless the local government is satisfied that an alternative construction standard is appropriate having regard to the frequency of use and traffic volumes using the facility.
- (5) Car parking bays, vehicle manoeuvring areas, access ways and crossovers shall be maintained to the satisfaction of the local government.
- (6) Where the proposed development is adjacent to on-street parking, the local government may approve a reduced number of bays to a maximum number of on-street bays directly adjacent to the subject land and having due regard to (a) to (f) above.
- (7) The local government may permit car parking bays to be accommodated within the road reserve adjacent to the proposed development. In considering a proposal, the local government shall take into account the width and function of the road; the ability of the road to accommodate the parking; and the ability of the development site to accommodate on-site parking.
- (8) In instances where car parking areas accommodate 20 vehicles or more are developed, provision shall be made, to the satisfaction of the local government, for pedestrian movement systems through the parking areas concerned to connect with other pedestrian movement routes in the locality.
- (9) The local government may allow a reduction in the amount of car parking otherwise required by the Table, where:
 - (a) a developer prepares and commits to implement an Active Transport Plan, to the satisfaction of the local government. The Active Transport Plan is to detail how and to what extent non-motorised forms of transport will be encouraged through the provision of 'end of trip facilities', such as bike parking, showers and lockers; or
 - (b) a Car Parking Demand Assessment/Study demonstrates the proposed number and location of car parking bays is sufficient for the anticipated car parking demands of the proposal.
- (10) The local government may require an Easement in Gross under the *Land Administration Act 1997* (as amended) to be registered on the Certificate of Title providing for the reciprocal rights of carriageway and access to the car parking for the

general public. The preparation and registration of the Easement in Gross shall be at the developer's/ landowner's cost.

4.1. Reciprocal and Shared Car Parking

- (1) For the purposes of this clause, reciprocal car parking is private parking which is shared between private landowners. Shared car parking is public parking (i.e. owned or vested in the local government) which is shared with, and forms part of a private development's parking provision.
- (2) The local government may exercise its discretion to permit a proportion of the total number of car parking bays required to be provided jointly with any one or more other premises within a location. In considering reciprocal and/or shared car parking, the local government will need to be satisfied that the car parking will be adequate to service the proposed development.
- (3) Reciprocal and/or shared car parking shall only be permitted where:
 - (a) car parking in the locality accommodates the deficit in required car parking bays;
 - (b) the peak hours of operation of land uses sharing the car parking are different and do not substantially overlap; and
 - (c) a legally binding agreement has been made to enable the reciprocal or shared car parking to be used for that purpose.

Note:

Where a reciprocal or shared car parking arrangement is proposed, the written consent of the property owner of the reciprocal or shared car parking facility must be in the form of a legally binding agreement between both parties that is prepared to the satisfaction of the local government, and at the applicant's/proponents' own cost.

4.2. Cash-in-lieu of Car Parking

- (1) The local government may agree to a cash payment in lieu of all, or part, of the required car parking bays.
- (2) A cash payment in lieu of providing car parking bays shall only be considered in locations where the following has been demonstrated:
 - (a) there is sufficient car parking in the locality;
 - (b) a public car park exists or is planned in the locality that adequately services the car parking requirements of both the general public and the proposed development; and
 - (c) that a legally binding agreement has been made to enable the public car park to be used for the purpose of providing car parking for the proposed development on a permanent basis in accordance with subclause (b).
- (3) The cash-in-lieu payment shall not be less than the estimated cost of the following:
 - (a) constructing the car parking bays and associated manoeuvring areas (including sealing, kerbing and draining); and

- (b) the value of the land on which the car parking bays and associated manoeuvring areas are to be located. The value of the land is to be determined by a licensed land valuer and to the satisfaction of the local government.
- (4) Cash-in-lieu payments shall be paid into a special purpose fund for the acquisition of land and construction of public car parking facilities within reasonable proximity to the subject land in respect of which a cash-in-lieu payment applied.

5. BUILDING ENVELOPES AND DEVELOPMENT EXCLUSION AREAS

- (1) All development on land subject to a building envelope or development exclusion area must be located within the approved building envelope or outside of the development exclusion area (as may be shown on an approved Structure Plan, Local Development Plan, Building Envelope Plan or Development Exclusion Area Plan).
- (2) No development is permitted within development exclusion areas.
- (3) No development is permitted outside of the approved building envelope except for:
 - (a) provision of a suitable vehicle access way to the dwelling or outbuilding, provided that:
 - (i) the removal of native vegetation is minimised;
 - (ii) stormwater from sealed vehicle access ways is contained within the property boundaries;
 - (iii) any retaining does not alter the ground level by more than 500mm;
 - (iv) the vehicle access way forms part of a firebreak specified by the local government's Firebreak Notice.
 - (b) provision of suitable boundary fencing as approved by the local government;
 - (c) implementation of an approved bushfire management plan;
 - (d) provision of firebreaks as specified by the local government's Firebreak Notice; and
 - (e) the placement of the subsurface dripper irrigation component/land application area of an on-site sewage disposal system, provided no native vegetation is required to be removed.
- (3) Development approval is required by the local government to modify an approved building envelope or development exclusion area.
- (4) In considering an application for development approval to modify an approved building envelope or development exclusion area pursuant to subclause (3), the local government shall have due regard to whether the modified building envelope or development exclusion area will:
 - (a) compromise the objectives of the zone;
 - (b) prejudicially affect the visual amenity and/or character of the locality;
 - (c) increase the bushfire risk to life and/or property;
 - (d) have a detrimental effect on the environment and/or result in increased disturbance to waterways or wetlands and existing native vegetation; and

- (e) have a detrimental impact on adjoining properties.

6. VEGETATION PROTECTION

- (1) Development approval is required prior to clearing native vegetation on land in all zones except land coded R15 or higher unless it is:
 - (a) behind the street(s) and lot boundary setbacks;
 - (b) within an approved building envelope;
 - (c) associated with implementing an approved development;
 - (d) necessary for an approved access way;
 - (e) subject to an approved clearing permit;
 - (f) dead, unless it has the potential to serve as a habitat;
 - (g) diseased or declared dangerous by the local government;
 - (h) necessary to comply with an approved bushfire management plan; or
 - (i) associated with the provision of firebreaks as specified by the local government's Firebreak Notice.
- (2) The provisions listed within subclause (1)(a) - (i) do not apply where native vegetation is specifically protected by way of the Landscape Protection Area designation or similar by a Structure Plan, Local Development Plan, or Significant Tree Register.
- (3) The local government may liaise with the Department of Biodiversity, Conservation and Attractions and/or Department of Water and Environmental Regulation to determine the significance of any native vegetation proposed to be cleared.
- (4) In considering an application involving the clearing of native vegetation, the local government will have due regard to:
 - (a) the extent of clearing to be undertaken;
 - (b) the quality and type of native vegetation to be cleared;
 - (c) any re-vegetation carried out on the same land;
 - (d) the potential for the clearing to detrimentally impact:
 - (i) quality of the soil, land or water;
 - (ii) biodiversity of the native vegetation in the surrounding local area;
 - (iii) landscape or amenity values of the surrounding local area; and
 - (iv) ecosystem function of the native vegetation in the surrounding local area.
 - (e) the potential for the native vegetation to provide a habitat function for protected fauna species;
 - (f) the significance of the native vegetation and whether it is protected; and
 - (g) any measures to conserve, protect and manage other comparable native vegetation on the same land.

