



Shire of Dardanup

APPENDICES

PART 4

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 29 July 2020
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

This document is available in alternative formats such as:
~ Large Print
~ Electronic Format [disk or emailed]
Upon request.

NOTES -

Black text is from the *Planning and Development (Local Planning Schemes) Regulations 2015* and is to remain in the final Scheme text.

Blue text is where the Model Scheme Text requires fields to be completed like name of local government or the like, and the sections which have been included that are not addressed in the model provisions.

Red text is where provisions are proposed to be different from the model provisions.

SHIRE OF DARDANUP

DRAFT LOCAL PLANNING SCHEME NO. 9

DISCLAIMER

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

ORIGINAL LOCAL PLANNING SCHEME GAZETTAL DATE: [INSERT DATE]

SHIRE OF DARDANUP LOCAL PLANNING SCHEME NO. 9 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

SHIRE OF DARDANUP

LOCAL PLANNING SCHEME NO. 9

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

TABLE OF CONTENTS

Part 1 - Preliminary	7
1. Citation.....	7
2. Commencement.....	7
3. Scheme Revoked.....	7
4. Notes do not form part of Scheme	7
5. Responsibility for Scheme.....	7
6. Scheme Area	7
7. Contents of Scheme	7
8. Purposes of Scheme.....	8
9. Aims of Scheme.....	8
10. Relationship with Local Laws	10
11. Relationship with other Local Planning Schemes	10
12. Relationship with Region Planning Scheme	10
Part 2 - Reserves	11
13. Regional Reserves	11
14. Local Reserves	11
15. Additional uses for Local Reserves.....	13
Part 3 - Zones and Use of Land	14
16. Zones.....	14
17. Zoning Table.....	18
18. Interpreting Zoning Table.....	20
19. Additional Uses	22
20. Restricted Uses.....	22
21. Special Use Zones.....	22
22. Non-Conforming Uses	22
23. Changes to Non-Conforming Uses	23
24. Register of Non-Conforming Uses.....	23
Part 4 - General Development Requirements	25
25. R-Codes	25
26. Modification of R-Codes.....	25
27. State Planning Policy 3.6 to be read as part of Scheme.....	25
28. Modification of State Planning Policy 3.6	25
29. Other State Planning Policies to be read as part of Scheme.....	25
30. Modification of State Planning Policies	25
31. Environmental Conditions.....	26
32. Additional Site and Development Requirements that apply to Zones in the Scheme Area.	26
33. Additional site and development requirements that apply to land covered by Structure Plan, Activity Centre Plan or Local Development Plan.....	26
34. Car Parking	26
35. Reciprocal and Shared Car Parking	27
36. Cash-in-lieu of Car Parking	27
37. Service Access/Loading Areas	28

38.	Service Courts/Bin Areas.....	28
39.	Landscaping.....	28
40.	Building Height.....	29
41.	Re-Purposed and Second-hand Dwellings	30
42.	Parking of Commercial Vehicles.....	30
43.	Development adjoining Primary Distributor Roads.....	30
44.	Development of Lots abutting Unconstructed Roads or with no Gazetted Road Access.....	31
45.	Workforce Accommodation.....	31
46.	Tree Farms	32
47.	Dams and Watercourses.....	32
48.	Significant Tree Register	33
49.	Building Envelopes	33
50.	Renewable Energy Facilities.....	34
51.	Effluent Disposal	34
52.	Potable Water Supply	34
53.	Telecommunications Infrastructure.....	35
54.	Signage and Advertisements.....	35
55.	Variations to Site and Development Requirements.....	35
56.	Restrictive Covenants.....	36
Part 5 - Special Control Areas		37
57.	Special Control Areas	37
Part 6 - Terms Referred to in Scheme		38
	Division 1 - General Definitions used in Scheme.....	38
58.	Terms Used	38
	Division 2 - Land use Terms used in Scheme.....	40
59.	Land Use Terms Used.....	40
Schedules 52		
Schedule A - Supplemental Provisions to the Deemed Provisions		53
60.	Development for which Development Approval Not Required.....	53
61.	Matters to be Considered by Local Government.....	54
Schedule 1 – Additional Uses Table		55
Schedule 2 – Special Use Zones		57
Schedule 3 – Additional Site and Development Requirements by Zone		64
Schedule 4 – Additional Site and Development Requirements that apply to land covered by a Structure Plan, Activity Centre Plan or Local Development Plan		75
Schedule 5 - Car Parking		76
Schedule 6 – Special Control Areas		83
Schedule 8 - Development Contribution Areas		102
Adoption 105		

Part 1 - Preliminary

1. Citation

This local planning scheme is the [Shire of Dardanup](#) Scheme No. 9.

2. Commencement

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

3. Scheme Revoked

The following local planning scheme is revoked –

[Shire of Dardanup Local Planning Scheme No. 3](#), gazetted on [16 March 1979](#) (as amended).

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 Dardanup](#) 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](#) 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);
- (b) the Scheme Map ([Sheets 1 - 9](#));
- (c) the supplementary provisions to the Deemed Provisions contained in Schedule A of the Scheme.

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

8. Purposes of Scheme

The purposes of this Scheme are to -

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

9. Aims of Scheme

The aims of this Scheme are -

- (1) To implement the Strategies, Actions and Strategic Plans, intentions and desired outcomes of the Local Planning Strategy of the Shire of Dardanup.
- (2) Built Form and Development
 - (a) To establish a flexible planning framework that is responsive to demand, innovation and opportunities that may arise.
 - (b) To deliver a diversity of housing types and lot sizes to accommodate all sectors of the population, respond to changing needs, facilitate ageing in place and provide a range of housing choices.
 - (c) To encourage development that recognises the need for innovative and sustainable design and contemporary lifestyles.
- (3) Heritage
 - (a) To recognise and protect places of heritage significance as identified on the Shire's Heritage List.
 - (b) To preserve heritage values, amenity and areas of cultural significance and integrate new built environments with the existing local character.
 - (c) To encourage the use (including adaptive re-use) of heritage places for a range of appropriate purposes to ensure they are conserved, maintained and serve a purpose to the community.

(4) Environment

- (a) To protect and enhance landscape, environmental, biodiversity, ecological and scenic values from inappropriate development and improve the sustainable management of natural resources.
- (b) To preserve the character and amenity of the built form and natural environment.

(5) Community and Population

- (a) To provide the community with a diverse range of high quality integrated public open spaces to encourage physical activity and social interaction.
- (b) To facilitate a high level of flexibility in the use of public open space to accommodate active and passive recreation and community facilities networks for the changing needs of the community.
- (c) To support community wellbeing by promoting active, connected, safe and secure pursuits for all.
- (d) To facilitate the cost sharing of infrastructure upgrades to facilitate population growth in an equitable manner between stakeholder groups.

(6) Economy

- (a) To support the growth of the local economy to attract business, investment and tourism and generate local employment opportunities.
- (b) To establish a planning framework that encourages economic growth through the provision of flexible controls that cater for innovation and are responsive to the changing economic environment.

(7) Tourism

- (a) To encourage tourism development that is compatible with existing land uses and protects the scenic values of the Shire, through the establishment of appropriate planning controls.
- (b) To encourage a diverse tourist industry that complements the natural environment and stimulates sustainable economic development and creates employment opportunities.
- (c) To encourage a variety of tourism type uses that enable local business to capitalise on the Shire's reputation as a premier tourist destination, particularly the Ferguson Valley.

(8) Transport and Infrastructure

- (a) To ensure the orderly and proper provision of integrated services and infrastructure to service the current population and cater for future growth.
- (b) To facilitate the efficient movement of traffic throughout the Shire by establishing a well-planned road network that supports sustainable growth.

- (c) To encourage measures to reduce the reliance on private vehicle usage including increased public transport options and the provision of a shared use path network to facilitate increased pedestrian and cycle use.

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 Scheme is to be read in conjunction with the Shire of Dardanup & Shire of Harvey Joint Town Planning Scheme No.1 (Gazettal Date: 17 March 2008).

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*;

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

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

Table 1 - Reserve Objectives

Reserve Name	Objectives
Public Open Space	<ul style="list-style-type: none">• To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.• To provide for a range of active and passive recreation uses such as recreation buildings, and courts and associated car parking and drainage.
Environmental Conservation	<ul style="list-style-type: none">• To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.• To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.

Reserve Name	Objectives
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Cultural Facilities	<ul style="list-style-type: none"> Civic and Community which specifically provide for a range of essential cultural facilities.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential emergency services.
Government Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Drainage/Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Special Purpose	<ul style="list-style-type: none"> To set aside land for a special purpose. Purposes that do not comfortably fit in any other reserve classification.

Reserve Name	Objectives
Foreshore Reserve	<ul style="list-style-type: none"> • To set aside areas for foreshore reserves 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 Western Australian Planning Commission policy. • To provide for the protection of natural values, a range of active and passive recreational uses, cultural and community uses, activities promoting community education of the environment and/or uses that are compatible with and/or support the amenity of the reservation.

15. Additional uses for Local Reserves

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

Part 3 - Zones and Use of Land

16. Zones

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

Table 2 - Zone Objectives

Zone Name	Objectives
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ul style="list-style-type: none"> • To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. • To provide for a range of residential densities to encourage a variety of residential accommodation. • 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. • To provide an intermediate transitional zone following the lifting of an urban deferred zoning within the Greater Bunbury Region Scheme.
Rural	<ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific local rural character. • To protect and accommodate broad acre agricultural activities such as cropping, and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

Zone Name	Objectives
Rural Residential	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 1 ha to 4 ha. • To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Smallholdings	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 4 ha to 40 ha. • To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Light Industry	<ul style="list-style-type: none"> • To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.
Industrial Development	<ul style="list-style-type: none"> • To designate land for future industrial development. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme. • To provide an intermediate transitional zone following the lifting of an industrial deferred zoning within the Greater Bunbury Region Scheme.
Commercial	<ul style="list-style-type: none"> • To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or to improve the existing streetscape.

Zone Name	Objectives
Mixed Use	<ul style="list-style-type: none"> • 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. • To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
Service Commercial	<ul style="list-style-type: none"> • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • 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.
District Centre	<ul style="list-style-type: none"> • 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. • To provide for district centres to focus on weekly needs and services for a wider district catchment. • To provide a broad range of employment opportunities to encourage diversity within the centre. • 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. • To encourage a wide range of different types of residential accommodation, including medium to high density residential, to meet the diverse needs of the community.
Tourism	<ul style="list-style-type: none"> • To promote and provide for tourism opportunities. • To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area. • To allow limited residential uses where appropriate. • To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

Zone Name	Objectives
<p>Private Community Purposes</p>	<ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, institutions and places of worship. • To integrate private recreation areas with public recreation areas wherever possible. • To separate potentially noisy engine sports from incompatible uses. • 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. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
<p>Special Use</p>	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • 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 3 - Zoning Table

LAND USE AND DEVELOPMENT CLASS	ZONES												URBAN DEVELOPMENT	INDUSTRIAL DEVELOPMENT	SPECIAL USE ZONE	
	RESIDENTIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDINGS	RURAL	DISTRICT CENTRE	MIXED USE	COMMERCIAL	SERVICE COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	TOURISM	PRIVATE COMMUNITY PURPOSES				
Abattoir	X	X	X	A	X	X	X	X	X	A	X	X				
Agriculture – extensive	X	D	D	P	X	X	X	X	X	X	X	X				
Agriculture – intensive	X	X	A	D	X	X	X	X	X	X	X	X				
Airfield	X	X	X	A	X	X	X	X	X	A	A	X				
Amusement parlour	X	X	X	X	P	A	D	D	X	X	D	D				
Ancillary dwelling	P	P	P	P	X	X	X	X	X	X	X	X				
Animal establishment	X	X	A	D	X	X	X	A	A	X	X	X				
Animal husbandry – intensive	X	X	D	A	X	X	X	X	X	X	X	X				
Art gallery	X	D	D	D	P	P	P	P	D	X	P	X				
Bed and breakfast	P	P	P	P	P	P	D	X	X	X	P	X				
Betting agency	X	X	X	X	D	D	D	D	X	X	D	I				
Brewery	X	X	D	D	P	P	P	P	P	P	D	X				
Bulky goods showroom	X	X	X	X	P	A	P	P	P	A	X	X				
Camping ground	X	X	D	D	X	X	X	X	X	X	D	X				
Caravan park	X	X	D	D	X	X	X	X	X	X	P	X				
Caretaker’s Dwelling	X	X	X	D	X	X	I	I	X	X	I	I				
Car park	D ¹	X	X	X	P	P	D	D	D	D	D	X				
Child care premises	A	X	X	X	P	P	P	D	X	X	X	D				
Cinema / theatre	X	X	X	A	P	P	P	D	X	X	D	A				
Civic use	A	A	D	D	P	P	P	D	D	D	A	D				
Club premises	X	X	X	X	D	D	D	D	D	D	A	D				
Commercial vehicle parking	D ¹	A	A	D	I	I	P	I	P	P	I	I				
Community purpose	X	X	X	D	D	P	D	D	D	D	D	D				
Consulting rooms	X	X	X	X	P	P	P	D	X	X	X	X				
Convenience store	X	X	X	X	P	D	D	D	D	D	D	X				
Educational establishment	X	X	X	X	D	D	D	D	A	A	X	P				
Exhibition centre	X	X	A	A	P	P	P	D	D	X	D	D				
Family day care	A	D	D	D	D	D	D	D	X	X	D	D				
Fast food outlet	X	X	X	X	P	D	P	P	X	X	I	X				
Freeway Service Centre	X	X	X	X	X	X	X	D	D	D	X	X				
Fuel depot	X	X	X	X	X	X	X	X	P	P	X	X				
Funeral parlour	X	X	X	X	X	X	X	D	D	D	X	A				
Garden centre	X	A	D	D	X	X	D	D	P	D	A	X				
Grouped dwelling	P	X	X	X	D	D	X	X	X	X	X	X				
													Refer to Clause 32 Schedule 3			
													Refer to Clause 32 Schedule 3			
													Refer to Clause 21 and Schedule 2			

