

# SHIRE OF NUNGARIN

## LOCAL PLANNING SCHEME NO. 1

*Updated to Include AMD*

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**LOCAL PLANNING SCHEME GAZETTAL DATE:  
[INSERT DATE]**

## SHIRE OF NUNGARIN LOCAL PLANNING SCHEME NO. 1 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

# SCHEME DETAILS

## **SHIRE OF NUNGARIN** **LOCAL PLANNING SCHEME NO. 1**

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

## TABLE OF CONTENTS

Part 1 - Preliminary .....	6
1. Citation .....	6
2. Commencement .....	6
3. Scheme revoked .....	6
4. Notes do not form part of Scheme .....	6
5. Responsibility for Scheme .....	6
6. Scheme area .....	6
7. Contents of Scheme .....	6
8. Purposes of Scheme .....	6
9. Aims of Scheme .....	7
10. Relationship with local laws .....	8
11. Relationship with other local planning schemes .....	8
12. Relationship with region planning scheme .....	8
Part 2 - Reserves .....	8
13. Regional Reserves .....	8
14. Local reserves .....	8
15. Additional uses for local reserves .....	9
Part 3 - Zones and use of land .....	9
16. Zones .....	9
17. Zoning table .....	10
18. Interpreting zoning table .....	12
19. Additional uses .....	13
20. Restricted uses .....	14
21. Special use zones .....	14
22. Non-conforming uses .....	14
23. Changes to non-conforming use .....	14
24. Register of non-conforming uses .....	15
Part 4 - General development requirements .....	15
25. R-Codes .....	15
26. Modification of R-Codes .....	16
27. State Planning Policy 3.6 to be read as part of Scheme .....	16
28. Modification of State Planning Policy 3.6 .....	16
29. Other state planning policies to be read as part of Scheme .....	16
30. Modification of state planning policies .....	17
31. Environmental conditions .....	17
32. Additional site and development standards .....	17

33.	Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan .....	20
34	Variations to site and development requirements.....	20
35.	Restrictive covenants.....	20
Part 5 - Special control areas .....		21
36.	Special control areas .....	21
Part 6 - Terms referred to in Scheme .....		21
37.	Terms used.....	21
38.	Land use terms used .....	23
Schedule A — Supplemental provisions to the deemed provisions .....		32

## LIST OF TABLES

Table 1 — Reserve objectives .....	8
Table 2 — Zone objectives .....	9
Table 3 — Zoning Table.....	10
Table 4 — Specified additional uses for zoned land in Scheme area .....	13
Table 5 — State planning policies to be read as part of Scheme .....	16
Table 6 — Additional requirements that apply to land in Scheme area.....	17

## Part 1 - Preliminary

### 1. Citation

This local planning scheme is the Shire of Nungarin Scheme No. 1.

### 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

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

### 6. Scheme area

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

### 7. Contents of Scheme

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

- (a) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2);
- (b) the Scheme Map;
- (c) the following plans, maps, diagrams, illustrations or materials —

(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 –

- to secure the amenity, health and convenience of the Scheme area and the inhabitants thereof;
- to ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;
- to provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;
- to preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Shire;
- to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- to protect, conserve and enhance the environmental values and natural resources of the Scheme area including the protection of remnant vegetation and the rehabilitation and revegetation of degraded land while providing appropriate development opportunities to promote the local economy;
- to promote ecologically sustainable land use and development;
- to assist the effective implementation of the *State Planning Strategy*, *State Planning Policy 1: State Planning Framework* and other adopted strategies and policies as these apply to the scheme area; and
- to make provision for other matters necessary or incidental to town planning and development generally.

**10. Relationship with local laws**

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

**11. Relationship with other local planning schemes**

There are no other local planning schemes of the Shire of Nungarin which apply to the Scheme area.

**12. Relationship with region planning scheme**

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

**Part 2 - Reserves**

**13. Regional Reserves**

There are no regional reserves in the Scheme area.

**14. Local reserves**

(1) In this clause —

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

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

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

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

**Table 1 — Reserve objectives**

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



<b>Reserve Name</b>	<b>Objectives</b>
Public Purposes	<ul style="list-style-type: none"> <li>To provide for a range of essential physical and community infrastructure.</li> </ul>
Infrastructure Services	<ul style="list-style-type: none"> <li>Public purposes which specifically provide for a range of essential infrastructure services.</li> </ul>
Education	<ul style="list-style-type: none"> <li>Public purposes which specifically provide for a range of essential education facilities.</li> </ul>
Government Services	<ul style="list-style-type: none"> <li>Public purposes which specifically provide for a range of essential government services.</li> </ul>
Cemetery	<ul style="list-style-type: none"> <li>To set aside land required for a cemetery.</li> </ul>
Railways	<ul style="list-style-type: none"> <li>To set aside land required for passenger rail and rail freight services.</li> </ul>
Primary Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a primary distributor road being a road classified as a regional distributor or primary distributor under the Western Australian Road Hierarchy.</li> </ul>
Local Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a local distributor road being a road classified as a local distributor under the Western Australian Road Hierarchy.</li> </ul>
Local Road	<ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an access road under the Western Australian Road Hierarchy.</li> </ul>

**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**

<b>Zone Name</b>	<b>Objectives</b>
Rural	<ul style="list-style-type: none"> <li>To provide for the maintenance or enhancement of specific local rural character.</li> <li>To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> </ul>

	<ul style="list-style-type: none"> <li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>• To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li> <li>• To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> </ul>
Rural Residential	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 1 ha to 4 ha.</li> <li>• To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Rural Townsite	<ul style="list-style-type: none"> <li>• To provide for a range of land uses that would typically be found in a small country town.</li> </ul>
General Industry	<ul style="list-style-type: none"> <li>• To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>• Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>