7. FENCING

- (1) Boundary fencing on land coded R2, R2.5, R5 or R10 and on land zoned Rural Residential, Priority Agriculture and Rural shall be post and a minimum of four strand wire, or post and “ring-lock” or similar as approved by the local government.
- (2) Solid fencing shall not be permitted on boundaries on land coded R2, R2.5, R5 or R10 and on land zoned Rural Residential and shall only be permitted:
 - (a) within the approved building envelope in proximity to buildings; or
 - (b) behind the street(s) and lot boundary setbacks in proximity to buildings;where the local government determines that it will not adversely impact on the character or landscape values of the area.
- (3) Where the keeping or grazing of livestock has been permitted in accordance with clause 16 of this Schedule, boundary fencing shall be post and a minimum of seven strand wire, or post and “ring-lock” or similar as approved by the local government.
- (4) Where the keeping or grazing of livestock has been permitted in accordance with clause 16 of this Schedule and the lot is located on the escarpment, boundary fencing shall be post and a minimum of seven strand wire, or post and “ring-lock” or similar as approved by the local government to protect and exclude livestock from the escarpment.
- (5) In a Residential zone, fencing adjoining a public open space or recreation reserve shall be visually permeable above 1.2m of natural ground level.

8. DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS OR WITH NO GAZETTED ROAD ACCESS

- (1) Development approval is required for the development of a single dwelling on a lot abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve, pursuant to Supplemental Provision 61(1).
- (2) In considering an application for development approval, the local government may:
 - (a) refuse to grant development approval until the road has been constructed or direct access to a constructed road is provided;
 - (b) grant development approval subject to a condition requiring the applicant to contribute to the full or partial cost of constructing the road as determined by the local government;
 - (c) where dedicated road access is available, grant development approval subject to a condition requiring the applicant to pay a sum of money in whole or in part towards the cost of constructing the road or part thereof; or
 - (d) where gazetted road access is not available, consider other legal arrangements to be made for permanent legal access to the satisfaction of the local government, addressing the following:
 - (i) permanent access being secured;
 - (ii) the location of the access;
 - (iii) access being constructed and maintained; and

- (iv) a notification is to be placed on the certificate of title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

9. EXCAVATION AND FILLING OF LAND

- (1) In considering an application to change the ground level of a lot by a height exceeding 1.5m, the local government shall have regard to:
 - (a) its likely impact on the amenity or appearance of the land immediately surrounding the proposed retaining;
 - (b) the suitability of the method of retaining proposed being demonstrated;
 - (c) the materials of the retaining, and its likely effect on the outlook from surrounding land;
 - (d) the effect on the usability of the land on which the retaining is proposed;
 - (e) any flood plain studies and management strategies applicable to that area; and
 - (f) ensuring the proposal is not obstructive to major flows and will not detrimentally impact the existing flood regime of the area.

10. WATER SUPPLY

- (1) All development requiring potable water shall —
 - (a) Where a reticulated water supply network is available, be connected to the reticulated water supply.
 - (b) Where a reticulated water supply network is not available —
 - (i) each dwelling shall be provided with a minimum 120,000 litre water storage tank, in addition to any requirements of an approved bushfire management plan.
 - (ii) all other development requiring a potable water supply shall be provided with a suitable potable water supply to the satisfaction of the local government.
 - (c) Where required, water storage tanks shall be fitted with couplings for the purposes of firefighting, to the specifications of the Department of Fire and Emergency Services.
- (2) Where alternative water sources are proposed or required —
 - (a) The local government may approve the use of fit-for-purpose water or other non-drinking water sources for the irrigation of public open space.
 - (b) Structure plans and applications for development approval shall identify alternative water sources to ensure the conservation of potable water, minimisation of wastewater and maximisation of reuse of all forms of water.
- (3) At the time the local government assumes management of public open space, the developer is required to surrender all water supply entitlements and infrastructure associated with the irrigation of the public open space.

11. ON-SITE SEWAGE DISPOSAL

- (1) Lots shall be provided with reticulated sewerage, unless provided for in accordance with Government policy (as amended).

12. SERVICE ACCESS

- (1) Where a land use or development involves the delivery or despatch of goods of any kind, a loading and unloading area will be required to be provided. The following requirements will apply to loading and unloading areas:
 - (a) delivery vehicles using the area must, unless otherwise approved by the local government, be able to enter the street in a forward direction;
 - (b) loading and unloading areas to be located either inside of buildings or to the side and/or rear of the premises and separate from any public access areas; and
 - (c) Where a road, right of way or rear laneway is used to gain access to the loading and unloading area on the lot, delivery vehicles servicing this area shall not obstruct the road, right of way or rear laneway.

13. TELECOMMUNICATIONS INFRASTRUCTURE

- (1) An application for development approval is required for the development of all Telecommunications Infrastructure excluding those listed under Schedule 3 of the *Telecommunications Act 1997* (Commonwealth) and the *Telecommunications Low Impact Facilities Determination 1997*.

14. MINING OPERATIONS

- (1) Despite Mining Operations being exempt from the need for development approval under the *Mining Act 1978*, the local government may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy. In providing advice to the Minister for Mines on the suitability of Mining Operations, the local government will be guided by the permissibility of this use in the zoning table.

15. COLLIE AND BRUNSWICK RIVER FLOOD STUDY AND OTHER FLOOD PRONE LAND

- (1) On land to which the R-Codes do not apply, a person shall not commence or carry out any development, without the prior approval of the local government unless the proposed finished levels are in accordance with the Collie and Brunswick River Flood Study 2014 or the current Collie and Brunswick River Flood Mapping.
- (2) An application for development approval that is related to flood prone land shall be supported by an assessment that proves the proposed development:
 - (a) has adequate flood protection;
 - (b) maintains the free passage and/or temporary storage of flood waters; and;
 - (c) does not result in an unacceptable increase in flood risk for other land or infrastructure in the general area.

- (3) An application for development approval for habitable buildings on flood prone land shall ensure the minimum habitable floor level is at least 0.5m above the adjacent 1 in 100 flood (1% AEP) levels.

16. KEEPING OF LIVESTOCK

- (1) On land zoned Residential, no person shall use, or permit to be used, any lot or part of any lot for the keeping or grazing of livestock.
- (2) On land zoned Rural Residential, no person shall use, or permit to be used, any lot or part of any lot for the keeping or grazing of livestock without development approval of the local government.
- (3) The keeping or grazing of livestock on any lot or part of any lot shall be in accordance with the stocking rates as recommended by the Department of Primary Industries and Regional Development.
- (4) Where development approval has been granted by the local government for the keeping or grazing of livestock, the local government may, with the advice of the Department of Primary Industries and Regional Development, require the removal of, or a reduction in the number of, livestock to prevent land degradation.
- (5) To prevent degradation by livestock, the local government may require areas of native vegetation to be suitably fenced to restrict access by livestock.