LAND USE AND DEVELOPMENT CLASS	ZONES												URBAN DEVELOPMENT	INDUSTRIAL DEVELOPMENT	SPECIAL USE ZONE
	RESIDENTIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDINGS	RURAL	DISTRICT CENTRE	MIXED USE	COMMERCIAL	SERVICE COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	TOURISM	PRIVATE COMMUNITY PURPOSES			
Holiday accommodation	X	X	D	D	A	A	A	X	X	X	P	X			
Holiday house	A	A	A	D	D	X	X	X	X	X	P	X			
Home business	P	P	P	P	P	P	P	X	X	X	P	X			
Home occupation	P	P	P	P	P	P	P	X	X	X	P	X			
Home office	P	P	P	P	P	P	X	X	X	X	P	X			
Home store	A	A	A	A	X	D	X	X	X	X	P	X			
Hospital	A	X	X	X	D	A	A	A	x	x	X	D			
Hotel	X	X	X	X	A	A	A	A	X	X	D	X			
Industry	X	X	X	X	X	X	X	X	P	P	X	X			
Industry – cottage	D	P	P	P	D	D	D	X	X	X	P	D			
Industry – extractive	X	X	X	A	X	X	X	A	A	A	X	X			
Industry – light	X	X	X	X	X	X	X	D	P	P	X	X			
Industry – primary production	X	X	D	P	X	X	X	X	P	P	X	X			
Industry - service	X	X	X	X	D	D	D	D	P	P	X	X			
Liquor store – large	X	X	X	X	P	X	D	D	X	X	X	X			
Liquor store – small	X	X	X	X	P	A	D	D	D	D	X	X			
Lunch bar	X	X	X	X	P	P	P	P	P	P	I	X			
Market	A	A	D	D	D	D	D	D	X	X	D	D			
Medical Centre	x	X	X	X	D	D	D	D	X	X	X	X			
Mining Operations	X	X	X	A	X	X	X	X	X	A	X	X			
Motel	X	X	X	X	A	A	A	A	X	X	D	X			
Motor vehicle, boat or caravan sales	X	X	X	X	X	X	X	D	D	X	X	X			
Motor vehicle repair	X	X	X	X	X	X	X	D	D	D	X	X			
Motor vehicle wash	X	X	X	X	D ²	A	I	D	D	D	X	X			
Multiple dwelling	D	X	X	X	P	P	A	X	X	X	X	X			
Nightclub	X	X	X	X	A	A	A	A	D	D	X	X			
Office	X	X	X	X	P	P	P	P	I	I	I	I			
Park Home Park	X	X	D	D	X	X	X	X	X	X	D	X			
Place of worship	X	X	X	A	A	X	D	A	A	X	A	P			
Reception Centre	X	X	A	A	D	D	D	D	X	X	D	A			
Recreation – private	X	X	A	A	D	D	D	D	D	X	D	D			
Renewable energy facility	X	X	A	A	A	A	A	A	A	A	A	X			
Repurposed dwelling	X	D	D	D	X	X	X	X	X	X	X	X			
Residential Aged Care Facility	A	X	X	X	X	D	X	X	X	X	X	X			
Resource Recovery Centre	X	X	X	X	X	X	X	X	A	D	X	X			
Restaurant / Café	X	X	A	D	P	D	D	D	X	X	P	A			
Restricted Premises	X	X	X	X	X	X	X	X	X	X	X	X			
Roadhouse	X	X	A	A	X	X	X	X	D	D	X	X			
Rural Home Business	X	X	A	D	X	X	X	X	X	X	D	X			

LAND USE AND DEVELOPMENT CLASS	ZONES														
	RESIDENTIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDINGS	RURAL	DISTRICT CENTRE	MIXED USE	COMMERCIAL	SERVICE COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	TOURISM	PRIVATE COMMUNITY PURPOSES	URBAN DEVELOPMENT	INDUSTRIAL DEVELOPMENT	SPECIAL USE ZONE
Rural Produce Store	X	A	D	D	X	X	X	X	X	X	D	X			
Rural Pursuit / Hobby Farm	X	D	D	P	X	X	X	X	X	X	D	X			
Second-hand Dwelling	X	D	D	D	X	X	X	X	X	X	X	X			
Serviced apartment	X	X	X	X	D	D	A	X	X	X	D	X			
Service station	X	X	X	X	A	X	D	D	P	P	X	X			
Shop	X	X	X	X	P	P	P	P	X	X	I	I			
Single House	P	P	P	P	X	X	X	X	X	X	P	X			
Small bar	X	X	X	X	P	D	D	D	X	X	A	X			
Tavern	X	X	X	X	P	D	D	D	X	X	A	A			
Telecommunications Infrastructure	A	A	A	A	A	A	A	A	P	P	A	A			
Tourist Development	X	X	A	A	X	X	X	X	X	X	P	X			
Trade Display	X	X	X	X	X	X	X	D	D	D	X	X			
Trade Supplies	X	X	X	X	X	X	X	D	D	D	X	X			
Transport Depot	X	X	X	X	X	X	X	X	D	D	X	X			
Transportable Building	X	X	D	D	X	X	X	X	D	D	A	A			
Tree farm	X	X	A	A	X	X	X	X	X	X	X	X			
Veterinary Centre	X	X	A	A	D	D	D	D	D	D	X	P			
Warehouse / storage	X	X	X	X	X	X	X	D	P	P	X	X			
Waste disposal facility	X	X	X	X	X	X	X	X	X	X	X	X			
Waste storage facility	X	X	X	X	X	X	X	X	A	D	X	X			
Winery	X	X	A	D	X	X	X	X	D	D	D	X			
Workforce Accommodation ³	X	X	X	A	X	X	X	X	X	X	X	X			

Note 1: Commercial parking in the Residential zone - Refer to Clause 42.

Note 2: Motor vehicle wash in the 'District Centre' zone is limited to the manual hand-washing of vehicles.

Note 3: Workforce accommodation - Refer to Clause 45.

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 any 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 any relevant development standards and requirements of this Scheme;

- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the Deemed Provisions;
- X means that the use is not permitted by this Scheme.

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

- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the Deemed Provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless -
 - (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -

- (a) a structure plan;
- (b) an activity centre plan;
- (c) a local development plan;

19. Additional Uses

- (1) The **Table in 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 sub-clause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted Uses

There are no Restricted Uses which apply to this Scheme.

21. Special Use Zones

- (1) The **Table in Schedule 2** 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 Uses

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

24. Register of Non-Conforming Uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following –
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;

- (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government -
- (a) must ensure that the register is kept up-to-date; and
 - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 - General Development Requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government -
 - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. Modification of R-Codes

- (1) *There are no modifications to the R-Codes.*

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

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

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State Planning Policies to be read as part of Scheme

There are other State planning policies that are to be read as part of this Scheme.

30. Modification of State Planning Policies

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

31. Environmental Conditions

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

32. Additional Site and Development Requirements that apply to Zones in the Scheme Area.

- (1) The development and subdivision within all Zones shall comply with the requirements set out in the Table in Schedule 3 and the objectives for the Zone outlined.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in a structure plan, an activity centre plan, a local development plan or a local planning policy the requirement referred to in subclause (1) prevails.

33. Additional site and development requirements that apply to land covered by Structure Plan, Activity Centre Plan or Local Development Plan.

- (1) The Table in Schedule 4 sets out requirements relating to development that are additional to those set out in the R-Codes, Structure Plans, Activity Centre Plans and Local Development Plans that apply in the Scheme area.

34. Car Parking

- (1) Car parking is to be provided on-site in accordance with Schedule 5 and indicates the minimum number of car parking bays required for each land use class specified therein within the Scheme area.
- (2) Car parking, vehicle manoeuvring areas, access ways and crossovers shall be designed and constructed in accordance with the relevant Australian Standards.
- (3) Car parking bays, vehicle manoeuvring areas, access ways and crossovers shall be maintained to the satisfaction of the local government.
- (4) Where a land use is not listed in Schedule 5, the number of car parking bays required is to be determined by the local government having due regard to the:
 - (a) nature of the proposed development;
 - (b) number of employees or others likely to be employed or engaged in the use of the land;
 - (c) anticipated demand for visitor parking;
 - (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.
- (5) All car parking requirements shall be calculated by rounding up to the nearest whole number.
- (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 10% reduction in the amount of car parking otherwise required by Schedule 5 (up to a maximum of 5 bays) where a developer can demonstrate through a car parking audit and/or an Active Transport Plan that there is sufficient parking. The car parking audit/Active Transport Plan must be prepared to the satisfaction of the local government and shall 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.

35. 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.
- (2) 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; or
 - (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.

36. 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; and
 - (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.
- (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 an appropriately qualified 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.

37 Service Access/Loading Areas

- (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.
 - (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.

38. Service Courts/Bin Areas

- (1) One or more service courts, as determined by the local government, shall be provided in any commercial or industrial development for the storage and concealment of refuse disposal bins, crates and other materials of trade. A service court shall be:
- (a) accessible from any service access required by clause 37;
 - (b) of an area and dimension to the satisfaction of the local government but, in any case, shall not be less than 10m² in area; and
 - (c) screened to the satisfaction of the local government.

39. Landscaping

- (1) In considering the landscaping requirement of any application for development approval, the following shall apply:
- (a) A landscaping area is to be provided on-site in accordance with Schedule 3;
 - (b) Landscaping should 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 should generally consist of vegetation species endemic to the locality **unless otherwise approved by the local government**;
- (d) Landscaping is to be fully reticulated and maintained to the satisfaction of the local government;
- (e) A landscaping strip with a minimum width of **1.5** metres shall be provided between car parking areas and **abutting road frontages except for approved cross overs**.
- (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.

40. Building Height

- (1) The maximum building height above natural ground level is to be in accordance with Schedule 3.
- (2) The local government may, after following the advertising procedures set out at clause 64 of the Deemed Provisions, permit development in excess of the height limits specified where:
 - (a) site constraints are such as to prevent the construction of a reasonable building on the site without exceeding the relevant height limit; or
 - (b) the nature of the proposed development is such that, to be functional, it must be built to a higher level; or
 - (c) other extraordinary circumstances exist as reasonably determined by the local government; and
 - (d) The local government is satisfied that the building height variation:
 - (i) will be in harmony with the general character of buildings in the locality;
 - (ii) will not adversely affect the amenity of the locality, including character, landscape and environmental values;
 - (iii) will be compatible with its setting, including the relationship of the development to development on adjoining land, or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.
 - (iv) does not exceed **20%** greater than the maximum building height specified in Schedule 3.
- (3) For the purpose of Clause 40, the building height limit does not apply to a chimney, mast, telecommunications infrastructure, satellite dish (not exceeding a diameter of 4 metres), pole, wind turbine or signal receiving or transmitting tower. Notwithstanding, the proposed development is to be designed, sited and/or treated to ensure that it does not adversely impact the visual amenity of the locality, as determined by the local government.

41. Re-Purposed and Second-hand Dwellings

- (1) The local government shall not grant development approval for a re-purposed **and second-hand dwelling** 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;
 - (c) comply with any development standards of this Scheme or any R-Code standards applicable to the development;
- (2) **In considering the above, the local government will give particular consideration to the external appearance and materials used in the construction of the repurposed dwelling or second-hand dwelling.**
- (3) The local government may, if it considers it appropriate to do so, advertise an application for development of re-purposed dwelling or second-hand dwelling pursuant to clause 64 of the Deemed Provisions.

42. Parking of Commercial Vehicles

- (1) No person shall park a commercial vehicle with the Residential Zone, without the development approval of the local government. Where commercial vehicle parking is proposed it shall comply with the following:
 - (a) only one commercial vehicle is to be parked on the lot;
 - (b) the commercial vehicle is to be parked behind the front building line of the dwelling and effectively screened from view from outside the lot;
 - (c) 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;
 - (d) servicing (major or minor) of the commercial vehicle shall not be undertaken on the lot; and
 - (e) the commercial vehicle shall not be brought to or taken from the lot between the hours of midnight and 6.00 am.

43. Development adjoining Primary Distributor Roads

- (1) In considering an application for development approval in respect of land adjoining Primary Distributor Roads, the local government shall refer the application to Main Roads Western Australia for consideration and comment. The local government shall have due regard to any comments received from Main Roads Western Australia.

44. Development of Lots abutting Unconstructed Roads or with no Gazetted Road Access

- (1) Development approval is required for all development abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve, pursuant to Supplemental Provision clause 61(1)(k)(vi) within Schedule A. In considering such a proposal, 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; or
 - (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; or
 - (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.

45. Workforce Accommodation

- (1) Applications for development approval for Workforce accommodation shall address the following, to the satisfaction of the local government:
- (a) The demonstrated need for the proposed workforce accommodation;
 - (b) The suitability of the site to be developed for the proposed use;
 - (c) The suitable siting of the land use in the context of surrounding existing and proposed land uses to avoid landscape impacts and land use conflicts;
 - (d) Appropriate access and egress to the site by vehicles and pedestrians, including providing shared access where applicable;
 - (e) Appropriate facility design and use including provision and/or access to recreation, entertainment and community services; and
 - (f) The preparation and implementation of a Workforce Management Plan outlining how the workforce will be managed on the site.

- (2) Workforce accommodation on mining tenements is exempt from the need for development approval under the *Mining Act 1978*. Notwithstanding, the local government may exercise its discretion to inform the Minister for Mines in writing that the granting of a mining lease or general purpose lease, and any associated workforce accommodation, is contrary to the provisions of the Scheme. In providing such advice to the Minister for Mines on the suitability of workforce accommodation, the local government will be guided by the permissibility of this use in the zoning table.

46. Tree Farms

- (1) Applications for development approval of tree farms are to include:
- (a) Submission of a plantation management plan in accordance with the protocol in the Code of Practice;
 - (b) Provision and implementation of an adequate bushfire management plan to the satisfaction of the local government.
- (2) The following matters are to be considered when determining applications for development approval of tree farms:
- (a) The Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time ('Code of Practice');
 - (b) The Guidelines for Plantation Fire Protection or subsequent document, as amended from time to time;
 - (c) Protection of existing water courses, vegetation corridors, agricultural production, and mitigation of wind erosion, waterlogging and salinity;
 - (d) Land use compatibility and the location of the tree farm in relation to land zoned and/or planned for residential, industrial and commercial uses;
 - (e) The suitability of the current and future road network, particularly in regard to any future intended logging operations.

47. Dams and Watercourses

- (1) All applications for development approval for private water supply dams which seek to:
- (a) reduce or are likely to reduce the natural flow of any creek or watercourse; or
 - (b) direct any storm water, other water or liquid from any source to any creek, watercourse or wetland,

will only be permitted where it can be demonstrated, to the satisfaction of the local government, that there will be no adverse impacts on the creek, watercourse or wetland and/or environment of the area within which the development is proposed.

- (2) The local government in determining applications for the construction of private water dams will consider any advice provided by Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions.

48. Significant Tree Register

- (1) The local government, having due regard to:
 - (a) the historical, cultural heritage or ecological significance of a tree;
 - (b) the amenity or aesthetic quality of a tree;
 - (c) the rarity of a tree;
 - (d) any other characteristic which in the opinion of the local government makes the tree worthy of preservation;
 - (e) the advice of any relevant statutory, public or planning authority; and
 - (f) any submissions received,

may establish and maintain a Significant Tree Register to identify trees within the scheme area that are worthy of preservation. **In maintaining a Significant Tree Register, the local government shall have regard for any relevant local planning policy.**

49. Building Envelopes

- (1) All dwellings and incidental development in the Rural Residential and Rural Small holdings must be located within an approved building envelope (as may be shown on an approved Structure Plan, Local Development Plan or approved building envelope plan) where it applies. No development is permitted outside of the designated building envelope, except for:
 - (a) Provision of a suitable access way to the building envelope;
 - (b) Provision of suitable boundary fencing as approved by the local government; and
 - (c) Development Related to the implementation of an approved bushfire management plan or any other general bushfire requirements.
- (2) Where a building envelope has not been designated, a plan shall be submitted identifying a building envelope, in a location to the satisfaction of the local government, on the plans submitted with an application for development approval that:
 - (a) Does not exceed 25% of the lot area, or 2,000m² whichever is the lesser;
 - (b) Can be in no more than two separate areas which in total do not exceed the maximum area set out in Clause 49 (2)(a);
 - (c) Complies with the minimum setbacks of the R-Codes, other provisions in this Scheme or any setback requirements under an endorsed bushfire management plan; and
 - (d) Minimises the removal of remnant vegetation; and
 - (e) Complies with any other fire management requirements.