#### 17. Zoning table

The zoning table for this Scheme is as follows –

**Table 3 — Zoning Table**

USE AND DEVELOPMENT CLASS	Zones			
	Rural	Rural Residential	Rural Townsite	General Industry
Agriculture - extensive	P	X	X	X
Agriculture - intensive	P	X	X	X
Animal establishment	D	A	X	X
Animal husbandry - intensive	P	X	X	X
Art gallery	I	D	D	X
Bed and breakfast	I	D	D	X
Caravan park	D	A	A	X
Caretaker's dwelling	I	X	X	I
Child care premises	A	D	D	X
Civic use	D	D	D	X

USE AND DEVELOPMENT CLASS	Zones			
	Rural	Rural Residential	Rural Townsite	General Industry
Club premises	D	D	D	X
Community purpose	D	D	D	X
Consulting rooms	A	D	D	X
Convenience store	X	D	D	X
Exhibition Centre	I	D	D	X
Family day care	P	P	P	X
Fuel depot	A	X	A	D
Garden Centre	P	D	D	D
Home business	D	A	A	X
Home occupation	P	D	D	X
Home office	P	P	P	X
Hotel	A	X	A	X
Industry - extractive	D	X	X	X
Industry	X	X	X	P
Industry - light	D	X	X	P
Industry – primary production	P	X	X	D
Industry - service	X	X	X	P
Market	D	D	P	X
Mining Operations (on minerals to owner land)	D*	X*	X*	X*
Mining Operations (under the <i>Mining Act 1978</i> )	D	D	D	D
Motel	A	A	D	X
Motor vehicle repair	X	A	A	P
Office	I	A	P	I
Place of worship	X	X	A	X
Reception Centre	A	X	A	X
Recreation - private	A	A	A	A
Repurposed dwelling	D	A	A	X
Residential - single house	P	P	P	X
Residential - ancillary accommodation	D	D	P	X
Residential - grouped dwelling	I	A	A	X
Restaurant	A	X	A	X
Rural home business	D	A	X	X
Rural pursuit	P	A	X	X
Second-hand dwelling	D	A	A	X
Service station	A	X	A	A
Shop	A	X	P	A
Short-Term Accommodation	I	A	A	X
Telecommunications infrastructure	A	A	A	D
Trade display	D	D	D	P
Transport depot	D	X	X	D
Veterinary centre	D	A	A	A

USE AND DEVELOPMENT CLASS	Zones			
	Rural	Rural Residential	Rural Townsite	General Industry
Waste disposal facility	A	X	X	X
Workforce accommodation	D	X	A	X

Note: 1. Mining covered by the *Mining Act 1978* is exempt from the requirement for planning approval and will be determined in accordance with the *Mining Act 1978*.

### 18. Interpreting zoning table

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

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

P means that the use is permitted if it complies with any relevant development standards or 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 planning 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) Table 4 sets out -
- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that additional use.

**Table 4 — Specified additional uses for zoned land in Scheme area**

No.	Description of land	Additional use	Conditions
1	Area bound by Railway Avenue, Waterhouse Terrace, Second Avenue and Nungarin	Light Industry and Service Industry.	1. The prior approval of the local government. 2. Prior or concurrent construction of a single

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

**20. Restricted uses**

There are no restricted uses which apply to this Scheme.

**21. Special use zones**

There are no special use zones which apply to this Scheme.

**22. Non-conforming uses**

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

**23. Changes to non-conforming use**

- (1) A person must not, without development approval –
- (a) alter or extend a non-conforming use of land; or
  - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or

- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
  - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
  - (b) is closer to the intended purpose of the zone in which the land is situated.

#### **24. Register of non-conforming uses**

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
- (a) a description of each area of land that is being used for a non-conforming use;
  - (b) a description of any building on the land;
  - (c) a description of the non-conforming use;
  - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government –
- (a) must ensure that the register is kept up-to-date; and
  - (b) must 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) In areas dual coded on the Scheme Maps, subdivision and development in accordance with the higher coding shall only be permitted where it is demonstrated a site specific sewerage disposal system approved by the Department of Health and local government or a reticulated sewerage service, can be provided.

**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**

- (1) The state planning policies set out in the Table 5, modified as set out in clause 30, are to be read as part of this Scheme.

**Table 5 — State planning policies to be read as part of Scheme**

<b>State planning policies to be read as part of Scheme</b>
State Planning Policy 2.5: Land Use Planning in Rural Areas



- (2) The local government —
- (a) must make a copy of each state planning policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of each of those State planning policies on the website of the local government.

**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 standards**

- (1) Table 6 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

**Table 6 — Additional requirements that apply to land in Scheme area**

No.	Description of Land	Requirement(s)
1	Rural Zone	<p><b>Boundary Setbacks</b></p> <p>Front: 35 metres  Rear: 10 metres  Side: 10 metres</p>
2	Rural Residential Zone	<p><b>Residential Development</b></p> <p>(a) With the exception of minimum lot size all residential development shall comply with the R2 density provisions of the R-Codes.</p> <p>(b) The minimum lot size shall be two hectares.</p>
3	Rural Townsite Zone	<p><b>Commercial Development</b></p> <p><u>Site Requirements</u></p> <p>Minimum Effective Frontage: 5 metres  Maximum Plot Ratio: 1.5</p> <p><u>Parking Requirements</u></p> <p>A minimum of 1 car parking bay is to be provided for every 40 m<sup>2</sup> of gross floor area.</p> <p><u>Landscaping</u></p> <p>Landscaping shall generally be provided for all commercial</p>