17. PARKING OF COMMERCIAL VEHICLES

- (1) The local government shall not grant development approval for the parking of commercial vehicles on land unless:
 - (a) only one commercial vehicle is to be parked on the lot;
 - (b) the commercial vehicle is required as an essential part of a resident's occupation;
 - (c) the commercial vehicle is to be parked behind the front building line of the dwelling and effectively screened from view from outside the lot;
 - (d) no part of the commercial vehicle is to be parked on any portion of a right-of-way or public road contiguous with the lot; and
 - (e) servicing (major or minor) of the commercial vehicle shall not be undertaken on the lot.

18. REPURPOSED AND SECOND-HAND DWELLINGS

- (1) The local government shall not grant development approval for a repurposed or second-hand unless it is satisfied that the development will:
 - (a) be consistent with the character of the locality in which the development is proposed;
 - (b) maintain the amenity of the locality in which the development is proposed; and
 - (c) comply with any development standards of this Scheme or any R-Code standards applicable to the development;

- (2) In considering an application for development approval, the local government will give particular consideration to the external appearance and materials used in the construction of the relocated/repurposed dwelling or second-hand dwelling.
- (3) The local government may, if considered by the local government to be appropriate, advertise an application for development approval of a relocated/repurposed dwelling or second-hand dwelling pursuant to Clause 64 of the deemed provisions.

19. ANCILLARY DWELLING REQUIREMENTS

- (1) An Ancillary Dwelling in the Priority Agriculture, Rural and Rural Residential zones shall:
 - (a) have a maximum plot ratio area not exceeding 120m²;
 - (b) be of similar architectural style as the dwelling, and constructed using similar materials and/or colours or as otherwise approved by the local government;
 - (c) be provided with a minimum of 1 car parking space;
 - (d) be in close proximity to the existing dwelling on the property; and
 - (e) share services with the existing dwelling (including vehicle access ways), unless otherwise approved by the local government.

20. KEMERTON STRATEGIC INDUSTRIAL AREA

- (1) The Kemerton Strategic Industrial Area is comprised of the land zoned Strategic Industry.
- (2) Prior to subdivision or development, the proponent shall prepare and submit the following:
 - (a) a detailed Bushfire Management Plan in accordance with SPP 3.7 and reflecting the outcomes of the over-arching Bushfire Management Plan;
 - (b) a Water Management Plan in accordance with the over-arching Water Management Strategy;
 - (c) if the proposal will have an impact on the deferred environmental factors identified in the over-arching Environmental Management Plan, a proposal specific Environmental Management Plan, which may include:
 - (i) a Landscape and Visual Amenity Assessment for any proposals within the area identified in the Structure plan as 'Ridge landscape priority' or 'In evident visual alteration';
 - (ii) a Foreshore Management and Landscaping Plan for any proposals involving development of the Ancillary Industry area (Restricted Use 2) to ensure buffering of the land to the east of the Wellesley River, south of Devlin Road and the Wellesley River consistent with State Planning Policy 2.9; and
 - (iii) detailed flora and fauna surveys as per the EPA guidelines.
- (3) When considering applications with respect to land wholly or partly within the Kemerton Industry Buffer area (Restricted Use 3), the local government shall have regard to:
 - (a) the provisions of Part 1 of the adopted Kemerton Strategic Industrial Area Structure Plan (as amended);

- (b) whether the proposal is compatible with any existing or proposed future use or development within the Strategic Industry zone and the Kemerton Ancillary Industry area (Restricted Use 2);
 - (c) the existing, proposed or likely risks, hazards and nuisance (including but not limited to noise, odour and light) associated with the Strategic Industry zone;
 - (d) the potential impacts of the proposal on the efficient development of the Kemerton Strategic Industrial Area; and
 - (e) recommendations of the chief executive officer of the Department of Mines, Industry Regulation and Safety in the administration of the *Mining Act 1978* (as amended) and the chief executive officer of the Environmental Protection Authority in the administration of the *Environmental Protection Act 1986* (as amended).
- (4) When considering development and subdivision applications within the Strategic Industry zone, the decision maker shall have due regard to the Kemerton Strategic Industrial Area Structure Plan.

Note:

Some land located within the Kemerton Industry Buffer area (Restricted Use 3) is included within Special Control Area No. 2 of the Greater Bunbury Region Scheme. When preparing a development application, applicants are required to satisfy the provisions of Part 5 – Division 3 – Kemerton Industrial Zone Buffer Area and Part 7 – Applications for Planning Approval of the Greater Bunbury Region Scheme.

21. PRIORITY AGRICULTURE

- (1) When considering development applications for land wholly or partly within the Priority Agriculture zone, the local government may require an application to be supported by a land capability assessment to demonstrate that the proposal and nutrient management practices will not contribute to an increase in nutrient levels in surface or groundwater.

22. OUTBUILDINGS IN RURAL RESIDENTIAL ZONE

- (1) Outbuildings within the Rural Residential zone shall comply with the following unless otherwise approved by the local government pursuant to clause 34 of this Scheme:
 - (a) collectively do not exceed 190m² in area;
 - (b) do not exceed a wall height of 3m; and
 - (c) do not exceed a ridge height of 4.5m.

23. VETERINARY CENTRES

- (1) A veterinary centre shall not be permitted to accommodate animals overnight in the Residential or Mixed Use zones.

24. ADDITIONAL REQUIREMENTS FOR SPECIFIC LAND

- (1) The development, use and/or subdivision of specific land shall comply with the provisions of this Scheme and the additional site and development requirements provided in Table 7 for specific land.
- (2) Where a provision of this Scheme is inconsistent with the additional site and development requirements provided in the Table to subclause (1), the additional site and development

requirements provided in the Table to subclause (1) prevails to the extent of the inconsistency.

- (3) For land zoned “Residential” with a density code of R2, R2.5, R5 or R10, the local government shall not recommend support for further subdivision.