- (3) The local government may approval a variation to, or relocation of a building envelope, subject to advertising in accordance with clause 64 of the Deemed Provisions, provided i.e. each case it is satisfied that:
 - (a) The objectives of the zone are not compromised;
 - (b) The visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope to that which it might have occurred within the building envelope as originally proposed.
 - (c) Development within the proposed new building envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope; and
 - (d) The proposed size, shape and location of the building envelope can be accommodate all incidental development, including on-site septic effluent disposal systems, **water supply tanks, swimming pools and outbuildings.**

50. Renewable Energy Facilities

- (1) Applications for development approval for Renewable Energy Facilities shall address the following, to the satisfaction of the local government:
 - (a) Environmental impacts;
 - (b) Visual and landscape impacts;
 - (c) Noise impacts;
 - (d) Construction impacts;
 - (e) Heritage considerations (if applicable)
- (2) In determining a development application for Renewable Energy Facilities, the local government shall have regard for any relevant local planning policy.

51. Effluent Disposal

- (1) Sewage is to be disposed via a reticulated sewerage scheme, or where deemed appropriate by the relevant decision-maker, via an on-site sewage disposal system which meets the requirements of the relevant Government Sewerage Policy.

52. Potable Water Supply

- (1) Where a reticulated water supply network is available, all development requiring potable water is to connect to the supply.
- (2) Where a reticulated water supply network is not available:
 - (a) each dwelling shall be provided with a minimum **90,000** litre water storage tank in addition to any requirements of an approved bushfire management plan; and

- (b) for all other uses, where applicable, potable water shall be provided to the satisfaction of the local government.
- (3) All water storage tanks are to be fitted with couplings for the purposes of firefighting, to the specifications of the Department of Fire and Emergency Services.

53. 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*.
- (2) Applications for the development of Telecommunications Infrastructure shall have regard to State Planning Policy 5.2 – Telecommunications Infrastructure.

54. Signage and Advertisements

- (1) All advertisements require an application for development approval, unless exempted under a Local Planning Policy.

55. Variations to Site and Development Requirements

- (1) In this clause —

additional site and development requirements means requirements set out in **Schedule 3 and Clauses 34 to 54 inclusive**.

- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (4) 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 of the Deemed Provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the Deemed Provisions; and

- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

56. Restrictive Covenants

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

Part 5 - Special Control Areas

57. Special Control Areas

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

Part 6 - Terms Referred to in Scheme

Division 1 - General Definitions used in Scheme

58. Terms Used

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

building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
building height	in relation to a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.
cabin	means a dwelling forming part of a tourist development or caravan park that is - (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests.
chalet	means a dwelling forming part of a tourist development or caravan park that is - (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests.
commencement day	means the day this Scheme comes into effect under section 87(4) of the Act.
commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including - (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
dam	means any man made structure, barrier or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an offstream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam and an excavated soak.
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

end of trip bicycle facilities	mean infrastructure and dedicated facilities that cater for the needs of persons at their destination to utilise as part of a journey and includes safe and convenient access, secure bicycle parking, change rooms, showers and lockers.
floor area	has the meaning given in the Building Code.
frontage	in relation to a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.
gross floor area (GFA)	means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls excluding lift shafts, stairways, machinery and plant rooms, car parks and spaces used for the loading and unloading of goods
incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.
minerals	has the meaning given in the <i>Mining Act 1978</i> section 8(1).
net lettable area (NLA)	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas - (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building.
non-conforming use	has the meaning given in the <i>Planning and Development Act 2005</i> section 172.
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
precinct	means a definable area where particular planning policies, guidelines or standards apply.
predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental.

reciprocal car parking	means private parking which is shared between private land owners
retail	means the sale or hire of goods or services to the public.
shared car parking	means public car parking (i.e. owned or vested in the local government) which is shared with, and forms part of a private development's parking provision.
short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.
wall height	in relation to a wall of a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.
wholesale	means the sale of goods or materials to be sold by others.

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

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

Division 2 - Land use Terms used in Scheme

59. Land Use Terms Used

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

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;

	<p>(b) the establishment and operation of plant or fruit nurseries;</p> <p>(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);</p> <p>(d) aquaculture.</p>
airfield	means any premises used for purposes relating to aircraft landing, take-off and maintenance and does not include a private airstrip incidental to farming operations
amusement parlour	means premises - <p>(a) that are open to the public; and</p> <p>(b) that are used predominantly for amusement by means of amusement machines including computers; and</p> <p>(c) where there are two (2) or more amusement machines.</p>
animal establishment	means premises used for the breeding, boarding, agistment, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.
animal husbandry - intensive	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.
art gallery	means premises - <p>(a) that are open to the public; and</p> <p>(b) where artworks are displayed for viewing or sale.</p>
bed and breakfast	means a dwelling - <p>(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</p> <p>(b) containing not more than 2 guest bedrooms</p>
betting agency	means an office or totalisator agency established under the Racing and Wagering Western Australia Act 2003.
brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988.
bulky goods showroom	<p>(a) means premises used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes -</p> <ul style="list-style-type: none"> (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;

	<p>(vii) household appliances, electrical goods and home entertainment goods;</p> <p>(viii) party supplies;</p> <p>(ix) office equipment and supplies;</p> <p>(x) babies' and children's goods, including play equipment and accessories;</p> <p>(xi) sporting, cycling, leisure, fitness goods and accessories;</p> <p>(xii) swimming pools.</p> <p>or</p> <p>(b) means used to sell goods and accessories by retail if –</p> <p>(i) a large area is required for the handling, display or storage of the goods; or</p> <p>(ii) vehicular access is required to the premises for the purpose of collection of purchased goods.</p>
camping ground	means premises that are a camping ground as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> ;
caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
caretaker's dwelling	means a dwelling on the same site as a building or operation and occupied by a supervisor of that building or operation.
car park	means premises used primarily for parking vehicles whether open to the public or not but does not include -
	<p>(a) any part of a public road used for parking or for a taxi rank; or</p> <p>(b) any premises in which cars are displayed for sale.</p>
child care premises	means premises where -
	<p>(a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> Section 5(1), other than a family day care service as defined in that section, is provided; or</p> <p>(b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.</p>
cinema/theatre	means premises where the public may view a motion picture or theatrical production.
civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.

commercial vehicle parking	means premises used for parking of one or two commercial vehicles, but does not include - (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land.
community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
consulting rooms	means premises used by no more than two (2) health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
convenience store	means premises - (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m ² net lettable area.
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> 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;

	<p>(c) charging points for electric vehicles;</p> <p>(d) facilities for cyclists;</p> <p>(e) restaurant, cafe or fast food services excluding the sale or consumption of alcohol under the Liquor Licensing Act 1988;</p> <p>(f) take-away food retailing without the drive-through facility;</p> <p>(g) public ablution facilities, including provision for disabled access and infant changing rooms;</p> <p>(h) parking for passenger and freight vehicles;</p> <p>(i) outdoor rest stop facilities such as picnic tables and shade areas</p> <p>(j) Dump points for the disposal of black and/or grey water from recreational vehicles.</p>
fuel depot	<p>means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used -</p> <p>(a) as a service station; or</p> <p>(b) for the sale of fuel by retail into a vehicle for use by the vehicle.</p>
funeral parlour	<p>means premises used -</p> <p>(a) to prepare and store bodies for burial or cremation;</p> <p>(b) to conduct funeral services.</p>
garden centre	<p>means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.</p>
holiday accommodation	<p>means two (2) or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.</p>
holiday house	<p>means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.</p>
home business	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession -</p> <p>(a) does not involve employing more than two (2) people who are not members of the occupier's household; and</p> <p>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</p> <p>(c) does not occupy an area greater than 50 m²; and</p> <p>(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</p> <p>(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</p> <p>(f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and</p>

	(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	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that -</p> <ul style="list-style-type: none"> (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20 m²; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not - <ul style="list-style-type: none"> (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
home office	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation -</p> <ul style="list-style-type: none"> (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	<p>means a shop attached to a dwelling that -</p> <ul style="list-style-type: none"> (a) has a net lettable area not exceeding 100 m²; and (b) is operated by a person residing in the dwelling.
hospital	means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1).
hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.

industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes:- (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
industry - cottage	means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which – (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household; (c) is conducted in an out-building which is compatible with the principle uses to which land in the zone in which it is located may be put; (d) does not occupy an area in excess of 50 m ² ; and (e) does not display a sign exceeding 0.2 m ² in area.
industry - extractive	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes - (a) the processing of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.
industry - light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
industry - primary production	means premises used - (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses.
industry - service	means – (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.

liquor store - large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300 m ² .
liquor store - small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m ² .
lunch bar	means premises within an industrial or commercial area used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation with a net lettable area of not more than 100m ² , but does not include a fast food outlet or restaurant/café.
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 three (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 <i>Mining Act 1978</i> section 8(1), is carried out.
motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.
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 retreading of tyres.
motor vehicle wash	means premises primarily used to wash motor vehicles.
nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
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 <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.

reception centre	means premises used for hosted functions on formal or ceremonial occasions.
recreation - private	means premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
renewable energy facility	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary
repurposed dwelling	means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling
residential aged care facility	means a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. This may consist of multiple components that include residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, 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/cafe	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
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 (b) <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); and (c) 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 (d) smoking-related implements.

<p>roadhouse</p>	<p>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 -</p> <ul style="list-style-type: none"> (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; (f) dump point for the disposal of black and/or grey water from recreation vehicles.
<p>rural home business</p>	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation -</p> <ul style="list-style-type: none"> (a) does not involve employing more than two (2) people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 200 m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of more than three (3) vehicles at any one time or of a vehicle more than 30 tonnes gross weight.
<p>rural produce store</p>	<p>means premises used by the occupier of the land premise for carrying out a business where:</p> <ul style="list-style-type: none"> (a) It does not occupy an area greater than 25m²; (b) it is used for sale of produce associated with farming operations, but may include local souvenir products; and (c) Will not adversely affect the amenity of the neighbourhood;
<p>rural pursuit/hobby farm</p>	<p>means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household -</p> <ul style="list-style-type: none"> (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises.

second-hand dwelling	means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling
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.
service station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for - (c) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (d) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
shop	means premises other than a bulky goods showroom, a liquor store large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
small bar	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.
trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of 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 three (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 <i>Carbon Rights Act 2003</i> section 5.
veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
warehouse/storage	means premises including indoor or outdoor facilities used for: - (a) the storage of goods, equipment, plant or materials; or (b) the display or the 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.

Schedules

Schedule A	Supplemental provisions to the deemed provisions
Schedule 1	Additional Uses Table
Schedule 2	Special Use Zones
Schedule 3	Additional Site and Development Requirements by Zone
Schedule 4	Additional Site and Development Requirements that apply to land covered by a Structure Plan, Activity Centre Plan or Local Development Plan
Schedule 5	Car Parking Table
Schedule 6	Special Control Areas
Schedule 7	Development Contribution Plans

Schedule A - Supplemental Provisions to the Deemed Provisions

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

60. Development for which Development Approval Not Required

- (1) Development approval of the local government is not required for the following works unless located in a Special Control Area:
- 60(1)(k) The erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply), and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - (ii) the subject of an order under the *Heritage Act 2018* Part 4; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90; or
 - (vi) abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve.
- 60(1)(l) The erection or extension of an external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport, water tank, or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone (where the R Codes do not apply), and where the development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - (ii) the subject of an order under the *Heritage Act 2018* Part 4; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90.
- 60(1)(m) The demolition of any building or structure except where the building or structure is:

- (i) entered in the Register of Heritage Places under the *Heritage Act 2018*; or
- (ii) the subject of an order under the *Heritage Act 2018* Part 4; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90.

60(1)(n) The carrying out of works urgently necessary to ensure public safety, for the safety or security of plant or equipment or for the maintenance of essential services.

60(1)(o) The carrying out of works by the local government that are wholly located on a reserve managed by the local government.

61. Matters to be Considered by Local Government

- (i) Any advice of the [Shire of Dardanup](#) Design Advisory Committee.

Schedule 1 – Additional Uses Table

Table – Additional Uses Table

Part 3 cl.19

No.	Description of Land	Additional Use	Conditions
A1	Portion of Lot 2 (296) Crooked Brook Rd, Crooked Brook	Abattoir (D) Use	<p>All applications for Development Approval shall demonstrate:</p> <p>(a) Boundary planting of screening vegetation required using native endemic species to all public roads and neighbouring properties.</p> <p>(b) All stormwater to be contained and managed on site to the satisfaction of the local government and in consultation with the Department of Water and Environmental Regulation.</p> <p>(c) All crossovers and internal accessways/loading areas to be bitumen sealed and suitably drained.</p> <p>(d) Management plans as listed will need to be prepared by suitably qualified persons and submitted for assessment at application stage:</p> <ul style="list-style-type: none"> • Odour management plan • Noise management plan • Dust management plan • Waste management plan • Stormwater management plan • Chemical management plan • Landscaping plan
A2	Portion of Lot 89 Lennard Road, Burekup	<ul style="list-style-type: none"> • Agriculture – extensive • Agriculture – intensive • Agroforestry 	<p>All applications for Development Approval shall demonstrate:</p> <p>(a) Appropriate open style chain link fencing to be installed and maintained around the facility.</p> <p>(b) Vegetation Maintenance and Management Plan to be approved and implemented to achieve a 50m buffer adjacent to Lennard Road and a 15m buffer adjacent to Catalano Road planted with native endemic vegetation.</p> <p>(c) Suitable arrangements being made for the upgrade of the unsealed portion of Lennard Road to sealed bitumen standard to the satisfaction of local government.</p>

No.	Description of Land	Additional Use	Conditions
A3	<p>Lot 1, Lots 226 - 230 and 271 - 276 Eaton Drive and Lots 231 - 232, 248 - 249 and 277 - 278 Hough Place, Eaton, Lots 44 up to and including Lot 53, Lots 101 & 102, Lots 135 up to and including 139 Recreation Drive, Eaton Lots 134 Finch Way, Eaton Lots 130 up to and including 138 Blue Wren Drive, Eaton</p>	<ul style="list-style-type: none"> • Liquid Waste Storage and treatment facility (premises used to collect and treat liquid waste, and disposal of treated water and oxidized solid waste material) • Consulting Rooms (P) Use • Medical Centre (P) Use • Office (P) Use • Art Gallery (P) • Serviced Apartments (P) • Child care premises (P) 	<ul style="list-style-type: none"> (d) Commercial vehicular access to the facility shall only be via the sealed bitumen portion of Lennard Road. (e) Bituminised crossover to accommodate truck vehicles to be constructed at the access way, to the satisfaction of the local government. <p>All applications for Development Approval shall demonstrate:</p> <ul style="list-style-type: none"> • Development of Lots 272 and 273 to be in accordance with the approved Local Development Plan (Ref: SOD 013-16). • Any change of land use from residential purposes to a permitted Additional Use will require development approval, even if no works are proposed. • All car parking associated with the Additional Use shall be located within the development site. • All car parking associated with the Additional Use shall be designed and located to ensure vehicles can exit the development site in forward gear.