		development, subject to the discretion of the local government.
4	<b>Rural Townsite Zone</b>	<p><b>Rural Pursuit</b></p> <p>(a) In considering any application for planning approval for a rural pursuit, the local government shall have regard to any relevant livestock stocking rate guidance of the state government department responsible for agriculture and any livestock stocking rate policy adopted by the local government to preserve the vegetation and amenity of the site and locality.</p> <p>(b) In considering any application for planning approval for a rural pursuit, the local government shall have regard to any relevant separation distance guidance of the state government departments responsible for health and for environment in order to preserve the amenity of the locality.</p>
5	<b>General Industry Zone</b>	<p><b>Site Requirements</b></p> <p>Minimum Lot Area: 1500 m<sup>2</sup>  Minimum Effective Frontage: 20 metres  Maximum Plot Ratio: 0.5</p> <p><b>Minimum Boundary Setbacks</b></p> <p>Front: 20 metres  Rear: 10 metres  Side: 5 metres</p> <p><b>Parking Requirements</b></p> <p>A minimum of 1 car parking bay is to be provided for every 100 m<sup>2</sup> of gross floor area or display area.</p> <p><b>Landscaping</b></p> <p>The front boundary of all general industry development shall provide landscaping to a depth of 3 metres. The landscaping is to be approved by the local government and maintained by the occupant/landowner.</p>
6	<b>Scheme Area</b>	<p><b>Potable Water</b></p> <p>Within the Nungarin townsite all development shall be connected to reticulated potable water. Residential development outside the Nungarin townsite shall be connected to a reticulated potable water supply, if available, at the discretion of the local government.</p>
7	<b>Scheme Area</b>	<p><b>Sewerage</b></p> <p>Notwithstanding anything elsewhere appearing in the Scheme, the local government may refuse to issue planning consent for any development if in the opinion of the local government adequate provision is not made or cannot reasonably be made for the disposal of sewerage from that development.</p>
8	<b>Scheme Area</b>	<p><b>Development of Lots Not Abutting a Constructed Public Road</b></p> <p>Notwithstanding anything elsewhere appearing in the Scheme, where an application for planning consent is made in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the local government shall either:</p> <p>(a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case</p>

		<p>may be;</p> <p>(b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or</p> <p>(c) grant the application subject to the following conditions, or any other conditions the local government sees fit to impose –</p> <ul style="list-style-type: none"> <li>• Arrangements are to be made for permanent access, to the satisfaction of the local government.</li> <li>• The location of any legal access shall be to the satisfaction of the local government.</li> <li>• Access must be constructed and maintained to the satisfaction of the local government.</li> <li>• A notification is to be placed on the 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.</li> </ul>
9	Scheme Area	<p><b>Repurposed and Second-Hand Dwellings</b></p> <p>(a) Repurposed and second-hand dwellings shall only be permitted in the Shire at the discretion of the local government.</p> <p>(b) Repurposed and second-hand dwellings require development approval pursuant to Schedule 2 Part 7 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. In assessing an application for development approval, the local government shall have regard for the proposal's impact on the amenity of the surrounding locality.</p> <p>(c) Any approved repurposed or second-hand dwelling shall comply with the approved standard and finish within a period of 12 months or such longer time as the local government may determine.</p> <p>(d) Should the building not be completed to the approved standard and finish within the approved time, the local government may undertake the upgrading of the building to the required standard or the removal of the building and rehabilitation of the land. The total cost of such action shall be paid by the applicant/landowner within 60 days.</p>
10	Scheme Area	<p><b>Mining</b></p> <p>In considering proposals to commercially extract minerals, the local government may exercise its discretion to provide comment to the Minister for Mines and Petroleum and the Minister for Planning in writing regarding the granting of a mining lease or general purpose lease and the provisions of the Scheme and the Local Planning Strategy.</p>

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

**33. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan**

There are no additional requirements that apply to this Scheme.

**34 Variations to site and development requirements**

(1) In this clause -

***additional site and development requirements*** means requirements set out in clause 32 and 33.

(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirement.

(3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.

(4) If the local government is of the opinion that the non-compliance with 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.

**35. Restrictive covenants**

(1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

(2) If subclause (1) operates to extinguish or vary a restrictive covenant -

(a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land

exceeding the number that would have been allowed under the restrictive covenant; and

- (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

## **Part 5 - Special control areas**

### **36. Special control areas**

There are no special control areas which apply to this Scheme.

## **Part 6 - Terms referred to in Scheme**

### **Division 1 – General definitions used in Scheme**

#### **37. Terms used**

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

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

**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);

<b>floor area</b>	has meaning given in the Building Code;
<b>frontage</b>	in relation to a building — (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;
<b>incidental use</b>	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;
<b>minerals</b>	has the meaning given in the <i>Mining Act 1978</i> section 8(1);
<b>net lettable area or nla</b>	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas — (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;
<b>non-conforming use</b>	has the meaning given in the <i>Planning and Development Act 2005</i> section 172;
<b>plot ratio</b>	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
<b>precinct</b>	means a definable area where particular planning policies, guidelines or standards apply;
<b>predominant use</b>	means the primary use of premises to which all other uses carried out on the premises are incidental;
<b>repurposed dwelling</b>	a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;
<b>retail</b>	means the sale or hire of goods or services to the public;
<b>second-hand dwelling</b>	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;
<b>short-term accommodation</b>	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;
<b>wall height</b>	in relation to a wall of a building — (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural

ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

**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

### 38. Land use terms used

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

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

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

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

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

**amusement parlour** means premises —

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

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

**animal husbandry — intensive** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;

**art gallery** means premises —

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

**bed and breakfast** means a dwelling —

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
  - (b) containing not more than 2 guest bedrooms;
- betting agency** means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;
- 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** means premises —
- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
    - (i) automotive parts and accessories;
    - (ii) camping, outdoor and recreation goods;
    - (iii) electric light fittings;
    - (iv) animal supplies including equestrian and pet goods;
    - (v) floor and window coverings;
    - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
    - (vii) household appliances, electrical goods and home entertainment goods;
    - (viii) party supplies;
    - (ix) office equipment and supplies;
    - (x) babies' and childrens' goods, including play equipment and accessories;
    - (xi) sporting, cycling, leisure, fitness goods and accessories;
    - (xii) swimming pools;
  - or
  - (b) used to sell by retail goods and accessories by retail if —
    - (i) a large area is required for the handling, display or storage of the goods; or
    - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;
- caravan park** means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5 (1);
- caretaker's dwelling** means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;
- car park** means premises used primarily for parking vehicles whether open to the public or not but does not include —
- (a) any part of a public road used for parking or for a taxi rank; or
  - (b) any premises in which cars are displayed for sale;
- child care premises** means premises where —
- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
  - (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;
- cinema/theatre** means premises where the public may view a motion picture or



	theatrical production;
<b>civic use</b>	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;
<b>club premises</b>	means premises used by a legally constituted club or association or other body of persons united by a common interest;
<b>commercial vehicle parking</b>	means premises used for parking of one or 2 commercial vehicles but does not include — (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land;
<b>community purpose</b>	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
<b>consulting rooms</b>	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
<b>convenience store</b>	means premises — (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m <sup>2</sup> net lettable area;
<b>corrective institution</b>	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
<b>educational establishment</b>	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;
<b>exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
<b>family day care</b>	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided;
<b>fast food outlet/ lunch bar</b>	means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten — (a) without further preparation; and (b) primarily off the premises;
<b>freeway service centre</b>	means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services — (a) service station facilities; (b) emergency breakdown repair for vehicles; (c) charging points for electric vehicles;

- (d) facilities for cyclists;
- (e) restaurant, cafe or fast food services;
- (f) take-away food retailing;
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;
- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas;

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

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

**funeral parlour** means premises used —

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

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

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

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

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

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

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

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods

unless the sale, display or hire is done only by means of the Internet; and

- (f) does not —
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

**home office**

means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

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

**home store**

means a shop attached to a dwelling that —

- (a) has a net lettable area not exceeding 100 m<sup>2</sup>; and
- (b) is operated by a person residing in the dwelling;

**hospital**

means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 8(4);

**hotel**

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

**industry**

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

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

**industry —  
extractive**

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

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

**industry — light**

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

<b>industry — primary production</b>	means premises used — (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses;
<b>liquor store — large</b>	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 <sup>2</sup> ;
<b>liquor store — small</b>	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 <sup>2</sup> ;
<b>marina</b>	means — (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;
<b>marine filling station</b>	means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
<b>market</b>	means premises used for the display and sale of goods from stalls by independent vendors;
<b>medical centre</b>	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
<b>mining operations</b>	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1) is carried out;
<b>motel</b>	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> — (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles;
<b>motor vehicle, boat or caravan sales</b>	means premises used to sell or hire motor vehicles, boats or caravans;
<b>motor vehicle repair</b>	means premises used for or in connection with — (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or retreading of tyres;
<b>motor vehicle wash</b>	means premises primarily used to wash motor vehicles;
<b>nightclub</b>	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> ;
<b>office</b>	means premises used for administration, clerical, technical, professional or similar business activities;

<b>park home park</b>	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8;
<b>place of worship</b>	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;
<b>reception centre</b>	means premises used for hosted functions on formal or ceremonial occasions;
<b>recreation — private</b>	means premises that are — <ul style="list-style-type: none"> <li>(a) used for indoor or outdoor leisure, recreation or sport; and</li> <li>(b) not usually open to the public without charge;</li> </ul>
<b>repurposed dwelling</b>	means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;
<b>resource recovery centre</b>	means premises other than a waste disposal facility used for the recovery of resources from waste;
<b>restaurant/cafe</b>	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> ;
<b>restricted premises</b>	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of — <ul style="list-style-type: none"> <li>(a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); and</li> <li>(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or</li> <li>(c) smoking-related implements;</li> </ul>
<b>road house</b>	means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services — <ul style="list-style-type: none"> <li>(a) a full range of automotive repair services;</li> <li>(b) wrecking, panel beating and spray painting services;</li> <li>(c) transport depot facilities;</li> <li>(d) short-term accommodation for guests;</li> <li>(e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;</li> </ul>
<b>rural home business</b>	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation — <ul style="list-style-type: none"> <li>(a) does not involve employing more than 2 people who are not members of the occupier's household; and</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(c) does not occupy an area greater than 200 m<sup>2</sup>; and</li> <li>(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and</li> <li>(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and</li> </ul>

	(f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight;
<b>rural pursuit/hobby farm</b>	means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household — (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises;
<b>second-hand dwelling</b>	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;
<b>serviced apartment</b>	means a group of units or apartments providing — (a) self-contained short stay accommodation for guests; and (b) any associated reception or recreational facilities;
<b>service station</b>	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for — (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;
<b>shop</b>	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;
<b>small bar</b>	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> ;
<b>tavern</b>	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> ;
<b>telecommunications infrastructure</b>	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;
<b>tourist development</b>	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;
<b>trade display</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement;
<b>trade supplies</b>	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises

	—	(a) automotive repairs and servicing;
		(b) building including repair and maintenance;
		(c) industry;
		(d) landscape gardening;
		(e) provision of medical services;
		(f) primary production;
		(g) government departments or agencies, including local government;
<b>transport depot</b>	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —	
	(a) any ancillary maintenance or refuelling of those vehicles; and	
	(b) any ancillary storage of goods brought to the premises by those vehicles; and	
	(c) the transfer of goods or persons from one vehicle to another;	
<b>tree farm</b>	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5;	
<b>veterinary centre</b>	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;	
<b>warehouse/storage</b>	means premises including indoor or outdoor facilities used for —	
	(a) the storage of goods, equipment, plant or materials; or	
	(b) the display or sale by wholesale of goods;	
<b>waste disposal facility</b>	means premises used —	
	(a) for the disposal of waste by landfill; or	
	(b) the incineration of hazardous, clinical or biomedical waste;	
<b>waste storage facility</b>	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;	
<b>wind farm</b>	means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use;	
<b>winery</b>	means premises used for the production of viticultural produce and associated sale of the produce;	
<b>workforce accommodation</b>	means premises, which may include modular or relocatable buildings, used —	
	(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and	
	(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.	

## Schedule A — Supplemental provisions to the deemed provisions

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

- Clause 61(1)(k) the erection 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) in which that lot is located, 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 of Western Australia Act 1990*; or
  - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; 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 of Western Australia Act 1990* section 29;
  - (vi) a repurposed or second-hand dwelling;
  - (vii) located in a bush fire prone area;
- Clause 61(1)(l) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (P) in the zone (where the R Codes do not apply) 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 of Western Australia Act 1990*; or
  - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; 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 of Western Australia Act 1990* section 29;
  - (vi) a repurposed or second-hand building;
  - (vii) located in a bush fire prone area;
- Clause 61(1)(m) the erection of a boundary fence in any zone where the R Codes do not apply;
- Clause 61(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;
- Clause 61(1)(o) the demolition of any building or structure except where the building or structure is:
- (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or



- (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (iii) included on the Heritage List prepared in accordance with the scheme; or
- (iv) located in an area that will in the opinion of the local government affect a place included on the Heritage List pursuant to subclause 5.2.2 of the Scheme;

Clause 61(1)(p) an agriculture — extensive land use in the Rural zone.

**COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME**

Adopted by resolution of the Council of the Shire of Nungarin at the **[INSERT MEETING TYPE]** Meeting of Council held on the **[DATE]**

---

**CHIEF EXECUTIVE OFFICER**

---

**PRESIDENT**

**COUNCIL RESOLUTION TO SUPPORT / NOT SUPPORT SCHEME FOR APPROVAL**

Council resolved to **support / not support** approval of the draft Scheme of the Shire of Nungarin at the **[INSERT MEETING TYPE]** Meeting of Council held on the **[DATE]**

The Common Seal of the **[INSERT LOCAL GOVERNMENT]** was hereunto affixed by authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_  
**PRESIDENT**

WAPC Recommended for Approval

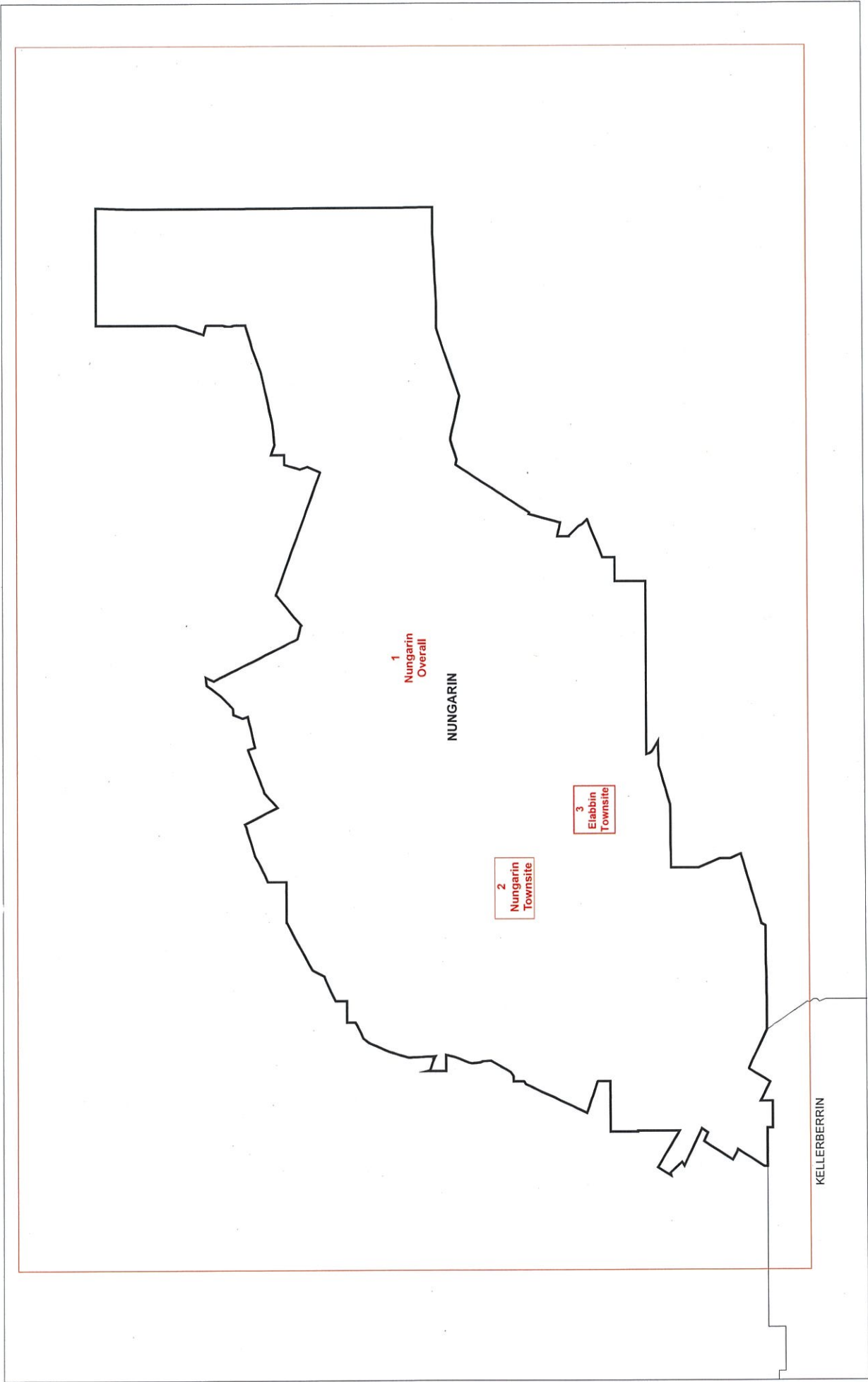
\_\_\_\_\_  
**Delegated under S.16 of the Planning and Development Act, 2005**