Table 7 — Additional requirements for specific land

Scheme Map Ref No.	Area Description	Specific Conditions and Requirements
ASR1	Lot 120 (No. 72) on Plan 202106 Fryer Road, Harvey	(1) Prior to any subdivision commencing, the existing dairy is to cease operation and be removed to the satisfaction of the local government.
ASR2	Leschenault Residential Area west of Old Coast Road	(1) All lots shall be serviced by an approved on-site sewage system incorporating a secondary treatment system with nutrient removal as recommended by the Department of Environment Protection and to the satisfaction of the Department of Health and the local government.
ASR3	Lots 950 – 957 on Plan 46084 Avalon Road, Australind and Lots 958 – 960 on Plan 46084 Buckland Way, Australind	(1) All buildings shall be set back a minimum of 5m from the side boundaries and 10m from the street frontage. (2) No clearing of native vegetation shall be permitted within a 50m buffer measured from the Forrest Highway road reserve.
ASR4	Lots 100 – 106 on Plan 39517 Grand Entrance, Australind and Lots 107 – 112 on Plan 39517 Topaz Court, Australind	(1) All buildings shall be set back a minimum of 5m from the side boundaries and 10m from the street frontage.
ASR5	Forestry Road, Sherlock Place and McMahon Court, Uduc	(1) Despite clause 16 of Schedule 4, the keeping of pigs for non-commercial purposes shall be permitted.
ASR6	Raymond Road, Old Raymond Road, Treendale Road and Grassvale Court, Roelands	(1) Despite clause 16 of Schedule 4, the keeping of livestock shall not be permitted on Lots 38, 43, 50 and 52.
ASR7	Howson Drive and Billabong Court, Brunswick	(1) Despite clause 16 of Schedule 4, the keeping of livestock shall not be permitted on Lots 54-60 and 65-67.
ASR8	Thornton Drive, Snell Court and Pearson Place, Uduc	(1) Despite clause 16 of Schedule 4, the keeping of horses shall not be permitted on Lots 1-5, 15 and 20-21.
ASR9	Portion of Lot 25 on Plan 883 and Lot 92 on Plan 202102 Herbert Road, Harvey	(1) Prior to any subdivision commencing, the existing dairy on Lot 120 on Plan 202106 is to have ceased operation and be decommissioned to the satisfaction of the local government. (2) The local government shall request the Commission impose a condition on a subdivision approval requiring a notification on certificates of title advising of the Harvey Waste Water Treatment Plant odour buffer. (3) The local government shall request the Commission impose a condition on a subdivision approval requiring each lot to be provided with a Rural Water Supply point. (4) The local government may request the Commission impose a condition on a subdivision approval requiring the balance of Lots 25 and 92 to be amalgamated. (5) Hobby farm activities shall be located at the rear of building envelopes.
ASR10	Lot 961 on Plan 46084 Westfield Way, Lot 797 on Plan 30404 Westfield Way and Lots	(1) Building envelopes shall be located above the 1:100 year flood level. (2) All buildings shall be set back a minimum of 5m from the side boundaries and 10m from the street frontage.

Scheme Map Ref No.	Area Description	Specific Conditions and Requirements
	798 – 800 on Plan 3040 Brooklyn Way, Australind	(3) No clearing of native vegetation shall be permitted within a 50m buffer measured from the Forrest Highway road reserve. (4) Despite clause 16 of Schedule 4, the keeping of more than one horse shall not be permitted.
ASR11	Kingston	(1) A Shopping Centre shall be restricted to a maximum retail Net Lettable Area of 3,000m ² . (2) A maximum retail Net Lettable Area of 4,500m ² may be considered if justified in an approved Commercial Strategy. (3) The floorspace restriction for the Shopping Centre does not include a service station, fast food and other non-retail floorspace.
ASR12	Australind Light Industrial Area	(1) Prior to the approval of a development application, a local development plan shall be prepared and approved by the local government. The local development plan shall address the following matters: (a) building setbacks; (b) building height; (c) building materials; (d) restrictions on transportable buildings and sea containers; (e) open space and landscaping; (f) vehicle crossovers – design, treatment and materials; (g) location and nature of car parking areas; (h) fencing – style and materials; (i) storage areas; and (j) other design elements that may improve the appearance and amenity of the locality. (2) The façade(s) of any building, as seen from an adjoining road, shall be constructed of masonry unless in the opinion of local government, the design and materials of the proposed building are of sufficiently high standard to complement the locality. (3) The use of pre-used materials for structures shall not be permitted. (4) A person shall not place or stock any fuel or raw material or product or waste of manufacture, in front of a building line other than the building line of a service station, unless in an area set aside for display purposes. (5) The owner or subdivider of the land shall inform prospective purchasers of the provisions of this Scheme. (6) A sealed concrete based enclosure of not less than 10m ² in area shall be provided in an accessible area at the rear of the building, within which a waste receptacle of a size required by the local government and/or an incinerator complying with the <i>Bush Fires Act 1954</i> (as amended) shall be provided. (7) The local government shall require payment by the landowner or subdivider of a contribution pursuant to the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1. (8) The owner or subdivider is required to establish a landscape buffer to provide a visual screening along the Forrest Highway. The land required for the landscape buffer is to be of a sufficient width as determined by the Commission.
ASR13	Australind Neighbourhood Centre	(1) Prior to the development of residential and/or mixed use development, a Precinct Structure Plan is required to be endorsed by the Commission pursuant to Part 4 of the Deemed Provisions. (2) The Precinct Structure Plan shall address the planning matters identified in the Local Planning Strategy.
ASR14	Lots 50-60 and 77 on Plan 418858 and Lots	(1) In order preserve the landscape values of the area, the design and construction of buildings shall have regard to the following:

Scheme Map Ref No.	Area Description	Specific Conditions and Requirements
	61-76 on Plan 420617, Roelands	<ul style="list-style-type: none"> (a) use of non-reflective building, including roofing, materials only; (b) colours to be consistent with the vegetation and / or the predominant colours of individual building sites in their natural setting; and (c) minimal cut. <p>(2) No trees or substantial native vegetation shall be felled or removed from the site except where:</p> <ul style="list-style-type: none"> (a) it is inside the approved building envelope; (b) it is required for road construction; (c) it is required to establish a firebreak or driveway; or (d) trees are dead, diseased or declared dangerous by the local government. <p>(3) On-site sewage disposal is to be provided in accordance with the recommendations of a Geotechnical Report and Government policy.</p>
ASR15	Lots 301-304, 331-342 and 351-355 on Plan 421255 and Lot 9001 on Plan 421255 Delaware Loop, Roelands	<p>(1) In order preserve the landscape values of the area, the design and construction of buildings shall have regard to the following:</p> <ul style="list-style-type: none"> (a) use of non-reflective building, including roofing, materials only; (b) colours to be consistent with the vegetation and / or the predominant colours of individual building sites in their natural setting; and (c) minimal cut. <p>(2) Landowners shall make appropriate arrangements for the provision of on-site sewage systems to the specifications and satisfaction of the local government.</p> <p>(3) No residential dwellings or sensitive land use shall be located inside a buffer to the nearby granite quarry as determined by scientific analysis to the satisfaction of the Environmental Protection Authority and the Department of Primary Industries and Regional Development as depicted on the approved Structure Plan.</p>

25. WATER RESOURCE PROTECTION

- (1) The local government may require development applications to include the identification, protection and management of significant water-dependent ecosystems, including wetlands, waterways and estuaries.
- (2) The local government may require development applications to identify control mechanisms required to regulate and manage land uses to minimise the risk of pollution to water resources.
- (3) When determining applications for development approval, the local government may consider the protection of existing water courses, vegetation corridors, agricultural production, and mitigation of wind erosion, waterlogging and salinity.
- (4) The local government may require, as conditions of any development approval, drainage and nutrient management plans to ensure that the rate, quantity and quality of water leaving the subject land will not adversely impact on waterways or wetlands.

26. FORESHORE MANAGEMENT

- (1) Where a local structure plan includes or abuts a waterway or wetland, a Foreshore Management Plan or Wetland Management Plan shall be prepared to support the local structure plan.
- (2) The aforementioned plans shall be developed concurrently with a Bushfire Management Plan.