Schedule 2 – Special Use Zones

Table – Special Use Zones in Scheme Area

Part 3 cl.21

No.	Description of land	Permitted Use	Conditions
SU1	<p>Lot 4577 (148) Depiazzi Road, Dardanup</p> <p>Lot 4580 (322) Panizza Road, Crooked Brook</p> <p>Portion Lot 81 Marginata Close, Crooked Brook</p> <p>Lot 2 Banksia Road, Crooked Brook</p>	<p>Resource recovery centre</p> <p>Waste storage facility</p> <p>Waste storage facility</p> <p>Waste disposal facility</p> <p>Resource recovery centre</p> <p>Waste storage facility</p> <p>Waste disposal facility</p> <p>Resource recovery centre</p> <p>Waste storage facility</p> <p>Waste disposal facility</p>	<p>1. All applications for development approval shall demonstrate that consideration has been given to the <i>Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy</i>, the BRM applicants manual (WAPC 2009) and/or <i>Mining Proposal Guidance - how to prepare in accordance with the Statutory Guidelines</i> (DMIRS 2020), and the extraction of the resource on the part of the lot that the development application relates to, is completed to the satisfaction of the local government in consultation with the Department of Mines, Industry Regulation and Safety ahead of development.</p> <p>2. All applications for development approval shall be accompanied by an Environmental Condition report which describes the current environmental conditions on-site and establishes baseline groundwater conditions for both the superficial and Leederville aquifers in accordance with <i>Australian Standard AS/NZS 5667.11:1998 (R2016): Water quality - Sampling Guidance on sampling of groundwaters</i>. Flora and vegetation surveys shall be consistent with <i>EPA Technical Guidance: Flora and Vegetation Surveys for Environmental Impact Assessment</i>. Results of groundwater sampling are to be made public.</p> <p>3. Clearing of native vegetation may require a permit under Part V of the <i>Environmental Protection Act 1986</i>. Protected flora, fauna and communities are to be addressed consistent with the <i>Biodiversity Conservation Act 2016</i> and <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>4. A 20m vegetated strip is to be provided around the perimeter of the lot, planted with vegetation that acts as a visual screen as part of a landscape plan for the lot to accompany all application for development approval.</p> <p>5. All applications for development approval shall be accompanied by a Rehabilitation and Vegetation Management Plan consistent with <i>EPA Guidance Statement No. 6: Rehabilitation of Terrestrial Ecosystems and Mine Closure Plan Guidance - how to prepare in accordance with the Statutory Guidelines (DMIRS 2020)</i>. The local</p>

No.	Description of land	Permitted Use	Conditions
			<p>government may also impose a Rehabilitation Bond in accordance with <i>Shire of Dardanup Policy: Description Gravel Pit Rehabilitation Policy</i>. A staging plan for the rehabilitation of the site is to form part of Rehabilitation and Vegetation Plan.</p> <ol style="list-style-type: none"> 6. No structures should be greater than 8m above (natural) ground level to avoid visual impacts on the landscape. 7. Any proposal for development approval is to be accompanied by a Local Development Plan that outlines likely areas for future activities to maximum extent of operations, with an indication of timing and staging. 8. Hours of operation are to be restricted to 6am – 6pm, 6 days a week unless otherwise approved by local government. 9. Dust is to be managed in accordance with the <i>Shire of Dardanup Dust Control Local Law 2011</i>. Applications for development to be accompanied by a Dust Management Plan in accordance with '<i>A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (DEC, 2011)</i>' and approved by the local government in consultation with the Department of Water and Environmental Regulation. 10. Noise is to be managed in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>. Applications for development approval are to be accompanied by a Noise Management Plan in accordance with <i>Environmental Protection (Noise) Regulations 1997</i> and approved by the Shire in consultation with Department of Water and Environmental Regulation. 11. An application for development approval is to be accompanied by an Odour Report consistent with <i>Department of Water and Environmental Regulation Guideline: Odour emissions (2019)</i> and approved by the Shire in consultation with the Department of Water and Environmental Regulation. 12. Where there is a likelihood of significant impacts on community amenity from increased levels of noise, dust and/or odour on advice of the Department of Water and Environmental Regulation, an application for development shall be accompanied by a cumulative impact assessment in relation to the relevant impact. The cumulative impact assessment shall be approved by the local government in consultation with the Department of Water and Environmental Regulation.

No.	Description of land	Permitted Use	Conditions
			<p>13. The principles of stormwater management must comply with the <i>Decision Process for Stormwater Management in Western Australia (DWER 2017)</i> unless there are other industry specific criteria. Applications for development shall be accompanied by a Water Management Report consistent with <i>State Planning Policy 2.9: Planning for Water</i> and approved by the local government in consultation with the Department of Water and Environmental Regulation.</p> <p>14. Domestic wastewater is to be managed in accordance with <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, Government Sewerage Policy</i> and <i>Australian Standard AS 1547: On-site domestic wastewater management</i>.</p> <p>15. Demonstrate that suitable buffers can be achieved in accordance with the EPA's '<i>Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses</i>', or alternatively information demonstrating that buffers can be modified whilst not having an impact on amenity.</p> <p>16. Information in accordance with <i>State Planning Policy 3.7: Planning for Bushfire Prone Areas</i>, shall be submitted to and approved by the local government in consultation with the Department of Fire and Emergency Services.</p>
SU1	<p>Lot 4580 Panizza Road, Crooked Brook</p> <p>Portion Lot 81 Marginata Close, Crooked Brook</p>	<p>Waste storage facility</p> <p>Waste disposal facility</p>	<p>In addition to the above requirements (1-16) all applications for development approval shall demonstrate:</p> <p>1. The disposal of waste shall be restricted to Class I (Prescribed Premises Category 63) landfill, Class II (Prescribed Premises Category 64 or 89) landfill or Class III (Prescribed Premises Category 64) landfill.</p>
SU1	<p>Lot 4577 Depiazzi Road, Dardanup</p> <p>Lot 4580 Panizza Road, Crooked Brook</p>	<p>Industry - Extractive</p>	<p>1. Applications for the development shall be submitted to the local government in accordance with the <i>Local Planning Scheme</i> and the <i>Shire's Extractive Industry Local Law 1996</i> (as amended).</p>

No.	Description of land	Permitted Use	Conditions
SU 1	<p>Portion Lot 81 Marginata Close, Crooked Brook</p> <p>Lot 2 Banksia Road, Crooked Brook</p> <p>Lot 4577 Depiazzi Road, Dardanup</p> <p>Lot 4580 Panizza Road, Crooked Brook</p> <p>Portion Lot 81 Marginata Close, Crooked Brook</p> <p>Lot 2 Banksia Road, Crooked Brook</p>	<p>The following land use classes are listed as discretionary 'D' uses:</p> <p>Renewable energy facility</p> <p>Car park</p> <p>Tree farm</p>	<p>1. All applications for development approval shall demonstrate that consideration has been given to the <i>Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy</i>, the <i>BRM applicants manual</i> (WAPC 2009) and/or <i>Mining Proposal Guidance - how to prepare in accordance with the Statutory Guidelines</i> (DMIRS 2020), and the extraction of the resource on the part of the lot that the development application relates to, is completed to the satisfaction of the local government in consultation with the Department of Mines, Industry Regulation and Safety ahead of development.</p> <p>2. A 20m vegetated strip is to be provided around the perimeter of the lot, planted with vegetation that acts as a visual screen. This, and other actions to retain and rehabilitate the land should be outlined in a Landscape Management Plan.</p> <p>3. No structures should be greater than 8m above (natural) ground level to avoid visual impacts on the landscape.</p> <p>4. The principles of stormwater management must comply with the <i>Decision Process for Stormwater Management in Western Australia</i> (DWER 2017) unless there are other industry specific criteria. Applications for development shall be accompanied by a Water Management Report consistent with <i>State Planning Policy 2.9: Planning for Water</i> and approved by the local government in consultation with the Department of Water and Environmental Regulation.</p>
SU2	<p>Railway Road and Waterloo Road (Cont'd). Lot 1 Railway Road, portion of Lot 25 Railway Road, Lots 3 and 4 Waterloo Road and portion of Lot 26 Waterloo Road.</p>	<p>Brick Manufacturing</p>	<p>All applications for development approval and/or subdivision shall demonstrate:</p> <ol style="list-style-type: none"> 1. Development shall generally be in accordance with an approved Structure Plan. 2. In the determination of any development application Council's primary consideration will be to provide for development without adversely impacting on the amenity of the nearby properties. 3. A Dust and Noise Management Plan is to be prepared and implemented in accordance with the Shire's Local Law and the limits established by current

No.	Description of land	Permitted Use	Conditions
			<p>Environmental Legislation. In order to achieve this all development applications should address dust suppression, noise emissions, odour emission and stormwater management.</p> <ol style="list-style-type: none"> 4. A fire management plan is to be prepared and implemented in accordance <i>State Planning Policy 3.7: Planning for Bushfire Prone Areas</i>, shall be submitted to and approved by the local government in consultation with the Department of Fire and Emergency Services. 5. The local government shall require upgrades to infrastructure in consultation with the relevant Agencies. 6. A "Revegetation and Landscape Management Plan" is to be prepared and implemented by the developer. The Plan at a minimum shall address: <ol style="list-style-type: none"> (a) The provision and ongoing maintenance of the proposed 20 metre wide landscape buffer (as shown on the Structure Plan), and/or any other vegetative measures required by government authorities. 7. A Traffic Management Plan is to be prepared and approved, for the proposed development. 8. A Water Management Plan is to be prepared and implemented to the satisfaction of the local government in consultation with the Department of Water and Environmental Regulation.
SU3	Lots 104 and 105 Columbas Drive	Dry Industry (P) – development standards as per the Light Industry Zone.	<p>All applications for development approval shall demonstrate:</p> <ol style="list-style-type: none"> 1. The use of asbestos, metal sheeting or wooden pickets as boundary fencing shall not be permitted. 2. A Dust and Noise Management Plan is to be prepared and implemented in accordance with the Shire's Local Law and the limits established by current Environmental Legislation. In order to achieve this all development applications should address dust suppression, noise emissions, odour emission and stormwater management. 3. The local government shall require upgrades to infrastructure in consultation with the relevant Agencies. The subject land will be required to connect to reticulated services when connection is feasible. Upon connection of sewerage, the local

No.	Description of land	Permitted Use	Conditions
			<p>government may permit other uses as permitted under the General Industry Zone.</p> <p>Further subdivision of Lots 104 & 105 is not permitted until such time as:</p> <ul style="list-style-type: none"> (b) Comprehensive structure planning has been undertaken for the Preston Industrial Park; and (c) The subject land can be provided with appropriate services, including reticulated water and sewer.
SU4	Portion of Lot 352, Moore Road	Timber related Industry - development standards as per the General Industry Zone.	<p>All applications for development approval shall demonstrate:</p> <ol style="list-style-type: none"> 1. Development shall have regard to the Industry 2030 Study and the Preston Industrial Park Land Use and Port Access Study (WAPC 2000). 2. A Dust and Noise Management Plan is to be prepared and implemented in accordance with the Shire's Local Law and the limits established by current Environmental Legislation. In order to achieve this all development applications should address dust suppression, noise emissions, odour emission and stormwater management. 3. A fire management plan is to be prepared and implemented in accordance State Planning Policy 3.7: Planning for Bushfire Prone Areas, shall be submitted to and approved by the local government in consultation with the Department of Fire and Emergency Services. 4. Stormwater Management is to be to the satisfaction of local government in consultation with Water Corporation and Department of Water and Environmental Regulation. 5. Development shall be restricted to the type which is predicted to generate wastewater intended for disposal on site at a daily volume not exceeding 540 litres per 2000m² lot size.
SU 5	Lot 4576 Depiazzi Road, Dardanup	Agriculture - Extensive	<ol style="list-style-type: none"> 1. If the land-use is in accordance with the definition of Agriculture-Extensive a development application shall only be required for Works, if the Works are not exempted under this Scheme or a Local Planning Policy. 2. Appropriate open style chain link fencing to be installed and maintained around the facility.

No.	Description of land	Permitted Use	Conditions
SU 6	Portion of Lot 609 Resta Road, Dardanup West	<ul style="list-style-type: none"> • Viticulture • Market Gardening • Orchards • Grazing 	All applications for development approval shall demonstrate the retention of a Vegetation Screen Area - 88m wide vegetated buffer and no permanent structures are permitted within buffer area.

Schedule 3 – Additional Site and Development Requirements by Zone

Table – Additional Site and Development Requirements by Zone

Part4 cl.32

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
Residential	All site and development requirements are to be in accordance with the R-Codes, and any non-residential development or relevant adopted and endorsed design guidelines, structure plans or local development plans, and other provisions within this Scheme.					
	Other Requirements	<ol style="list-style-type: none"> 1. Site Coverage: <ul style="list-style-type: none"> • R15 to R25 = 50% • R30 R40 = 55% • R50 to R60 = 60% and • R80 to R160 = 70% 2. All applications for multiple dwellings and grouped dwellings shall be assessed against any requirements of any relevant local planning policy. 3. For lots coded Residential R2.5 and R5, boundary fencing shall be visually permeable with a post and wire, rural-style design. Solid fencing for privacy purposes within a lot may be permitted where it will not impact upon the amenity and character of the area, adjoining lots and streetscape. 				
Rural	No minimum for existing lots. New lots to be assessed against SPP 2.5	20	20	20	Residential: 9	No Minimum
	Other Requirements	<ol style="list-style-type: none"> 1. In considering any development application, rezoning or subdivision within the Rural and Priority Agriculture zones the local government will have due regard to State Planning Policy 2.5 – Land Use Planning in Rural Areas and whether the proposal will, adversely impact upon the land’s agricultural potential or productivity, biodiversity values, natural resources or landscape values. All applications shall address the following: <ol style="list-style-type: none"> (a) protecting the economic viability and capability of the rural land use which is considered the primary function of rural land and shall take precedence over any other proposed land use. (b) preserving the character and appearance of rural areas. (c) In respect of tourism uses, the development standards in Schedule 3. 				