**Date:** \_\_\_\_\_

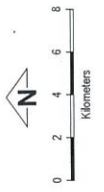
Approval Granted

\_\_\_\_\_  
**MINISTER FOR PLANNING**

**Date:** \_\_\_\_\_



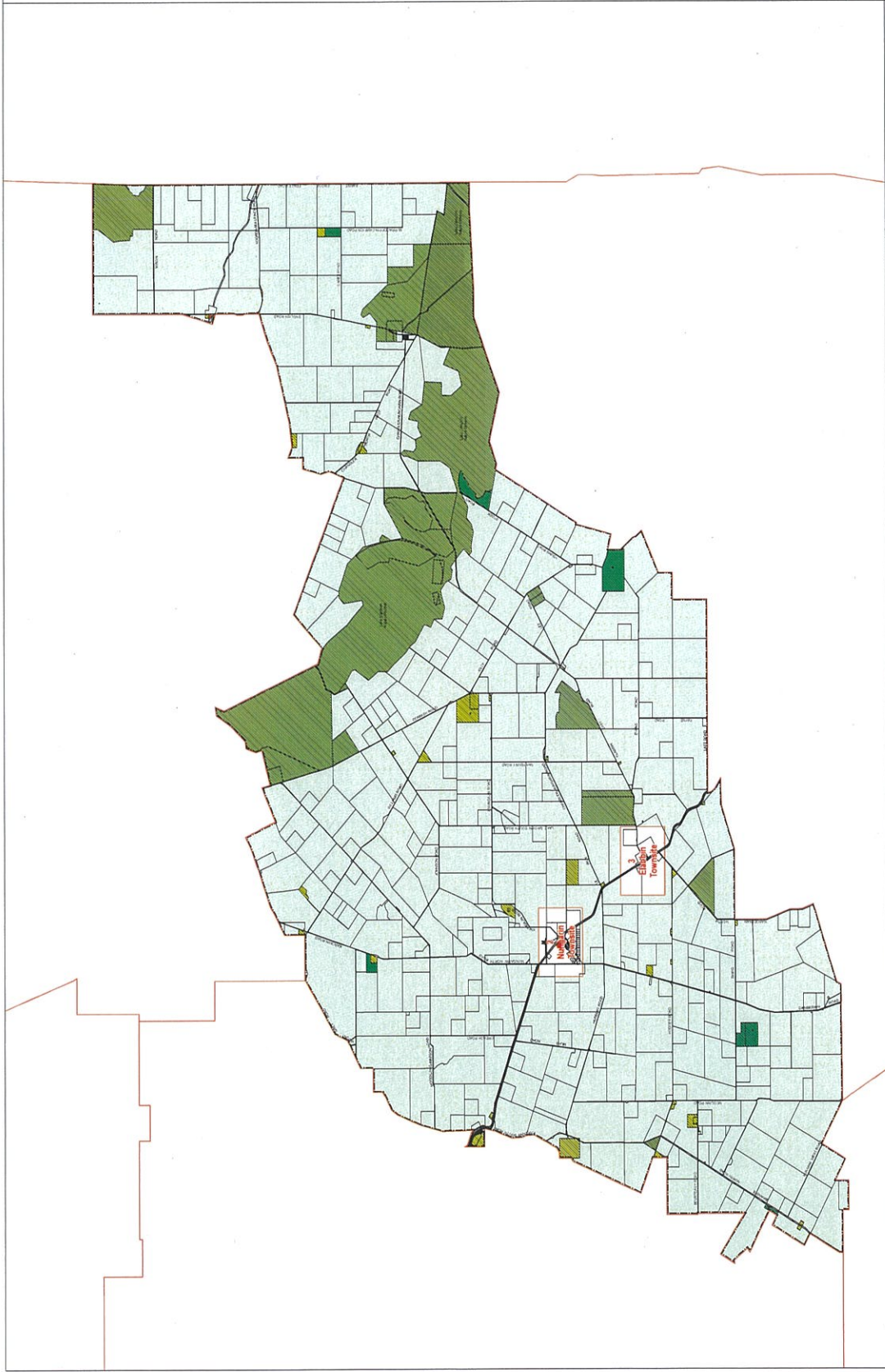
MAP OVERVIEW



**Shire of Nungarin**  
 Local Planning Scheme No.1  
 ( District Scheme )  
**MAP SHEET INDEX**

Produced by GeoSpatial Planning Support,  
 Department of Planning, Perth WA.  
 Base Information Supplied by the Western Australian  
 Land Information Authority, LI 1955-05-1