**SCHEDULE 5 – ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR
AREAS COVERED BY STRUCTURE PLAN OR LOCAL DEVELOPMENT PLAN**

[Clause 33]

**1. ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY
STRUCTURE PLAN OR LOCAL DEVELOPMENT PLAN**

- (1) Table 8 sets out requirements relating to the development, use and/or subdivision of land that is included in structure plans and local development plans that apply in the Scheme area.

**Table 8 — Additional site and development requirements for areas covered by
structure plan or local development plan**

Scheme Map Ref No.	Area Description	Specific Conditions and Requirements
AS1	Treendale (Service Commercial Tavern/Fast Food Mixed Use) & (District Centre)	(1) Development shall be consistent with the Design Guidelines adopted by the local government.
AS2	Lot 564 (portion of) on Plan 420974 Paris Road, Australind	(1) Subdivision and development of the land shall be in accordance with the endorsed Structure Plan. (2) A total retail floorspace of 1,200m ² applies to the area designated as 'Shop' under the Structure Plan, with this floorspace to be apportioned across a range of retail uses which are permitted within the Commercial zone, subject to the following limitations: (a) Fast Food Outlets – up to 750m ² (b) Liquor Store – Small – up to 200m ² (c) Pharmacy – up to 250m ² (d) Service Station (retail component) – up to 200m ² (e) Hair or Beauty Salon – up to 70m ² (f) Small Convenience Store – up to 350m ²

SCHEDULE 6 – SPECIAL CONTROL AREAS

[Clause 36]

Table 9 — Special control areas in the Scheme area

Name of area	Purpose	Objectives	Additional provisions
SCA1 – Flood Prone Areas	<p>(a) To identify Flood Prone Land as a Special Control Area; and</p> <p>(b) To provide measures to ensure that land use and development within its boundaries are regulated and managed to minimise the risk of flood impacts.</p>	<p>(a) To identify and delineate on the Scheme map, the area of flood prone land where flood management and mitigation is required to ensure that development provides an acceptable level of flood protection for the health and safety of people, and prevention to property and public infrastructure.</p> <p>(b) To assist the natural flood carrying capacity of floodplains by ensuring any use or development maintains the free passage and temporary storage of flood waters.</p> <p>(c) To identify land within the Scheme area at risk of being affected by flooding.</p>	<p>(1) Development approval is required for all development.</p> <p>(2) Land use, subdivision and development within this Special Control Area is to comply, where applicable, with all the matters set out in the Greater Bunbury Region Scheme Floodplain Management Policy.</p> <p>(3) In considering an application for development approval within this Special Control Area, the local government shall have due regard to:</p> <p>(a) Advice and recommendations from the Department of Water and Environmental Regulation.</p> <p>(b) The effect on the natural flood carrying capacity of floodplains (including the cumulative effect of individual developments) ensuring the proposal maintains the free passage and temporary storage of floodwaters.</p> <p>(c) The proposed development having an adequate level of flood protection. For residential development, this requires minimum habitable floor levels of 500 mm above the 1 in 100 AEP flood level. A higher level of flood protection may be required for proposals that are required to function during emergencies (i.e., hospitals, evacuation centres, etc.).</p> <p>(d) The potential risk of isolation and the ability to evacuate in a flood emergency being suitably managed.</p> <p>(e) The potential impact on water quality and any measures required to maintain and protect water quality and waterways as natural resources.</p> <p>(f) Adequate measures being taken to manage the likely effects of flooding on the proposal.</p>

Name of area	Purpose	Objectives	Additional provisions
SCA 2 – Basic raw materials	To identify provide guidance for land use and development on land identified within the Scheme that contains mineral resources and basic raw materials of State or regional significance and identified in the Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy.	<ul style="list-style-type: none"> (a) ensure that the strategic resources of State or regional significance are not sterilised from incompatible land uses and development; (b) encourage the mining of strategic resources in accordance with acceptable environmental standards; and (c) promote the rehabilitation and restoration of mining and extraction sites, after works have been completed, in a way that is consistent with the long-term use of the land. 	<ul style="list-style-type: none"> (1) Development approval is not required for alterations or additions to a single house on a lot provided the following conditions are satisfied in relation to the works: <ul style="list-style-type: none"> (a) the works comply with the deemed-to-comply provisions of the R-Codes and/or the general development requirements specified in this Scheme. (b) the works are not located in a heritage-protected place. (2) Development approval is not required for the erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or grouped dwelling: <ul style="list-style-type: none"> (a) an outbuilding (b) an external fixture (c) a boundary wall or fence (d) a patio (e) a pergola (f) a verandah (g) a deck (h) a garage (i) a carport (j) a swimming pool (k) shade sails provided the following conditions are satisfied in relation to the works: <ul style="list-style-type: none"> (i) the works comply with the deemed-to-comply provisions of the R-Codes and/or the general development requirements specified in this Scheme. (ii) the works are not located in a heritage-protected place.
SCA 3 – Public drinking water source area	<ul style="list-style-type: none"> (a) To identify land within a Public Drinking Water Source Area as a Special Control Area; and (b) To protect Public Drinking Water Source Areas. 	<ul style="list-style-type: none"> (a) To identify and delineate on the Scheme map, the area of land designated as a Public Drinking Water Source Area. (b) To provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use. 	<ul style="list-style-type: none"> (1) Development approval is required for all development. (2) All development within this Special Control Area requiring development approval shall be subject to the local government's discretion, notwithstanding that the use may be permitted elsewhere in the Scheme. (3) The local government shall refer all applications for development approval to the Department of Water and Environmental Regulation for comment where that

Name of area	Purpose	Objectives	Additional provisions
		<p>(c) Implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area.</p>	<p>application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas.</p> <p>(4) Notwithstanding the land use permissibility set out in Table 4 — Zoning Table, a use which is identified as incompatible within the relevant priority area on the Land Use Compatibility Table in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas shall not be approved, unless exceptional circumstances apply.</p> <p>(5) In considering an application for development approval within this Special Control Area, or providing a recommendation on a subdivision application, the local government shall have due regard to:</p> <ul style="list-style-type: none"> (a) Any applicable State planning policy and associated Guidelines. (b) Advice received from the Department of Water and Environmental Regulation. (c) Compliance with the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas. (d) Recommendations of the relevant drinking water source protection report or land use and water management strategy. (e) The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development. (f) The retention of native vegetation and protection of wetlands and waterways. (g) The drainage