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
						<p>(d) In respect of development applications on land abutting the Collie River, the advice of Department of Water and Environmental Regulation.</p> <p>2. Subdivision will only be considered in accordance with the Western Australian Planning Commission's <i>Development Control Policy 3.4: Subdivision of Rural Land</i> and there is a general presumption against the further subdivision of land in the Rural and Priority Agriculture zones.</p> <p>3. The existence of a second dwelling on a rural lot is not considered justification for subdivision.</p> <p>4. The local government will not recognise the existing historic pattern of subdivision in a locality as justification to support further subdivision.</p> <p>5. In addition to one single dwelling, one ancillary dwelling or one caretaker's dwelling is permitted per lot.</p> <p>6. Lot boundary fencing in the Rural Zone shall be 80% visually permeable, to a minimum height of 1.2 metres and constructed of masonry, concrete, timber or wire. The fence shall be unobtrusive and sensitive to maintaining rural character and visual amenity.</p> <p>7. Development on rural land that may impact on the visual amenity of the area may require screening vegetation to be planted and maintained as a condition of approval to the satisfaction of the local government.</p>
Rural Small Holdings	4ha	20	10	10	Residential: 9	No minimum
	Other Requirements	<p>1. In addition to one single dwelling, one ancillary dwelling is permitted per lot.</p> <p>2. Proposals to keep more than one (1) horse per hectare of land requires development approval from the local government. Development applications shall address environmental impacts including availability of water, overgrazing, odour and waste management.</p> <p>3. Stocking rates for all other livestock shall not exceed Department of Primary Industries and Regional Development standards.</p> <p>4. In respect of development applications on land abutting the Collie River, the advice of the Department of Water and Environmental Regulation shall be sought prior to determination.</p> <p>5. Lot boundary fencing in the Rural Smallholdings zone shall be 80% visually permeable, to a minimum height of 1.2 metres and constructed of masonry, concrete, timber or wire. The fence shall be unobtrusive and sensitive to maintaining rural character and visual amenity.</p> <p>6. Tourism uses to be in accordance with the development standards in Schedule 3.</p> <p>7. Development on rural land that may impact on the visual amenity of the area may require screening vegetation to be planted and maintained as a condition of approval to the satisfaction of the local government.</p>				

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
Rural Residential	1ha – 4ha or as shown on an applicable Structure Plan. Other Requirements	20	10	10	9	No minimum
		<ol style="list-style-type: none"> 1. In addition to one single dwelling, one ancillary dwelling is permitted per lot. 2. Prior to supporting any subdivision application, a local structure plan shall be approved by the Western Australian Planning Commission. 3. Subdivision shall give due regard to a local structure plan, approved by the Western Australian Planning Commission unless Point (4) will not apply where a single lot is being subdivided into two lots and both lots achieve the minimum lot size required under the Scheme. 4. Minimum lot sizes applies within the <u>Dardanup West Rural Residential Plan Area (SCA3)</u> unless it can be demonstrated that the land is capable of achieving further subdivision. 5. In considering the capability of land for further subdivision under point (6), the local government will not support the creation of any lot with a developable area of less than 1500m², taking into account any applicable Scheme setbacks from property boundaries, areas of vegetation, bushfire separation zones, areas of seasonal inundation and setbacks from wetlands. 6. To demonstrate the suitability of lots for further subdivision under point (6), the applicant will be required to provide the following information with an application for subdivision: <ol style="list-style-type: none"> (i) Local Water Management Plan; (ii) Flora and fauna assessment (if applicable); (iii) Bushfire management plan (if applicable); (iv) Building exclusion area/Building envelope plan; (v) Site and soil evaluation; (vi) Foreshore Management Plan (if applicable). 7. The keeping of horses is limited to those for personal use at a rate of one (1) horse per- / hectare of land to a maximum of three (3) horses per lot. 8. Stocking rates for all other livestock shall not exceed Department of Primary Industries and Regional Development standards. 9. The local government may request that the WAPC impose a condition of subdivision requiring the provision and 				

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
		<p>construction of bridle paths in accordance with the Dardanup West Crooked Brook Structure Plan. Such paths are to be ceded free of cost to the local government.</p> <p>10. Lot boundary fencing in the Rural Smallholdings Zone shall be 80% visually permeable, to a minimum height of 1.2 metres and constructed of masonry, concrete, timber or wire. The fence shall be unobtrusive and sensitive to maintaining rural character and visual amenity.</p> <p>11. Development on rural land that may impact on the visual amenity of the area may require screening vegetation to be planted and maintained to the satisfaction of the local government.</p>				
Light Industry and General Industry	<p>Sewered – Light and General Industry: 2000m²</p> <p>Unsewered – Light and General Industry: 1 ha</p> <p>Other Requirements</p>	10	3	3	15	As per point 5 - other requirements
		<p>1. Setback areas shall not be used for the parking of vehicles which are being wrecked or repaired, the storage of materials, products, by-products or wastes or the storage of fuel, except in underground tanks.</p> <p>2. Primary and secondary street setback areas shall be used only for the following purposes:</p> <ul style="list-style-type: none"> (a) an access driveway; (b) parking areas, including the daily parking of vehicles by employees and customers; (c) loading and unloading of vehicles; (d) trade display; and (e) landscaping. <p>3. A Trade Display may be conducted within the primary and secondary street setback areas, where the trade display –</p> <ul style="list-style-type: none"> (a) does not occupy more than one-fifth of the area of the street setback within which it is proposed to be located; (b) is not located closer than 5m to a road reserve; and (c) in the opinion of the local government, the trade display will not adversely impact the streetscape or the amenity of the locality. 				

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
District Centre		<p>4. All stormwater from impervious surfaces is to be retained on-site through a combination of soakwells and the provision of vegetated swales, using nutrient stripping native vegetation, unless otherwise approved by the local government.</p> <p>5. Landscaping - a reticulated landscape strip 3m wide is to be provided along and within street boundary frontages and corner lots shall also require a 3m landscape strip along the secondary frontage.</p>				
	N/A	<p>1. As per the corresponding zone specified on the relevant structure plan.</p> <p>2. Standards as prescribed by endorsed design guidelines, an approved local structure plan, activity centre plan or local development plan.</p>			30	As per point 3 - other requirements
	Other Requirements	<p>1. Subdivision and development in the District Centre zone shall be in accordance with a structure plan or an activity centre plan.</p> <p>2. Development applications for land within the District Centre zone will be considered having regard to:</p> <p>(a) An Activity Centre Plan and associated provisions contained in the Activity Centre Plan that applies to the land.</p> <p>(b) Loading, servicing, bin and material storage areas, including air conditioners, compressors and other similar machinery, shall be screened from view from streets and public areas by an enclosure in the style and material of the associated building.</p> <p>(c) Roof mounted mechanical equipment and air conditioners, if required, shall generally be screened from view by the roof through the use of parapet walls.</p> <p>(d) All buildings, streets, access ways, paths and car parking areas shall be well lit to encourage safe use after hours with no light spill into adjoining residential areas.</p> <p>(e) Security bollards shall not conflict with pedestrian flow and security shutters upon all buildings (if required) shall be retractable.</p> <p>(f) All internal thoroughfares should be appropriately designed so as to sustain high levels of pedestrian movement permeability.</p> <p>(g) Crime prevention through environmental design principles shall be incorporated into development.</p> <p>(h) All drainage shall be restricted to pre-development flows. Should the proponent wish to increase the rate of outflow from the site the Shire's stormwater network shall be upgraded at the proponent's cost.</p>				

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
		(i) The R-AC3 density code shall apply to residential development. 3. Minimum Landscaping - Where there is an approved Activity Centre Plan and/or a Local Development Plan for the site, in accordance with that plan or if none exists, to the satisfaction of the local government.				
Commercial	N/A	1.0	1. As per the corresponding zone specified on the relevant structure plan. 2. In the absence of an approved Activity Centre Plan and/or a Local Development Plan, front setbacks are to be as determined by local government based on 'main-street' design principles with car parking to be provided at the rear of the premises. 3. Other boundary setbacks may be reduced to nil, provided that where the boundary adjoins land in a Residential zone, the setback is to accordance with the standards applicable to such adjacent land under the relevant R-Coding.		9	As per point 12 - other requirements
	Other Requirements	1. Buildings within the Commercial zone shall be designed to address the following: (a) Building facades:				

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
		<p>(b) Provide articulated frontages;</p> <p>(c) Use a variety of complementary colours, materials and design features;</p> <ol style="list-style-type: none"> 2. Maximise the use of glazing and minimise blank walls to ensure unobstructed views to the street and public realm; 3. Respect and complement the architectural character and style of the locality and streetscape and create a cohesive consistency of design with adjacent development, where appropriate; 4. Be of a human scale and form where the building interfaces with the street or public open space; 5. Provide for passive surveillance and considers the design principles in WAPC's Designing Out Crime Planning Guidelines (2006); 6. Development located on corner sites should incorporate landmark design elements to ensure the building is visually prominent in the streetscape to provide a sense of place; 7. Incorporates solar passive design principles; 8. Incorporates appropriate and attractive design features, such as verandahs or awnings, that provides protection from the weather, and are integrated with the architectural style of the proposed building and adjacent development; 9. Plant and infrastructure located on rooftops are unobtrusive where viewed from the street or publicly accessible areas (e.g. public open space); and 10. Integrates signage at an appropriate scale and design, which complements and enhances the character and amenity of the streetscape. 11. Multiple dwellings within the commercial zone, shall be developed as part of a mixed-use development. 12. Landscaping is to be in accordance with relevant Structure Plan, Local Development Plan or Local Planning Policy, or if none exists, to the satisfaction of the local government. 				
Mixed Use	As per the R-Codes	Residential Development: as per R-Codes Non- Residential Development: Primary Street: 2m <ol style="list-style-type: none"> 1. As per the corresponding zone specified on the relevant structure plan. 2. In the absence of an approved Activity Centre Plan and/or a Local Development 			9	As per point 13 - other requirements

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
		Plan, front setbacks are to be as determined by local government based on 'main-street' design principles with car parking to be provided at the rear of the premises.				
	Other Requirements	<p>Development proposals for land within the Mixed Use Zone will be considered having regard to:</p> <ol style="list-style-type: none"> (1) In addition to one single dwelling, one ancillary dwelling is permitted per lot. (2) Any Activity Centre Plan and/or a Local Development Plan and associated provisions contained in the plan that applies to the land. (3) Loading, servicing, bin and material storage areas, including air conditioners, compressors and other similar machinery, shall be screened from view from streets and public areas by an enclosure in the style and material of the associated building. (4) Roof mounted mechanical equipment and air conditioners, if required, shall generally be screened from view by the roof through the use of parapet walls. (5) All buildings, streets, access ways, paths and car parking areas shall be well lit to encourage safe use after hours, with no light spill into adjoining residential areas. (6) Security bollards shall not conflict with pedestrian flow, and security shutters upon all buildings (if required) shall be retractable. (7) All internal thoroughfares should be appropriately designed so as to sustain high levels of pedestrian movement permeability. (8) Crime prevention through environmental design principles shall be incorporated into development. (9) All drainage shall be restricted to pre-development flows. Should the proponent wish to increase the rate of outflow from the site, the Shire's stormwater network shall be upgraded at the proponent's cost. (10) The R80 density code shall apply to residential development. (11) Building orientation is to be towards the street or public open space. (12) Parking requirements in accordance with Schedule 5 of this Scheme. (13) Landscaping is to be in accordance with relevant Structure Plan, Local Development Plan or Local Planning Policy, or if none exists, to the satisfaction of the local government. 				

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
Service Commercial	No minimum	2.0	7	3	12	As per point 4 - other requirements
	Other Requirements	<p>1. Subdivision of land in the Service Commercial Zone shall only be supported by the local government where an approved structure plan exists for the land.</p> <p>2. The local government shall require wastewater connection to reticulated sewer. Subject to land capability and site constraints to the satisfaction of the local government, alternative treatment units may be considered as a temporary solution until such time as reticulated sewer is available to the site, at which time the development is to be connected to reticulated sewer.</p> <p>3. Development applications for land within the Service Commercial zone will be considered having regard to:</p> <p>(a) Where land uses not contained within buildings are proposed, the degree to which the activities on the site will impact upon and/or be compatible with land uses and development on nearby properties.</p> <p>(b) All loading and unloading areas shall be located to the sides or to the rear of buildings.</p> <p>(c) Verge areas abutting lots shall be landscaped, reticulated and maintained by the landowner.</p> <p>(d) All exposed concrete tilt panels and rendered walls shall be painted in a suitable colour which enhances the overall appearance of the building.</p> <p>(e) Street facing facades of all buildings shall be constructed of brick, concrete tilt panels or approved equivalent.</p> <p>(f) Metal sheeting shall not be permitted as a construction material unless colour painted or treated</p> <p>(g) All open air storage areas shall be screened from the adjoining streets by landscaping, walls or fencing.</p> <p>(h) All ancillary structures and services in public view shall be considered integral to the building design, including the location and design of:</p> <ul style="list-style-type: none"> (i) Outbuildings (j) Plant rooms (k) Service areas (l) Garages (m) Collection areas (n) Bin storage areas <p>4. Landscaping is to be in accordance with relevant Structure Plan, Local Development Plan or Local Planning Policy, or if none</p>				

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
Private Community Use	No minimum	N/A	Residential Development: as per R-Codes Non-Residential Development: Primary Street – 2m	Residential Development: as per R-Codes Non-Residential Development: Primary Street – 9m	5%	
	Other Requirements	<p>1. In considering development applications in the Private Community Purposes zone due regard will be given to:</p> <p>(a) Existing development on surrounding land in the locality in terms of development setbacks, bulk, scale and design.</p> <p>(b) The impact on nearby properties in terms of amenity and character of established land uses and development.</p> <p>(c) Where land uses not contained within buildings are proposed, the degree to which the activities on the site will impact upon or be compatible with land uses and development on nearby properties.</p> <p>(d) All loading and unloading areas shall be located to the sides or to the rear of buildings.</p> <p>(e) Verge areas abutting lots shall be landscaped, reticulated and maintained by the landowner.</p> <p>(f) All open air storage/utility areas shall be screened from the adjoining streets by landscaping, walls or fencing.</p> <p>(g) All ancillary structures and services in public view shall be considered integral to the building design, including the location and design of:</p> <ul style="list-style-type: none"> • Outbuildings • Plant rooms • Service areas • Garages • Collection areas • Bin storage areas • Landscaping is to be to the satisfaction of the local government. 				
Urban Development		<p>1. A Structure Plan is required to be endorsed for land included in the Urban Development Zone prior to subdivision and/or development.</p> <p>2. Notwithstanding (1), the local government may approve the construction of a single dwelling and/or associated outbuildings and/or minor changes in the use of the land where, in the opinion of the local government, the approved development will not prejudice the proper future subdivision and development of the land within the zone.</p>				

Zone	Minimum lot size (hectares)	Minimum building setback (metres)			Minimum Building Height (Metres)	Minimum landscaping (% of site area)
		Primary Street	Secondary Street	Side/Rear		
Industrial Development	A Structure Plan is required to be endorsed for land included in the Industrial Development Zone prior to subdivision and/or development. <i>Note: Also refer to the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions for local planning schemes, Part 4 Structure Plans.</i>					
Tourism	No minimum Other Requirements	N/A	20	10	Not Applicable	10%
		<ol style="list-style-type: none"> The subdivision of land, including strata titling, will only be supported by the local government where it can be demonstrated that the resultant lots will be capable of being used for at least one of the permissible uses identified in Table 3 (Zoning Table). Landscaping to be provided in accordance with an approved landscaping plan to the satisfaction of the local government. Proposals for offices in the Tourism Zone will only be considered where they are incidental to, and support the proposed tourism use on the site 				
Special Use	No minimum	Refer to Table 6				
All Zones		<ol style="list-style-type: none"> Development and subdivision within all zones shall comply with the requirements of Schedule 1 & 2, the zoning table (Table 3) and the objectives for the zone as outlined in this Scheme. <ol style="list-style-type: none"> For tourism uses where accommodation is provided, the maximum percentage of residential units/development on site with no stay-length restrictions is limited to 25% of all accommodation units. Repurposing approved short stay accommodation as permanent accommodation is not permitted without development approval. Any application shall be accompanied by a Management Plan detailing how matters including but not limited to car parking and complaints procedures will be addressed to the satisfaction of the local government. 				
Notes: *If the development includes a residential component, the corresponding standards of the R-Codes or relevant adopted and endorsed design guidelines, structure plans or local development plans shall apply. # In accordance with State Planning Policy and Development Control Policies.						