**LEGEND**

**LOCAL SCHEME RESERVES**

- Environmental Conservation
- Local Access Road
- Local Government Reserve
- Primary (Catholic) Road
- Public Open Space
- Public Purposes
- Cemetery
- Education
- Health
- Manufacturing Centers
- Railways

**LOCAL SCHEME ZONES**

- General Industry
- Rural
- Rural Residential
- Rural Township

**OTHER CATEGORIES**

- (See scheme list for additional information)
- Scheme Area Boundary
- Local Government Boundary
- R20 R Codes
- All Additional Units
- No zone

VERSION No 1

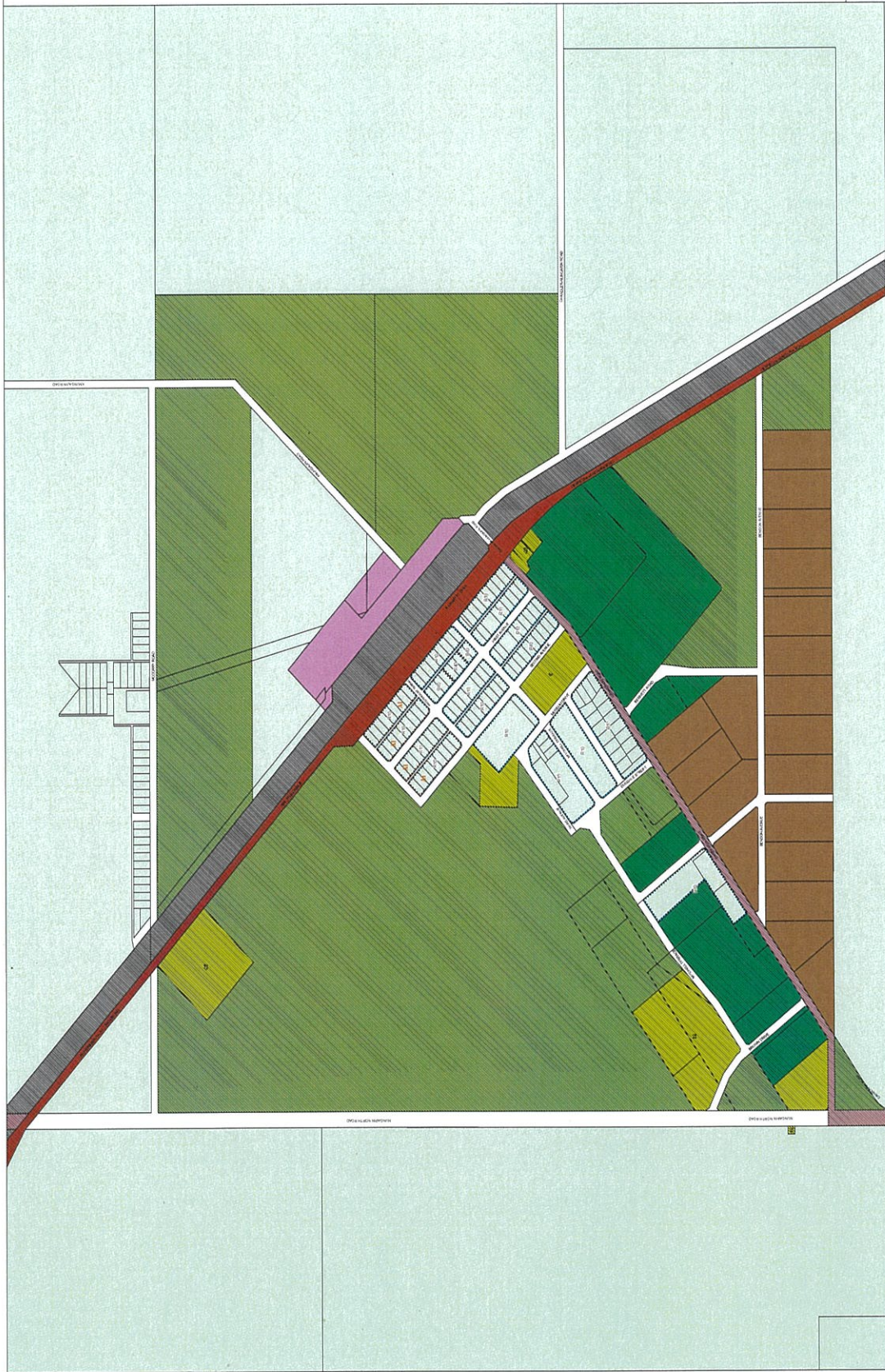
**Shire of Nungah**  
Local Planning Scheme No. 1  
(District Scheme)



Authorised: T. Smeas  
 Prep Date: 18 December 2017  
 Character: N/A  
 Local Planning Scheme Map No. 1 of 3  
 MAP: Nungah Overall

**Shire of Nungah**  
Local Planning Scheme No. 1  
(District Scheme)

Developed by Geographical Information Systems  
 Department of Planning,  
 Lands and Heritage  
 Lead Information Authority: 13 603-2716  
 Horizontal Datum - Geometric Datum of Australia 1984



**LEGEND**

**LOCAL SCHEME RESERVES**

- Environmental Conservation
- Local Distributor Road
- Local Open Space
- Primary Distributor Road
- Public Purpose
- Cemetery
- Education
- Health Services
- Infrastructure Services
- Railway

**LOCAL SCHEME ZONES**

- General Industry
- Rural
- Rural Residential
- Rural Townsite

**OTHER CATEGORIES**  
(See scheme text for additional information)

- Scheme Area Boundary
- Local Government Boundary
- R100 R-Code
- R100 R-Code Additional Uses
- No Zone