Name of area	Purpose	Objectives	Additional provisions
			<p>characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.</p> <p>(h) The following Department of Water and Environmental Regulation's Drinking Water Source Protection Plans (as amended):</p> <ul style="list-style-type: none"> (i) Harris Dam Catchment Area Drinking Water Source Protection Plan. (ii) Stirling Dam Catchment Area Water Source Protection Plan. (iii) Samson Brook Catchment Area Water Source Protection Plan. (iv) Preston Beach Water Reserve Drinking Water Source Protection Plan. (v) Australind, Eaton and Picton Water Reserves Drinking Water Source Protection Plan. <p>(6) Development shall be connected to reticulated sewerage, where required in accordance with Water Quality Protection Note No.25: Land use compatibility tables for Public Drinking Water Source Areas.</p>
SCA 4 – Wastewater treatment plant buffer	To provide guidance for land use and development on land within a buffer surrounding a wastewater treatment plant.	<ul style="list-style-type: none"> (a) To ensure land use and development within a wastewater treatment plant buffer is not impacted by odour. (b) To protect the ongoing operation of the wastewater treatment plant infrastructure to prevent land use conflict. 	(1) Development approval is required for residential or other sensitive land uses.
SCA 5A – Environmental protection area	<ul style="list-style-type: none"> (a) To identify land within the Peel-Harvey Coastal Plain Catchment Area as a Special Control Area; and (b) To provide measures to ensure that land use and development within its 	<ul style="list-style-type: none"> (a) To ensure that changes to land use or development within the Catchment Area are controlled so as to avoid and minimise environmental damage. (b) To balance environmental protection with the economic viability of the primary sector. (c) To prevent land uses likely to result in 	<p>(1) Development approval is not required for alterations or additions to a single house on a lot provided the following conditions are satisfied in relation to the works:</p> <ul style="list-style-type: none"> (a) the works comply with the deemed-to-comply provisions of the R-Codes and/or the general development requirements specified in this Scheme. (b) the works are not located in a heritage-protected

Name of area	Purpose	Objectives	Additional provisions
	<p>boundaries are regulated and managed to minimise the risk of damage to the estuarine environment.</p>	<p>excessive nutrient export into the drainage system</p>	<p>place.</p> <p>(2) Development approval is not required for the erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or grouped dwelling:</p> <ul style="list-style-type: none"> (a) an outbuilding (b) an external fixture (c) a boundary wall or fence (d) a patio (e) a pergola (f) a verandah (g) a deck (h) a garage (i) a carport (j) a swimming pool (k) shade sails <p>provided the following conditions are satisfied in relation to the works:</p> <ul style="list-style-type: none"> (i) the works comply with the deemed-to-comply provisions of the R-Codes and/or the general development requirements specified in this Scheme. (ii) the works are not located in a heritage-protected place.
<p>SCA 5B – Environmental protection area</p>	<ul style="list-style-type: none"> (a) To identify land adjacent to Cathedral Avenue in close proximity to the estuarine environs as a Special Control Area; and (b) To provide measures to ensure that land use and development within its boundaries are regulated and managed to minimise the risk of damage to the estuarine environs and land degradation. 	<p>To identify and delineate on the Scheme map, the area of land in close proximity to the estuarine environs to:</p> <ul style="list-style-type: none"> (a) prevent the increase of nutrient export to the estuary; (b) ensure that land uses or development do not cause land degradation, dust and erosion; (c) prevent the clearing of existing native vegetation or the revegetation of significant areas with non-indigenous species; (d) prevent the construction of buildings within the flood plain; and (e) ensure that land uses or development do not cause excessive noise or disturbance to the existing lifestyle of the area. 	<ul style="list-style-type: none"> (1) On-site Sewage Systems <ul style="list-style-type: none"> (a) All lots shall be serviced by an approved on-site sewage system incorporating a secondary treatment system with nutrient removal, in conjunction with amended soils to the specification and satisfaction of the Health Department of Western Australia. (2) Land Management <ul style="list-style-type: none"> (a) Vegetation shall be maintained at all times to reduce nutrient runoff into the Leschenault Estuary. (b) Chemicals and fuels shall be adequately stored to prevent the contamination of the soils, groundwater and Leschenault Estuary. (c) Waste shall be disposed of in accordance with the local government's requirements and no waste shall be disposed of on site. (d) The use of pesticides and fertilisers shall be in accordance with the Department of Primary

Name of area	Purpose	Objectives	Additional provisions
			<p>Industries and Regional Development guidelines.</p> <p>(e) Water bodies shall be developed to enable nutrient stripping from water runoff.</p> <p>(f) Weed species shall be controlled within vegetated areas.</p> <p>(g) Land within the Waterways Protection Precinct shall be rehabilitated for its environmental values and shall be maintained by landowners.</p> <p>(3) Keeping of Livestock</p> <p>(a) Despite clause 16 of Schedule 4, the keeping of horses shall be in accordance with the Stocking Rate Guidelines for Rural Small Holdings, Swan Coastal Plain and Darling Scarp and Surrounds, Western Australia.</p> <p>(b) Where the keeping of livestock has been approved under subclause (a), livestock access to vegetated areas, revegetated areas and the escarpment shall be restricted.</p> <p>(4) Building Envelopes</p> <p>(a) Building envelopes have been determined based on:</p> <p>All Lots</p> <p>(i) a maximum area of 5,000m²;</p> <p>(ii) being outside the 500m offsite industrial area buffer for the abattoir on Rosamel Road, Parkfield;</p> <p>Lots subject to the Waterways Protection Precinct Line</p> <p>(iii) 200m from the mean high water mark;</p> <p>(iv) being outside the 1:100 year flood line;</p> <p>(v) 50m from Cathedral Avenue;</p> <p>(vi) landscape aesthetics;</p> <p>(vii) topography;</p> <p>(viii) existing vegetation;</p> <p>Lots not subject to the Waterways Protection Precinct Line</p> <p>(ix) setback from Forrest Highway in accordance</p>

Name of area	Purpose	Objectives	Additional provisions
			<p>with the endorsed Structure Plan;</p> <p>(x) 30m from all other roads; and</p> <p>(xi) 20m from the rear and side boundaries.</p> <p>(5) Visual Amenity</p> <p>(a) The local government will discourage developments which, through their height, bulk, colour and/or texture of materials used, are considered to be out of character with the estuary and bushland environment.</p>
SCA 5C – Environmental protection area	<p>(a) To identify land within the Coastal Protection Area as a Special Control Area; and</p> <p>(b) To provide measures to ensure that land use and development within its boundaries are regulated and managed to minimise the risk from coastal processes associated with coastal erosion and inundation.</p>	To identify and delineate on the Scheme map, the area of land where development needs to account for coastal processes associated with coastal recession over a 100-year timeframe.	<p>(1) Development approval is required for all development.</p> <p>(2) No further subdivision is permitted.</p>
SCA 5D – Environmental protection area	<p>(a) To identify land within the Coastal Management Area as a Special Control Area; and</p> <p>(b) To provide measures to ensure that land use and development within its boundaries are compatible with, and that will preserve, the coastal environs.</p>	<p>(a) To identify and delineate on the Scheme map, the area of land where development may be susceptible to future impact from coastal processes associated with coastal recession over a 100-year timeframe; and</p> <p>(b) To promote coastal management works.</p>	<p>(1) Development approval is required for all development.</p> <p>(2) Despite clause 16 of Schedule 4, the keeping of livestock or animals or a Rural Pursuit use shall not be permitted.</p> <p>(3) Where development is approved, a Notification under Section 70A of the <i>Transfer of Land Act 1893</i> (as amended) will be required to be placed on the Certificate of Title at the owner's/applicant's cost, in accordance with State Planning Policy 2.6.</p> <p>(4) The local government will support fencing of dunes and other sensitive areas for the purposes of improving coastal/environmental management.</p>