Schedule 4 – Additional Site and Development Requirements that apply to land covered by a Structure Plan, Activity Centre Plan or Local Development Plan

Table - Additional Site and Development Requirements

Part4 cl.33

Schedule 5 - Car Parking

Table – Car Parking

Part4 cl.34

Use Class Category	Minimum Number of Car Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces	Minimum Number of Bicycle Parking Spaces
Residential Uses			
Permanent Residential Accommodation <ul style="list-style-type: none"> Ancillary Dwelling Family Day Care Grouped Dwellings Multiple Dwellings Single Dwelling 	As per R-Codes.	Nil.	As per R-Codes (where applicable).
Home Based Business <ul style="list-style-type: none"> Bed and Breakfast 	As per the R-Codes plus 1 space per guest room dwelling.	Nil.	
<ul style="list-style-type: none"> Home Business/Home Occupation/Home Office 	No additional requirement over and above residential requirement – in accordance with the relevant dwelling type under the R-Codes . All parking to be accommodated within the subject lot.		
<ul style="list-style-type: none"> Home Store 	As per R-Codes plus 2 bays.		2 Bicycle Bays.
Other Residential <ul style="list-style-type: none"> Caretaker’s Dwelling 	2 spaces (as for Single House under the R-Codes).	Nil.	Nil.
Commercial Uses			
Entertainment <ul style="list-style-type: none"> Amusement Parlour Betting Agency 	1 per 20m ² GFA or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.	1 for every 7 car parking spaces (minimum of 2).	1 per 100m ² GFA (minimum of 2).

Use Class Category	Minimum Number of Car Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces	Minimum Number of Bicycle Parking Spaces
<ul style="list-style-type: none"> • Cinema / Theatre • Nightclub <ul style="list-style-type: none"> – Small Bar – Tavern 			
<p>Health Care and Medical</p> <ul style="list-style-type: none"> • Consulting Rooms • Medical Centre • Veterinary Centre 	<p>1 per 20 m² GFA OR 4 bays per consulting room and/or health consultant; whichever is the greater.</p>	<p>1 for every 7 car parking spaces (minimum of 2).</p>	<p>1 per 2 practitioners (minimum of 2).</p>
<p>Child Care</p> <ul style="list-style-type: none"> • Child Care Premises 	<p>1 per 2 staff members plus 1 per 8 children (minimum of 3 bays).</p>	<p>Nil.</p>	<p>Nil.</p>
<p>Administrative</p> <ul style="list-style-type: none"> • Office (excluding Bank, Building Society, Post Office) 	<p>1 per 40m² GFA. Minimum 3 spaces per tenancy.</p>	<p>1 bay for every 7 car parking spaces (minimum of 2).</p>	<p>1 per 100m² GFA.</p>
<p>Bank, Building Society, Post Office</p>	<p>1 space per 40 m² GFA.</p>	<p>1 bay for every 7 car parking spaces (minimum of 2).</p>	<p>1 per 200m² GFA.</p>
<p>Bulky Commercial</p> <ul style="list-style-type: none"> • Bulky Goods Showroom • Garden Centre • Trade Display • Trade Supplies 	<p>1 space per 40m² GFA of premises open to the public and used for display, sale or hire. 1 space per 80m² GFA of premises not open to the public and used storage.</p>	<p>1 bay for every 7 car parking spaces (minimum of 2).</p>	<p>1 per 200m² GFA.</p>

Use Class Category	Minimum Number of Car Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces	Minimum Number of Bicycle Parking Spaces
Motor Vehicle – Commercial <ul style="list-style-type: none"> ● Motor Vehicle Wash¹ ● Motor Vehicle Repair¹ ● Motor Vehicle, Boat or Caravan Sales² 	4 per service / wash bay or 1 space for every 100m ² display area plus 1 space for every 2 staff members. Minimum 3 spaces.	Nil.	Nil.
Shop <ul style="list-style-type: none"> ● Convenience Store ● Liquor Store - Large ● Liquor Store – Small ● Market ● Shop 	1 per 20m ² of GFA Market 1 per 40m ² of GFA.	1 for every 7 car parking spaces (minimum of 2).	1 per 100m ² GFA (minimum of 2) where located with an Activity Centre.
Food, Beverage <ul style="list-style-type: none"> ● Brewery ● Reception Centre ● Restaurant / Café ● Winery 	1 per 20m ² of GFA or 1 per 4m ² of eating, drinking or lunch area, whichever is the greater.	1 space for every 7 car parking spaces (minimum of 2).	1 per 100m ² GFA (minimum of 2) where located with an Activity Centre.
Other Food <ul style="list-style-type: none"> ● Fast Food Outlet / lunch bar 	1 per 4m ² of eating, drinking or lunch area, a car queuing area sufficient to accommodate 10 cars where drive through facilities are included.	1 for every 7 car parking spaces (minimum of 2).	1 per 100m ² GFA (minimum of 2) where located with an Activity Centre.
Tourism Accommodation Uses			
Caravan Park	1 bay per caravan site; plus 1 additional space for every 4 sites for visitors/employees parking. 1 bay per unit plus 1 visitor bay per 10 units.	1 for every 7 car parking spaces (minimum of 2).	Nil.

Use Class Category	Minimum Number of Car Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces	Minimum Number of Bicycle Parking Spaces
Holiday House Holiday Accommodation	<p>In accordance with the R-Codes for single house.</p> <p>Holiday Accommodation – In accordance with R-Codes for grouped and/or multiple dwellings.</p>		
Hotel	<p>1 bay per bedroom or accommodation unit; plus</p> <p>1 bay per 15m² GFA of floorspace other than that used for accommodation purposes; and</p> <p>1 bay per 6m² of bar space (area occupied by customers, excluding service areas) or where determined by the local government.</p>		
Motel	<p>1 space per 6 patrons or</p> <p>1 bay per bedroom or accommodation unit; plus</p> <p>1 bay per 15m² GFA of floorspace other than that used for accommodation purposes</p> <p>Bus parking will be required for facilities containing 20 or more units.</p>		
Park Home Park	<p>1 per home site; plus</p> <p>1 per 10 park home sites for visitor parking; plus 1 per employee</p> <p>1 per unit of accommodation</p>		
Serviced Apartments Tourist Development	<p>In accordance with the relevant dwelling type under the R-Codes, and/or</p> <p>1 per bedroom or accommodation unit; plus</p> <p>1 per 15m² GFA of floorspace other than that used for accommodation purposes.</p>		

Use Class Category	Minimum Number of Car Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces	Minimum Number of Bicycle Parking Spaces
Chalet/Farm-stay Accommodation	1 per chalet plus 1 visitor parking space for every 4 chalets.		
Civic, Cultural and Community Uses			
Civic, Cultural and Community <ul style="list-style-type: none"> • Art Gallery • Civic Use • Club Premises • Community Purpose • Exhibition Centre • Place of Worship • Recreation – Private 	To be calculated according to use of component areas, plus 1 per 4m ² of public assembly and/or seating area.	1 for every 7 car parking spaces (minimum of 2)	1 per 100m ² GFA (minimum of 2)
Educational <ul style="list-style-type: none"> • Educational Establishment 	1 per classroom, plus 1 per 10 students (excluding primary schools); plus Adequate pick up and set down facilities and bus bays with turning facilities are also required to be provided on site. For tertiary establishments where students are of driving age additional parking accommodation will be required in each case and the parking requirement determined by the local government in each case.	1 for every 7 car parking spaces (minimum of 2).	1 space per 10 students
Industrial Uses			
General Industry <ul style="list-style-type: none"> • Fuel Depot 	1 per 100m ² of GFA of premises used for fuel depot purposes or 1 per employee, whichever is the greater.	1 for every 7 car parking spaces (minimum of 2).	Nil.

Use Class Category	Minimum Number of Car Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces	Minimum Number of Bicycle Parking Spaces
<ul style="list-style-type: none"> General and Service Industry 	1 per 100m ² GFA of premises used for industry purposes or 1 per employee whichever is the greater.		
<ul style="list-style-type: none"> Industry – Primary Production 	1 per employee and 1 per visitor.		
<ul style="list-style-type: none"> Transport Depot 	1 per employee in addition to any commercial vehicle parking bays that the premises is designed to accommodate.		
<ul style="list-style-type: none"> Waste Disposal Facility Waste Storage Facility 	As determined by the local government.		
<p>Light Industry</p> <ul style="list-style-type: none"> Funeral Parlour 	1 per employee. Where a chapel, mortuary or assembly area is included, 1 per 4m ² seating area, the premises is designed to accommodate.	1 for every 7 car parking spaces (minimum of 2).	
<ul style="list-style-type: none"> Industry – Light 	1 per 75m ² GFA of premises used for light industry purposes or 1 per employee, whichever is the greater plus and additional space per 30m ² of GFA used for retailing and/or wholesaling.		
<ul style="list-style-type: none"> Service Station 	4 per workshop and/or service bay; plus 1 per employee.		Nil.

Use Class Category	Minimum Number of Car Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces	Minimum Number of Bicycle Parking Spaces
<ul style="list-style-type: none"> Warehouse / Storage 	1 per 50m ² GFA of premises used for display and sale by wholesale; plus 1 per 100m ² GFA of premises not open to the public and used for storage.		
Resources Industry <ul style="list-style-type: none"> Industry – Extractive Mining Operations 	As determined by the local government 1 per staff member.	Nil.	Nil.
Rural Uses			
Agricultural <ul style="list-style-type: none"> Abattoir Agriculture – Extensive Agriculture-Intensive Animal Establishment Animal Husbandry – Intensive 	As determined by the local government.	Nil.	Nil.
<ul style="list-style-type: none"> Rural Home Business 	1 per employee plus 1 per visitor (if applicable).		
<ul style="list-style-type: none"> Rural Pursuit / Hobby Farm 	1 space in addition to the residential requirement.		
<ul style="list-style-type: none"> Tree Farm 	As determined by the local government.		
Other Uses			
Other uses not listed	As determined by the local government.	As determined by the local government.	As determined by the local government.

Schedule 6 – Special Control Areas

Table - Special Control Areas Part 5 cl.57

No	Name of Area	Purpose	Additional Provisions
SCA1	Wanju	Urban Development	<p>1. A single District Structure Plan is to be adopted to guide subdivision and development. Any Local Structure Plans subsequently adopted within the area of the District Structure Plan area shall be subject to the provisions of the District Structure Plan.</p> <p>2. To facilitate orderly and proper planning, development will be staged in accordance with the endorsed Wanju Staging Plan and the local government shall not support the subdivision or development of any subsequent stage until such time as the previous stage is 75% complete.</p> <p>3. A Local Structure Plan is to be prepared for each entire stage of development in accordance with the Wanju Staging Plan. Local Structure Plans will not be permitted for portions of stages.</p> <p>4. Local Structure Plans will be prepared in accordance with the manner and form required under State policy and will give due regard to the provisions of the District Structure Plan and accompanying endorsed documents including:</p> <ul style="list-style-type: none"> (a) District Water Management Plan; (b) Water Servicing Plan; (c) Vegetation Vision Plan; and (d) Any other supporting documents as approved by the Western Australian Planning Commission. <p>5. Subdivision and development applications other than that permitted under the current zoning of the land will not be supported by the local government unless the land is appropriately zoned and generally in accordance with a structure plan for the relevant stage prepared and endorsed pursuant to Part 4 of the Deemed Provisions, or in accordance with an activity centre plan for the relevant stage prepared and endorsed pursuant to Part 5 of the Deemed Provisions.</p> <p>6. In considering any proposal under Point 2, the local government shall not support any proposal that is likely to conflict with the future urban development of the locality as identified in the District Structure Plan (and supporting documents).</p>

No	Name of Area	Purpose	Additional Provisions
SCA2	Waterloo Industrial Park	Industrial Development	<p>7. A developer contribution plan is to be prepared to the satisfaction of the local government. The developer contribution plan shall set out the measures to fund community and regional infrastructure to service the growing population.</p> <p>8. 'Renewable Energy Facilities' is a prohibited ('X') land use within SCA1.</p> <p>1. A single District Structure Plan is to be adopted to guide subdivision and development. Any Local Structure Plans subsequently adopted within the area of the District Structure Plan area shall be subject to the provisions of the District Structure Plan.</p> <p>2. Local Structure Plans will be prepared in accordance with the manner and form required under State policy and will give due regard to the provisions of the District Structure Plan and accompanying endorsed documents including:</p> <ul style="list-style-type: none"> (a) the Waterloo Industrial Park District Structure Plan; (b) District Water Management Plan; (c) Vegetation Vision Plan; and (d) Any other supporting documents as approved by the Western Australian Planning Commission. <p>3. Subdivision and development applications other than that permitted under the current zoning of the land will not be supported by the local government unless the land is appropriately zoned and generally in accordance with a structure plan for the relevant stage prepared and endorsed pursuant to Part 4 of the Deemed Provisions, or in accordance with an activity centre plan for the relevant stage prepared and endorsed pursuant to Part 5 of the Deemed Provisions.</p> <p>4. In considering any proposal under Point 2, the local government shall not support any proposal that is likely to conflict with the future industrial development of the locality as identified in the District Structure Plan (and supporting documents).</p> <p>5. A developer contribution plan is to be prepared to the satisfaction of the local government. The developer contribution plan shall set out the measures to fund community and regional infrastructure to service the growing population.</p>