VERSION No 1

**Shire of Nungarin**  
Local Planning Scheme No. 1  
(District Scheme)

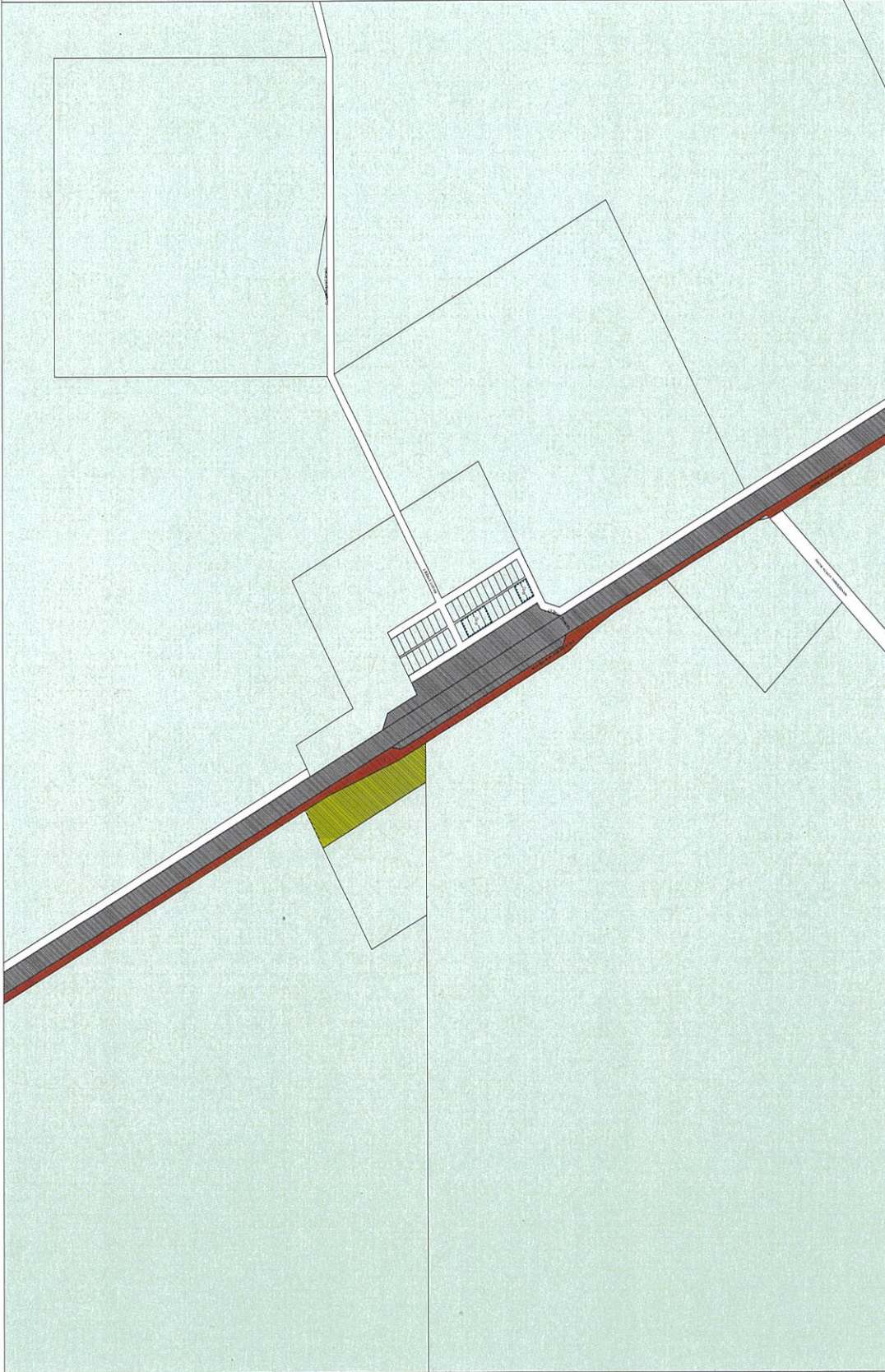
Authorised: T. Semuels  
Plan Date: 16 December 2017  
Coordinate: UTM  
Local Planning Scheme Map No. 2 of 3  
MAP: Nungarin Townsite



**Shire of Nungarin**  
Local Planning Scheme No. 1  
(District Scheme)

Produced by Geospatial Planning Support  
Data Information Sourced by the Western Australian  
Land Information Authority (LIA) 11862-2015-1  
Horizontal Datum - Geocentric Datum of Australia 1984





**LEGEND**

**LOCAL SCHEME RESERVES**

- Environmental Conservation
- Local Distributor Road
- Local Road
- Primary Distributor Road
- Public Open Space
- Public Reserve
- Cemetery
- Education
- Government Services
- Industrial Services
- Library

**LOCAL SCHEME ZONES**

- General Industry
- Rural
- Rural Residential
- Rural Townsite

**OTHER CATEGORIES**

- (See scheme text for additional information)
- Scheme Area Boundary
  - Local Government Boundary
  - RSP R Codes
  - Additional Lines
  - No zone

VERSION No 1

**Shire of Nungarin**  
Local Planning Scheme No. 1  
(District Scheme)

Authorised: T. Swales  
Plan Date: 18 December 2017  
G Gazette: N/A  
Town Planning Scheme Map No. 3 of 3  
MAP: Ebbalin Townsite



**Shire of Nungarin**  
Local Planning Scheme No. 1  
(District Scheme)

Produced by Geospatial Planning Support  
Department of Planning, Lands and Heritage  
Land Information Authority (LIA) 2017  
Horizontal Datum - Geopoint Datum of Australia 1994