Name of area	Purpose	Objectives	Additional provisions
SCA 5E – Environmental Protection Area	<p>(a) To identify land within Binningup that is subject to environmental constraints and conditions; and</p> <p>(b) To provide measures to ensure that land use and development within its boundaries are regulated and managed to minimise the risk of damage to the natural environment.</p>	<p>(a) To ensure structure planning considers the environmental constraints of the land; and</p> <p>(b) To ensure environmental conditions are adequately addressed when preparing a Structure Plan, subdivision and/or development applications.</p>	<p>(1) Development approval is required for all development.</p> <p>(2) In addition to the provisions of this Scheme, a Structure Plan shall:</p> <p>(a) Identify Local Scheme Reserves for the purpose of Conservation as delineated in Figure 1. The Local Scheme Reserves for Conservation shown in the Structure Plan may be increased, but not decreased from that shown in Figure 1.</p> <p>(b) The Structure Plan shall identify a minimum of 24.3 hectares as ‘Residential — Bushland Conservation’ area.</p> <p>(c) Provide for a form of subdivision and development that balances the retention of the site’s key topographical features with the principles of Liveable Neighbourhoods.</p> <p>(d) Identify areas for which a Local Development Plan is required to be prepared as a condition of approval of the relevant stage of subdivision, in order to facilitate the development of environmentally sustainable built form that has regard to the character of the area, incorporates solar passive design principles and that promotes the retention of key topographical features.</p> <p>(e) Designate a minimum of 20% of the total site area for inclusion in Regional Open Space (ROS) and Public Open Space (POS) respectively. The ROS will comprise the ROS zone depicted in the Greater Bunbury Region Scheme which adjoins the existing foreshore reserve. The POS will comprise a corridor generally aligned north-south for the purposes of establishing an ecological linkage.</p> <p>(f) Include a Sustainability Report that addresses ecosystem health, waste, energy, water and community issues to the</p>

Name of area	Purpose	Objectives	Additional provisions
			<p>satisfaction of the local government. The report may be in the form of an accredited rating system/tool for land development (such as EnviroDevelopment or equivalent) and shall detail agreed targets and method of delivery for each of the above indicators. Specific elements to be considered shall include:</p> <ul style="list-style-type: none"> (i) Preservation and management of natural flora, fauna, habitats, landforms and ecological linkages; (ii) Reducing greenhouse gas production from energy generation, consumption and transport; (iii) Solar orientation of lots and solar access to buildings; (iv) Minimising potable water demand (through rainwater storage, re-use of stormwater and wastewater and water efficiency within buildings and in landscapes); (v) Effective reuse / minimisation of waste streams through management of pre-, during- and post-construction surplus materials. (vi) Designing for community, including designing out crime, housing diversity and provision of community facilities and amenities; and (vii) Empowerment of the local community through active involvement and engagement in the planning and design process. <p>(g) Include an Environmental Management Plan (EMP) that is prepared to the satisfaction of the responsible authority. The EMP shall include:</p> <ul style="list-style-type: none"> (i) Delineation of

Name of area	Purpose	Objectives	Additional provisions
			<p>management plan boundaries, detailing all management plans for the site and their respective management areas;</p> <p>(ii) Description of existing environment and the environmental values of the Conservation Reserve;</p> <p>(iii) Description of proposed land ownership and long-term management arrangements;</p> <p>(iv) Description of the management actions proposed for construction phase, preconstruction, during construction and post construction to ensure environmental values are protected;</p> <p>(v) Description of management recommendations for the Conservation Reserves such as: fencing, access, signage, fauna management, fire management, and weed control;</p> <p>(vi) Description of revegetation program to rehabilitate areas within the Conservation Reserves, including revegetation species, planting regime, monitoring requirements, success criteria and reporting requirements;</p> <p>(vii) Description of the mosquito characteristics of the site and identification of how project design will minimise creation of mosquito breeding areas and how the site will be integrated into the local government's mosquito management program; and</p> <p>(viii) Description of an implementation schedule detailing timing, responsibilities,</p>

Name of area	Purpose	Objectives	Additional provisions
			<p>funding arrangements, for recommended management actions.</p> <p>(h) Include a Local Water Management Strategy (LWMS) that is prepared to the specifications and satisfaction of the Department of Water and Environmental Regulation, with advice from the local government. The LWMS shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> (i) Description of existing site characteristics such as geology, hydrogeology, groundwater characteristics, groundwater quality and water dependant ecosystems; (ii) Identification of the principles and objectives for water cycle management, water sensitive urban design, water conservation and groundwater management; (iii) A derivation of agreed water quality targets for urban stormwater and drainage treatment system(s) and onsite groundwater; (iv) Identification of a target proportion of domestic water supply that can be practically supplied through rainwater harvesting and rainwater tanks. Description of the rainwater tanks size requirements needed to integrate them into the dwelling water supply system; (v) Identification of the range of water efficient fixtures which could be incorporated into the future dwellings and the potential water savings associated with each; (vi) Identification of potential grey water re-use treatment and

Name of area	Purpose	Objectives	Additional provisions
			<p>infrastructure requirements and reuse water supply options. Identification of the approvals that would be required if these systems were to prove viable;</p> <p>(vii) Detailed pre and post development total water balance;</p> <p>(viii) Description of the proposed stormwater management infrastructure including incorporation of Water Sensitive Urban Design principles;</p> <p>(ix) Identification of issues to be addressed through subdivision and development; and</p> <p>(x) Identification of responsibilities and timeframes for implementing the approved LWMS.</p> <p>(i) Include a Strategy in regard to the construction standard and timing of the proposed second access road to Forrest Highway to the satisfaction of the local government and the Department of Fire and Emergency Services.</p> <p>(j) Include a Bushfire Management Plan for the whole of the estate to the specification and satisfaction of the local government and the Department of Fire and Emergency Services, to sustainably manage the risk from bushfires to residents, property and the environment. The Bushfire Management Plan shall include, but not be limited to:</p> <p>(i) Hazard assessment;</p> <p>(ii) Fire suppression response;</p> <p>(iii) Subdivision and lot design;</p> <p>(iv) Landscape and Vegetation management;</p> <p>(v) House design and construction;</p> <p>(vi) Second Access to</p>