No	Name of Area	Purpose	Additional Provisions
SCA3	Dardanup West Rural Residential	Rural Residential Development	<p>1. The local government shall consider the rezoning and subdivision of land for Rural Residential purposes without further structure planning subject to the following:</p> <ul style="list-style-type: none"> • Land is identified for Rural Residential development in the Local Planning Strategy. • Maximum of five (5) newly created lots. • Newly created lots meet the minimum lot size as indicated in this Scheme. • Newly created lots have a minimum developable area of 1500m². • Development is in accordance with the proposed road network as identified on the Dardanup West Crooked Brook Structure Plan. • Provision of a local water management plan demonstrating the land is capable of development including the identification of building envelopes / building exclusion areas, extent of fill, finished floor levels and the provision of adequate drainage and any retention and/or easements required for this purpose to maintain pre-development flows. • Retention of native vegetation. • Provision of bushfire assessment if required. <p>2. All rezoning and/or subdivision applications that are in excess of 5 lots and/or are unable to meet all of the above objectives will require a local structure plan to be approved prior to development.</p>
SCA4	Dardanup West/Picton Industrial Expansion Area	Industrial Development	<p>For land zoned 'Industrial Development':</p> <ol style="list-style-type: none"> 1. Prior to industrial development and/or subdivision, a structure plan is to be prepared and endorsed pursuant to Part 4 of the Deemed Provisions. 2. In considering structure planning, subdivision and development applications the local government shall have regard to: <ul style="list-style-type: none"> (a) environmentally significant areas as identified by the EPA including wetlands; (b) connectivity between the development area and adjacent areas to facilitate efficient heavy haulage traffic movements; (c) appropriate buffer requirements within property boundaries to minimise land use conflict, particularly with adjacent Rural Residential zoned land. 3. For land zoned 'Rural':

No	Name of Area	Purpose	Additional Provisions
SCA5	Public Drinking Water Source Areas	To ensure that land use and development within proximity of the drinking water bores are compatible with the protection and long term management of the water resource for public water supply.	<p>(a) The Shire will only consider proposals to rezone 'Rural' zoned land to 'Industrial Development' subject to it first being zoned 'Industrial Deferred' under the Greater Bunbury Region Scheme.</p> <p>1. Any development application for development that is:</p> <p>(a) of a scale or nature likely to impact on a water source area; and</p> <p>(b) is within 300m of the water source area;</p> <p>shall be referred to the Department of Water and Environmental Regulation for comment.</p> <p>2. In determining any application for development approval within the Public Drinking Water Source Area, the local government shall:</p> <p>a) have due regard to the relevant State Government policies and the most recent Department of Water and Environmental Regulation, Water quality protection note No.25 <i>Land use compatibility tables for public drinking water source areas</i>;</p> <p>b) have regard to State Planning Policy No. 2.7 (Public Drinking Water Source Policy);</p> <p>c) endeavour to ensure that the proposed use or development will not have a detrimental impact on the water resource;</p> <p>d) in determining land uses and development proposals, the local government is to have due regard to any comments and recommendations from the Department of Water and Environmental Regulation and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination;</p> <p>e) the local government shall also have regard to the management direction provided by priority classification of certain areas.</p> <p>Dardanup Drinking Water Source Area</p> <p>a) in considering any development application the local government will have regard to the Department of Water and Environmental Regulation 'Dardanup Water Reserve Drinking Water Source Protection Plan' and any future reviews.</p>
SCA6	Tourism Encouragement Area	The Tourism Encouragement Area is intended to	<p>1. The development of tourism-based uses within the area is to be guided by the following objectives:</p> <p>(a) To encourage the sustainable growth of tourism within the Ferguson Valley area;</p>

No	Name of Area	Purpose	Additional Provisions
		<p>provide guidance and support for proponents of tourism proposals seeking to leverage the natural beauty and rural charm of the Ferguson Valley area.</p>	<p>(b) To ensure that tourism-based uses are undertaken in a coordinated and well considered manner, and are supported by necessary infrastructure provision;</p> <p>(c) To protect the existing rural and lifestyle land uses within the area from the encroachment of non-complementary or conflicting land uses;</p> <p>(d) To ensure that appropriate tourism uses are able to operate within reasonable that may be imposed by surrounding rural uses;</p> <p>(e) To maintain the natural and rural character of the area to be enjoyed by visitors, landowners and residents of the area;</p> <p>(f) To ensure that the development provides a bona fide tourism function and does not facilitate otherwise unsuitable residential development.</p> <p>2. Development applications for tourism-based uses within the Special Control Area will be assessed in the context of applicable local planning policies adopted for the area and/or for land uses within the applicable zones.</p> <p>3. Development applications for tourism-based uses within the area are to be supported by analysis and written information to demonstrate that:</p> <p>(a) The proposed development is designed to minimise the impact on adjacent and surrounding properties from the generation of noise, dust, vibration or visual impact from the proposed development.</p> <p>(b) The proposed development is designed to limit the imposition of any restriction on adjacent land uses through the provision of sufficient setbacks, screening and buffering as a component of the proposed development.</p> <p>(c) The road network to be used by visitors is sufficient to meet the anticipated demand generated by the proposed use.</p> <p>(d) The proposed development is supported by sufficient service infrastructure to meet the projected demand based on the nature of the land use and development proposed.</p> <p>(e) The proposed development is designed to protect the visual amenity of the area from key vantage points and areas of public realm through the retention of existing native and non-native vegetation, and the planting of additional vegetation where warranted to assist in screening proposed development and reinforcing the landscape and rural aesthetic.</p>

No	Name of Area	Purpose	Additional Provisions
SCA7	Development Contribution Area (DCA)	To designate areas requiring infrastructure for the purposes of implementing arrangements for the fair and equitable apportionment of the costs of providing identified infrastructure.	<p>(f) The proposed development is designed to protect life and property from the risks associated with bushfire consistent with the applicable State and local planning guidance.</p> <p>4. Subdivision of land within the Special Control Area will be subject to the site and development requirements outlined for the respective zone as identified in Schedule, with an overarching objective to ensure that land parcels are of a suitable size to support a broad range of uses consistent with the objectives of the zone and the Special Control Area.</p> <p>5. Notwithstanding Table 3, the use classes of:</p> <p>(a) 'Community Purpose' and 'Club Premises' within the 'Rural' zone are designated as 'D' uses within the Special Control Area for the purpose of clause 18.</p> <p>(b) 'Holiday Accommodation', 'Restaurant/Café', 'Tourist Development' and 'Winery' within the 'Rural Residential' zone are designated as 'D' uses within the Special Control Area for the purpose of clause 18, and are subject to guidance provided by relevant local planning policy(s).</p>
			<p>Objectives:</p> <p>(a) To provide for the equitable sharing of costs of infrastructure and administrative costs between landowners;</p> <p>(b) To ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and</p> <p>(c) To coordinate the timely provision of infrastructure.</p> <p>Additional Provisions:</p> <p>1. Interpretation:</p> <p>Unless the context otherwise required, the meaning of terms used in the Development Contribution Special Control Area are as follows:</p> <p>Administrative costs means such costs as are reasonably required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the Development Contribution Plan, including legal, accounting, planning, engineering and other professional advice.</p>

No	Name of Area	Purpose	Additional Provisions
			<p>Cost Apportionment Schedule means a schedule prepared and distributed in accordance with subclause9;</p> <p>Cost Contribution means the contribution to the cost of infrastructure and administrative costs; Development Contribution Area means the Special Control Area shown on the Map as 'DCA' with a number;</p> <p>Development Contribution Plan means a Development Contribution Plan prepared in accordance with the provisions of State Planning Policy 3.6 – Development Contributions for Infrastructure;</p> <p>Development Contribution Plan Report means a report prepared and distributed in accordance with subclause9;</p> <p>Infrastructure means the standard infrastructure items (services and facilities set out in Appendix 1- Standard development contribution requirements of State Planning Policy 3.6 – Development Contributions of Infrastructure) and community facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy;</p> <p>Infrastructure costs means such costs as are reasonably incurred for the acquisition and construction of infrastructure;</p> <p>Landowner means an owner of land that is located within a development contribution area;</p> <p>Local government means the local government or local governments in which the development contribution is located or through which the services and facilities are provided.</p> <p>2. Development Contribution Plan Required: A Development Contribution Plan is required to be prepared for each Development Contribution Area.</p> <p>3. Development Contributions Plans Part of Scheme Development Contribution Plan are incorporated in Schedule 8 as part of this Scheme.</p> <p>4. Subdivision, Strata Subdivision and Development The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a Development Contribution Plan is not in effect, there is no approval to advertise a Development Contribution Plan, or that there is no other arrangement with respect to a landowner's contribution towards the provision of community infrastructure.</p>

No	Name of Area	Purpose	Additional Provisions
			<p>5. Guiding Principles for Development Contribution Plans: The Development Contribution Plan for any development is to be prepared in accordance with the following principles:</p> <p>(a) Need and the nexus: The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).</p> <p>(b) Transparency: Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.</p> <p>(c) Equity: Development contributions should be levied from all developments within a contribution area, based on their relative contribution to need.</p> <p>(d) Certainty: All development contributions should be clearly identified and methods for accounting for cost adjustments determined based at the commencement of a development.</p> <p>(e) Efficiency: Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.</p> <p>(f) Consistency: Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.</p> <p>(g) Right of consultation and review: Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by independent third party if they believe the calculation of the costs of the contributions is not reasonable.</p> <p>(h) Accountable: There must be a accountability in the manner in which development contributions are determined and expended.</p>

No	Name of Area	Purpose	Additional Provisions
			<p>6. Content of Development Contribution Plans The Development Contribution Plan is to specify:</p> <ul style="list-style-type: none"> (a) The development contribution area to which the Development Contribution Plan applies; (b) the infrastructure and administrative items to be funded through the Development Contribution Plan; (c) the method of determining the cost contribution of each landowner; and (d) the priority and timing for the provision of infrastructure. <p>Note: A suggested outline of a Development Contribution Plan is contained in State Planning Policy 3.6 – Development Contributions for Infrastructure.</p> <p>7. Period of Development Contribution Plan: A Development Contribution Plan shall specify the period during which it is to operate.</p> <p>8. Land Excluded: In calculating both the area of a landowner’s land and the total area of land in a development contribution area, the area of land provided in that development contribution area for:</p> <ul style="list-style-type: none"> (a) roads designated under the Greater Bunbury Region Scheme as Primary Regional Roads Reserve and Other Regional Roads Reserve; (b) land designated as Regional Open Space Reserve and Public Purposes Reserve under the Greater Bunbury Region Scheme; (c) existing public open space; (d) existing government primary and secondary schools; and (e) such other land as is set out in the Development Contribution Plan, is to be excluded. <p>9. Development Contribution Plan Report and Cost Apportionment Schedule:</p> <ul style="list-style-type: none"> (a) Within 90 days of the Development Contribution Plan coming into effect, the local government is to adopt and make available (b) Development Contribution Plan Report and Cost Apportionment Schedule to all owners in the development contribution area. (c) The Development Contribution Plan Report and the Cost Apportionment Schedule shall set out in detail the calculation of the cost contribution for each landowner in the development

No	Name of Area	Purpose	Additional Provisions
			<p>contribution area, based on the methodology provided in the Development Contribution Plan, and shall take into account any proposed staging of the development.</p> <p>(d) The Development Contribution Plan report and the Cost Apportionment Schedule do not form part of the Scheme, but once adopted by the local government they are subject to review as provided under subclause 10.</p> <p>Note: A suggested outline of a Development Contribution Plan Report and a Cost Apportionment Schedule are contained in State Planning Policy 3.6 - Development Contributions for Infrastructure. The Cost Apportionment Schedule is adopted by the local government but does not form part of the Scheme.</p> <p>10. Cost Contributions Based on Estimates:</p> <p>(a) The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when</p> <p>(i) expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.</p> <p>(b) Where a Cost Apportionment Schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government:</p> <p>(i) in the case of land to be acquired, in accordance with subclause 11; and</p> <p>(ii) in all other cases, in accordance with the best and latest information available to the local government,</p> <p>(iii) until the expenditure on the relevant item of infrastructure or administrative costs has occurred.</p> <p>(c) The local government may have such estimated costs independently certified by an appropriately qualified person or persons, and must provide such independent certification to a landowner when requested to do so.</p> <p>(d) Where any cost contribution has been calculated on the basis of an estimated cost, the local government:</p> <p>(i) is to adjust the cost contribution of any landowner in accordance with the revised estimated costs; and</p> <p>(ii) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the landowner accordingly.</p>

No	Name of Area	Purpose	Additional Provisions
			<p>(e) Where a landowner's cost contribution is adjusted under subclause 10(d), the local government, on receiving a request in writing from a landowner, is to provide the landowner with a copy of estimated costs and the calculation of adjustments.</p> <p>(f) If a landowner objects to the amount of a cost contribution, the landowner may give notice in writing to the local government requesting a review of the amount of the cost contribution by an appropriately qualified person or persons ('independent expert') agreed by the local government and the landowner at the landowner's expense, within 28 days after being informed of the cost contribution.</p> <p>(g) If the independent expert does not change the cost contribution to a figure acceptable to the landowner, the cost contribution is to be determined:</p> <p>(i) by any method agreed between the local government and the landowner; or</p> <p>(ii) ii if the local government and the landowner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the Commercial Arbitration Act 1985, with the costs to be shared equally between the local government and landowner.</p> <p>11. Valuation:</p> <p>(a) Subclause 11 applies in order to determine the value of land to be acquired for the purpose of providing infrastructure.</p> <p>(b) In subclause 11:</p> <p>Value means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm's length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.</p> <p>The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this</p> <p>Scheme as Schedule 8. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10% profit factor is to be excluded from the calculation.</p> <p>Valuer means a licensed valuer agreed by the local government and the landowner, or, where the local government and the landowner are unable to reach agreement, by a valuer</p>

No	Name of Area	Purpose	Additional Provisions
			<p>appointed by the President of the Western Australian Division of the Australian Property Institute.</p> <p>(c) If a landowner objects to a valuation made by the valuer, the landowner may give notice in writing to the local government requesting a review of the amount of the value, at the landowner's expense, within 28 days after being informed of the value.</p> <p>(d) If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the landowner, the value is to be determined:</p> <p>(i) by any method agreed between the local government and the landowner; or</p> <p>(ii) if the local government and the landowner cannot agree, the landowner may apply to the State Administrative Tribunal (SAT) for a review of the matter under Part 14 of the Planning and Development Act 2005.</p> <p>12. Liability for Cost Contributions:</p> <p>(a) A landowner must make a cost contribution in accordance with the applicable Development Contribution Plan and the provisions of subclause 9.</p> <p>(b) A landowner's liability to pay the landowner's cost contribution to the local government arises on the earlier of:</p> <p>(i) at the time of seeking clearances of conditions of subdivision or strata subdivision from the local government;</p> <p>(ii) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the landowner's land within the development contribution area;</p> <p>(iii) prior to the commencement of any development on the landowner's land within the development contribution area;</p> <p>(iv) prior to the final approval and endorsement of any strata plan by the local government or Western Australian Planning Commission on the landowner's land within the development contribution area; or</p> <p>(v) the approval of a change or extension of use by the local government on the landowner's land within the development contribution area. The liability arises only once upon the earliest of the above listed events.</p>

No	Name of Area	Purpose	Additional Provisions
			<p>(c) Despite subclause 12(b), a landowner's liability to pay the landowner's cost contribution does not arise if the landowner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the Development Contribution Plan.</p> <p>(d) Where a Development Contribution Plan expires in accordance with subclause 7, a landowner's liability to pay the landowner's cost contribution under that Development Contribution Plan shall be deemed to continue in effect and be carried over into any subsequent Development Contribution Plan which includes the landowner's land, subject to such liability.</p> <p>13. Payment of Cost Contribution:</p> <p>(a) The landowner, with the agreement of the local government, is to pay the landowner's cost contribution by:</p> <ul style="list-style-type: none"> (i) cheque or cash; or (ii) transferring to the local government or a public authority land in satisfaction of the cost contribution; or (iii) the provision of physical infrastructure; or (iv) some other method acceptable to the local government; or (v) any combination of these methods. <p>(b) The landowner, with the agreement of the local government, may pay the landowner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.</p> <p>(c) Payment by a landowner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the landowner's liability under the Development Contribution Plan and the local government shall provide certification in writing to the landowner of such discharge if requested by the landowner.</p> <p>14. Charge on Land:</p> <p>(a) The amount of any cost contribution for which a landowner is liable under subclause 13, but has not paid, is a charge on the landowner's land to which the cost contribution relates, and</p>

No	Name of Area	Purpose	Additional Provisions
			<p>the local government may lodge a caveat, at the landowner's expense, against the landowner's certificate of title to that land.</p> <p>(b) The local government, at the landowner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under subclause 14(a) to permit a dealing and may then re-lodge the caveat to prevent further dealings.</p> <p>(c) If the cost contribution is paid in full, the local government, if requested to do so by the landowner and at the expense of the landowner, is to withdraw any caveat lodged under subclause 14.</p> <p>15. Administration of Funds:</p> <p>(a) The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.</p> <p>(b) Interest earned on cost contributions credited to a reserve account in accordance with subclause 15(a) is to be applied in the development contribution area to which the reserve account relates.</p> <p>(c) The local government is to produce an annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.</p> <p>16. Shortfall or Excess in Cost Contributions:</p> <p>(a) If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may:</p> <ul style="list-style-type: none"> (i) make good the shortfall; or (ii) enter into agreements with owners to fund the shortfall; or (iii) raise loans or borrow from a financial institution,

No	Name of Area	Purpose	Additional Provisions
			<p>but nothing in subclause 16(a)(j) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.</p> <p>(b) If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.</p> <p>17. Powers of the Local Government:</p> <p>The local government in implementing the Development Contribution Plan has the power to:</p> <p>(a) acquire any land or buildings within the Scheme area under the provisions of the Act; and</p> <p>(b) deal with or dispose of any land which it has acquired under the provisions of the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.</p> <p>18. Arbitration:</p> <p>Subject to subclause 11(c) and (d), any dispute between a landowner and the local government in connection with the cost contribution required to be made by a landowner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.</p>
SC8	Flood-Prone Land	To identify Flood Prone Land as a Special Control Area (SCA) and 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>Objectives:</p> <p>(a) To identify land within the Scheme area at risk of being affected by flooding consistent with the Greater Bunbury Region Scheme - Floodplain Management Policy</p> <p>(b) To identify land within the Scheme area 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>(c) 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>

No	Name of Area	Purpose	Additional Provisions
			<p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. Land use, subdivision and development within this Special Control Area is to comply with all the matters set out in the Greater Bunbury Region Scheme - Floodplain Management Policy. 2. The local government will consult with the Department of Water and Environmental Regulation (DWER) as required and have due regard to the advice and recommendations on any application for development approval in floor prone land. 3. The local government shall not grant development approval to any development on land, or portion(s) thereof, which is shown on the Scheme Map as being flood prone land, unless it has made an assessment of: <ol style="list-style-type: none"> (a) the effect on the natural flood carrying capacity of floodplains (including the cumulative effect of individual developments) and ensuring the proposal maintains the free passage and temporary storage of floodwaters, (b) the potential impact on water quality and outline any measures required to maintain and protect water quality and waterways as natural resources, (c) how flood risk will be managed to ensure future development provides an acceptable level of flood protection that meets the objectives of the SCA. 4. The local government may require this assessment to be undertaken at the proponent's cost. <ol style="list-style-type: none"> A person shall not carry out any development on land, or portion(s) thereof, identified as flood prone land on the Scheme Map, unless: <ol style="list-style-type: none"> (a) where no works have been carried out to protect the land from flooding, the floor of any dwelling or other habitable building is, or will be, raised a minimum of 500 millimetres above the (1%) Annual Exceedance Probability (AEP) flood level; or (b) in any other case, the local government is satisfied that adequate measures have been taken to manage the likely effects of flooding on the development concerned; (c) for the purposes of this clause, 'habitable building' means a building designed primarily for housing and/or overnight accommodation for persons. 5. Where land identified as being flood prone land is proposed to be subdivided, the local government shall recommend to the Western Australian Planning Commission that memorials be placed on newly created titles to ensure prospective purchasers are aware that the land may be prone to flooding.

No	Name of Area	Purpose	Additional Provisions
SCA9	Strategic Minerals and Basic Raw Materials	To identify areas where basic raw materials and strategic mineral resources need to be protected from incompatible land uses in line with the GBRS Strategic Minerals and Basic Raw Materials Resource Policy 2018.	<p>Objectives:</p> <ul style="list-style-type: none"> (a) To identify land within the Scheme area which contains mineral resources and basic raw materials of State or regional significance. (b) To prevent mineral resources and basic raw materials of State or regional significance being sterilised by incompatible development and land uses. (c) To encourage the mining of mineral resources and extraction of basic raw materials in accordance with acceptable environmental standards. (d) To 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. <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. Proposals for land use and development within the Strategic Minerals and Basic Raw Materials Special Control Area must demonstrate that the proposal would not prejudice current or future mining of strategic resources within the resource areas; 2. All proposals within the Special Control Area will be referred to the relevant agencies for advice and any advice provided will be considered by the local government in making a decision; 3. Notwithstanding the underlying zoning of the land and permissibility of land uses associated with that zoning as shown in the Zoning Table, local government approval is required for all land use and development proposals within the strategic minerals and basic raw materials Resource Areas; 4. Notwithstanding the underlying zoning of the land and permissibility of land uses associated with that zoning as shown in the Zoning Table, proposals for sensitive land uses within the Special Control Area will only be permitted where it can be demonstrated that they will not limit the existing or potential extraction of strategic resources; 5. In considering any land use and/or development proposals within the Special Control Area, the local government shall have regard to: <ul style="list-style-type: none"> (a) the objectives, principles and criteria of State Planning Policy: 4.1 State Industrial Buffers (b) recommended buffers between particular extractive and mining operations and other land uses contained in relevant scientifically-based studies (for example, the guidelines in the Environmental Protection Authority's Separation Distances between Industrial and Sensitive Land Uses);

No	Name of Area	Purpose	Additional Provisions
			<p>(c) environmentally acceptable standards for noise, dust and light spill (for example, noise limits required under the Environmental Protection (Noise) Regulations 1997);</p> <p>(d) the ability of a mining or extractive industry operator to achieve and adhere to performance standards and best practice management for the mining industry, that apply to buffer requirements;</p> <p>(e) current or proposed mechanisms to ameliorate off-site impacts (for example, construction of bunds and/or provision of screen planting);</p> <p>(f) the nature and scale of any land use, subdivision and development proposals;</p> <p>(g) the nature, scale and timing of any current or future extractive or mining operations;</p> <p>(h) available mechanisms to secure land or restrict further development within potentially affected areas;</p> <p>(i) local topographical characteristics and climate conditions;</p> <p>(j) existing or future settlement patterns;</p> <p>(k) the cultural, environmental or heritage significance of any place or area that is of relevance.</p> <p>6. In considering any proposals for mining operations and/or Industry – Extractive within the Special Control Area, the local government shall have regard to:</p> <p>(a) where a strategic resource is located with native vegetation or significant biodiversity values, extraction of the resource may require referral under Part IV or Part V of the Environmental Protection Act 1986. Environmental regulation of the proposal may require vegetation retention and/or protection of other environmental assets;</p> <p>(b) advice from environmental agencies and consider potential impacts on fragmentation and connectivity of remnant vegetation;</p> <p>(c) where the proposal is located within a Basic Raw Material Resource Area, the horizontal separation distances from water supply infrastructure, and other management measures in order to protect water quality;</p> <p>(d) where the proposal is located within a Basic Raw Material Resource Area, achieving appropriate vertical separation distance to the groundwater table in order to protect water quality. The separation distance will vary based on the value of the groundwater resource (for example, public drinking water source areas);</p>

No	Name of Area	Purpose	Additional Provisions
			(e) where the proposal is located within a Basic Raw Material Resource Area, the rehabilitation and restoration of extraction sites in order to ensure that an appropriate vertical separation distance to groundwater is achieved. The distance needs to be consistent with the long-term use of the land and protection of the groundwater quality.

Schedule 8 - Development Contribution Areas

Table – Development Contributions

No	Description of land/Purpose	Purpose/Special Provisions
DCA1	Dardanup Townsite Expansion	<p>Purpose</p> <p>To provide for developer contributions to partially fund community infrastructure for the Dardanup townsite to service the growing population.</p> <p>Special Provisions</p> <p>Infrastructure and administrative items to be funded:</p> <p>NEW INFRASTRUCTURE</p> <p>1. Community Centre & Outdoor Play Area</p> <p>(a) To be located at the existing Civic Centre on Little Street adjoining the Hall and Shire offices;</p> <p>(b) Single storey of approximately 170m² of standard finishes containing kitchen, toilets, main activity area, office space and infant health clinic;</p> <p>(c) Outdoor play area of approximately 140m² to include 1.8m high chain mesh surrounding fence, turf and reticulation;</p> <p>(d) Costs are inclusive of:</p> <p>(i) Planning and Design;</p> <p>(ii) Construction of facility;</p> <p>(iii) External services within 3m of building;</p> <p>(iv) Contingency to cover exclusions such as external services beyond 3m of building and unforeseen expenditure.</p> <p>UPGRADED INFRASTRUCTURE</p> <p>1. Hard Courts at Dardanup Oval</p> <p>(a) Upgrade lighting for all 5 courts;</p> <p>(b) Upgrade surface to 3 courts;</p> <p>(c) Remark surface to 3 courts;</p> <p>(d) Costs are inclusive of –</p> <p>(i) Planning and design;</p> <p>(ii) Installation and undertaking of works;</p> <p>(iii) External services within 3m of building;</p> <p>(iv) Contingency to cover exclusions such as a requirement to upgrade switchboard for new lighting and unforeseen expenditure.</p>

No	Description of land/Purpose	Purpose/Special Provisions
		<p>2. Dardanup Oval Club Rooms</p> <ul style="list-style-type: none"> (a) Extension of approximately 94m² (10.4m x 9m) of standard construction and basic finishes to include new change rooms and new public toilets; (b) Verandahs of approximately 54m² (9m x 3m x 2m) with concrete floor surface; (c) Costs are inclusive of – <ul style="list-style-type: none"> (i) Planning and design; (ii) Construction of building; (iii) External services within 3m of building (iv) Contingency to cover exclusions such as external services beyond 3m of building and unforeseen expenditure. <p>3. Dardanup Oval Car Park</p> <p>Upgrade surface and line-mark existing car parking area of approximately 20 bays;</p> <ul style="list-style-type: none"> (a) Construct and line-mark existing informal grassed car parking area of approximately 70 bays; (b) Costs are inclusive of – <ul style="list-style-type: none"> (i) Planning and design; (ii) Construction of car parking; (iii) Stormwater drainage; (iv) Minimal landscaping; (v) Contingency to cover exclusions such as additional sand fill for stormwater drainage purposes and unforeseen expenditure; <p>4. Public Library</p> <p>Extension of approximately 40m²;</p> <ul style="list-style-type: none"> (a) Costs are inclusive of – <ul style="list-style-type: none"> (i) Planning and design; (ii) Construction of extension; (iii) External services within 3m of building; (iv) Fit-out with bookshelf units; (v) Contingency to cover exclusions such as external services beyond 3m of building and unforeseen expenditure. <p>5. Administrative costs including</p> <p>Costs to prepare and administer the plan during the period of operation inclusive of:</p> <ul style="list-style-type: none"> (a) Legal expenses; (b) Valuation fees; (c) Proportion of staff salaries; (d) Computer software or hardware to administer plan;

No	Description of land/Purpose	Purpose/Special Provisions
		<p>(e) Costs to prepare and review estimates;</p> <p>(f) Costs to prepare and review cost apportionment schedule;</p> <p>(g) Valuation costs.</p> <p>METHOD FOR CALCULATION OF CONTRIBUTIONS</p> <p>1. The DCP identifies the needs of the community infrastructure to be upgraded to cater for the future additional population as a result of the Dardanup Townsite Expansion Strategy. This calculation excludes:</p> <p>(a)</p> <p>2. Infrastructure items 1, 2, 3 and 5 are apportioned 1/3 local government, 1/3 Developer and 1/3 external funding such as grants. Infrastructure item 4 will not qualify for external funding and therefore the costs are apportioned equally between the local government and the Developer.</p> <p>3. The Developer is also liable to pay 100% of the DCP administration costs at item 6.</p> <p>4. The Developer contribution will be calculated based on their proportion of the total net DCA: (cost contribution = developer apportioned cost x developer % of total net DCA).</p> <p>PRIORITY AND TIMING</p> <ol style="list-style-type: none"> 1. Community Centre & Outdoor Play Area (22/23) 2. Hard Courts at Dardanup Oval (25_/26) 3. Dardanup Oval Club Rooms (23/24) 4. Dardanup Oval Car Parking (23/24) 5. Public Library (23/24) <p>REVIEW PROCESS</p> <p>The plan will be reviewed when considered appropriate, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated Infrastructure costs in this plan will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index (as provided by Rawlinsons Australian Contribution Handbook), direct quotation or as provided by a suitably qualified person.</p>

Adoption

Council Resolution to Advertise Local Planning Scheme

Adopted by resolution of the Council of the [Insert] at the Ordinary Meeting of Council held on the [Insert Date].

President/Mayor

[Insert] Signed:-

Chief Executive Officer

[Insert] Signed:-

Council Resolution to Support/Not Support Scheme for Approval

Council resolved to support/not support approval of the draft Scheme of [Insert] at the Ordinary Meeting of Council held on the [Insert Date].

The Common Seal of the [Insert] was hereunto affixed by authority of resolution of the Council in the presence of:

President/Mayor

[Insert] Signed:-

Chief Executive Officer

[Insert] Signed:-



WAPC Recommended for Approval

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

Signed:- Date:- ____ / ____ / ____

Approval Granted

Minister for Planning

Signed:- Date:- ____ / ____ / ____

**NOTE: MAPS THAT ARE PART OF THIS
DOCUMENT ARE PRINTED SEPARATELY
ON A3 FOR EASE OF REFERENCE.**