Name of area	Purpose	Objectives	Additional provisions
			<p>Forrest Highway;</p> <p>(vii) Water Supply;</p> <p>(viii) Siting of buildings; and</p> <p>(ix) Annual maintenance.</p> <p>(k) In accordance with State Planning Policy No. 2.6 - State Coastal Planning Policy, a suitable coastal foreshore reserve to be provided, in public ownership, seaward of any development on the site and not vulnerable to coastal physical processes at the end of the 100-year planning timeframe to enable the current values, uses and functions of the coastal foreshore reserve to be maintained.</p> <p>(3) In addition to the provisions of this Scheme, an application for subdivision and/or development shall:</p> <p>(a) Subdivision and development shall be in accordance with the endorsed Structure Plan.</p> <p>(b) Prior to the first subdivision approval, the developer shall prepare a Rehabilitation Plan for the Conservation Reserves shown in the endorsed Structure Plan to the satisfaction of the local government, with advice from the Department of Water and Environmental Conservation.</p> <p>(c) The subdivider shall implement the Rehabilitation Plan, to achieve the minimum rehabilitation criteria defined in the Rehabilitation Plan.</p> <p>(d) Prior to the first subdivision approval, the developer shall prepare a Community Infrastructure Needs Plan for the subject site, addressing both hard infrastructure (such as built facilities and pro rata contributions) and soft infrastructure (the social fabric of the community), to the satisfaction of the local government, with advice from relevant agencies including the Department of Education.</p>

Name of area	Purpose	Objectives	Additional provisions
			<p>(e) Prior to approval of the first subdivision plan for stages adjacent to the ROS, the developer shall prepare a Foreshore and ROS Management Plan for the foreshore reserve and interface between the residential development in that stage and the foreshore, to be approved to the specification and satisfaction of the local government, in accordance with advice from the Department of Water and Environmental Conservation. The Foreshore and ROS Management Plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> (i) Identification of landform and vegetation management measures required for protection of the foreshore reserve environmental values; and (ii) Identification of coastal node locations, coastal access locations and public amenity requirements plus associated upgrading/maintenance needs. <p>(f) Prior to subdivision approval for any stage of subdivision, the developer shall prepare an Urban Water Management Plan (UWMP) for the relevant subdivision stage to the specification and satisfaction of the Department of Water and Environmental Regulation with advice from the local government. The UWMP shall address implementation of the strategies agreed through the LWMS and include specific descriptions of the following:</p> <ul style="list-style-type: none"> (i) Housing design guideline requirements needed to ensure the agreed water conservation and

Name of area	Purpose	Objectives	Additional provisions
			<p>treatment systems are included within building designs;</p> <p>(ii) Detailed stormwater management design including Best Management Practices and treatment trains;</p> <p>(iii) Nutrient application and management requirements;</p> <p>(iv) Detailed monitoring schedule;</p> <p>(v) Contingency measures to be implemented in the event that pollution and nutrient removal are not achieving agreed performance targets; and</p> <p>(vi) Implementation plan including roles, responsibilities, funding and maintenance arrangements.</p> <p>(g) Prior to the reconfiguration of the existing nine (9) holes of the Lakewood Shores golf course, the developer shall prepare a Golf Course Management Plan to the specification and satisfaction of the local government in accordance with advice from the Department of Water and Environmental Regulation. The Golf Course Management Plan shall include, but not be limited to:</p> <p>(i) Landform protection;</p> <p>(ii) Vegetation management;</p> <p>(iii) Weed control;</p> <p>(iv) Water supply requirements and water source options; and</p> <p>(v) Nutrient and irrigation management.</p> <p>(h) Should any Actual or Potential Acid Sulfate Soil be identified within the subject site that have the potential to be disturbed through site works, the developer shall prepare an Acid Sulfate Soil Management Plan, prior to ground disturbing activities, to the specification and</p>

Name of area	Purpose	Objectives	Additional provisions
			satisfaction of the local government with advice from the Department of Water and Environmental Conservation.
SCA6 – Landscape protection areas	To provide guidance for land use and development on land identified within the Scheme as being within a Landscape Protection Area.	<ul style="list-style-type: none"> (a) To protect the scenic value and visual amenity of the identified Landscape Protection Areas; (b) To retain the scenic value and visual amenity of the identified Landscape Protection Areas in their present state or to restore the scenic value and visual amenity to their original state; and (c) To ensure developments do not negatively impact on the scenic value and visual amenity of the identified Landscape Protection Areas. 	<ul style="list-style-type: none"> (1) Development approval is required for all development, including the removal of native vegetation. (2) Reflective materials <ul style="list-style-type: none"> (a) Unless otherwise approved by the local government, development shall not be externally clad with materials with a solar absorption value of less than 50% in accordance with the local government's local planning policy.
SCA 6A Coastal Lakelands			<ul style="list-style-type: none"> (3) Areas considered by the local government to have a high potential for wildlife habitat or a low level of soil and/or vegetation stability shall be protected. (4) Developments shall be designed and constructed of materials that are complementary to, or blend with, the surrounding natural environment. (5) Buildings shall be designed to sit low in the landscape with minimal adjustment to levels and minimal disturbance of native vegetation. (6) Buildings shall be clustered or grouped in open spaces, within a valley of dune areas, or within existing vegetation clearings. (7) Native species endemic to the

Name of area	Purpose	Objectives	Additional provisions
			local area shall be used for any revegetation or landscaping.
SCA 6B Darling Range			<p>Conditions 1-2 and 4-7 SCA6 and:</p> <p>(3) The development of extractive industries on the western escarpment of the Darling Range shall generally not be supported where the local government considers impacts to visual amenity cannot be appropriately mitigated.</p> <p>(4) Buildings shall be clustered at the base of the escarpment and screened from the South Western Highway by dense planting of native vegetation endemic to the local area.</p> <p>(5) Rivers and natural creeks shall not be dammed or diverted unless such use is necessary for a public purpose.</p> <p>(6) Clearing of the skyline shall be restricted and revegetation of existing cleared land shall be supported.</p> <p>(7) Land located within a dam catchment shall not be developed other than for rural purposes or forestry.</p> <p>(8) Important landscape features such as watercourses, wetlands, hilltops and areas on which treelines are situated, and major rock outcrops and cliffs shall be protected.</p> <p>(9) Buildings for farming purpose shall, where practicable, be clustered with the dwelling and other outbuildings.</p>
SCA 6C Vegetation Preservation Area			<p>Conditions 1-2 and 4-7 SCA6 and:</p> <p>(3) No native vegetation shall be removed from within the Landscape Protection Area</p>

Figure 1: Reserve for Conservation



ADOPTION

COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the Shire of Harvey at the Ordinary Meeting of the Council Held on the 25th day of January 2022.

**M CAMPBELL
SHIRE PRESIDENT**

**A RIORDAN
CHIEF EXECUTIVE OFFICER**

COUNCIL ADOPTION FOR APPROVAL

Adopted for submission to the Minister for Planning for approval by resolution of the Shire of Harvey at the Ordinary Meeting of the Council held on the 25th day of July 2023 and the Common Seal of the Shire of Harvey was hereunto affixed by the authority of a resolution of the Council in the presence of:

**M CAMPBELL
SHIRE PRESIDENT**

**A RIORDAN
CHIEF EXECUTIVE OFFICER**

WAPC ENDORSEMENT (r.63)

**D BRASH
DELEGATED UNDER S.16 OF
THE *PLANNING AND DEVELOPMENT ACT 2005***

DATE: 22 March 2024

APPROVAL GRANTED

**J CAREY
MINISTER FOR PLANNING**

DATE: