

SHIRE OF RAVENSTHORPE

LOCAL PLANNING SCHEME NO. 6

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.

LOCAL PLANNING SCHEME GAZETTAL DATE: [INSERT DATE]

Local Planning Scheme No. 6

Preamble

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

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

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.

Scheme details

The Shire of Ravensthorpe
Local Planning Scheme No. 6

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

Table of Contents

PART 1 - PRELIMINARY	6
1.1 CITATION.....	6
1.2 COMMENCEMENT	6
1.3 SCHEME REVOKED.....	6
1.4 NOTES DO NOT FORM PART OF SCHEME.....	6
1.5 RESPONSIBILITY FOR SCHEME	6
1.6 SCHEME AREA.....	6
1.7 CONTENTS OF SCHEME.....	6
1.8 PURPOSES OF SCHEME	7
1.9 AIMS OF SCHEME.....	7
1.10 RELATIONSHIP WITH LOCAL LAWS	8
1.11 RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES	8
1.12 RELATIONSHIP WITH REGION PLANNING SCHEME	8
PART 2 - RESERVES	9
2.1 REGIONAL RESERVES.....	9
2.2 LOCAL RESERVES	9
2.3 ADDITIONAL USES FOR LOCAL RESERVES	10
PART 3 - ZONES AND USE OF LAND	11
3.1 ZONES.....	11
3.2 ZONING TABLE	13
3.3 INTERPRETING ZONING TABLE	16
3.4 ADDITIONAL USES	18
3.5 RESTRICTED USES	18
3.6 SPECIAL USE ZONES.....	19
3.7 NON-CONFORMING USES.....	19
3.8 CHANGES TO NON-CONFORMING USE	20
3.9 REGISTER OF NON-CONFORMING USES	20
PART 4 - GENERAL DEVELOPMENT REQUIREMENTS	21
4.1 R-CODES	21
4.2 MODIFICATION OF R-CODES.....	21
4.3 STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME	21
4.4 MODIFICATION OF STATE PLANNING POLICY 3.6	22
4.5 OTHER STATE PLANNING POLICIES TO BE READ AS PART OF SCHEME	22
4.6 MODIFICATION OF STATE PLANNING POLICIES.....	22
4.7 ENVIRONMENTAL CONDITIONS	22

4.8	ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS	22
4.9	ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN	22
4.10	VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS.....	22
4.11	RESTRICTIVE COVENANTS	23
4.12	DEVELOPMENT IN THE RURAL TOWNSITE AND MIXED USE ZONES	24
4.13	DEVELOPMENT IN THE GENERAL AND LIGHT INDUSTRY ZONES	24
4.14	DEVELOPMENT IN THE RURAL ZONE	25
4.15	DEVELOPMENT IN THE RURAL RESIDENTIAL ZONE.....	26
4.16	WORKFORCE ACCOMMODATION	29
4.17	DEVELOPMENT OF TOURIST ACCOMMODATION.....	29
4.18	CAR PARKING	30
4.19	SERVICING, ACCESS WAYS, LOADING AND UNLOADING SPACES	31
4.20	THE PARKING OF HEAVY VEHICLES	31
4.21	DERELICT VEHICLES	31
4.22	AMENITY	31
4.23	UNKEMPT LAND.....	32
4.24	TELECOMMUNICATIONS INFRASTRUCTURE	32
4.25	CARETAKER'S DWELLING.....	33
4.26	HOME BUSINESS OR HOME OCCUPATION	33
4.27	SECOND-HAND AND REPURPOSED DWELLINGS.....	33
4.28	DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS OR WITH NO GAZETTED ROAD ACCESS	34
4.29	DWELLINGS WITHOUT A MAINS WATER SUPPLY	34
4.30	BUILDING HEIGHT	34
4.31	DEVELOPMENT RELATING TO WATERWAYS, CREEKS AND OTHER WATERCOURSES	35
4.32	REQUIREMENT FOR CONSULTATION TO COMMENCE MINING.....	35
	PART 5 - SPECIAL CONTROL AREAS	36
5.1	SPECIAL CONTROL AREAS.....	36
	PART 6 - TERMS REFERRED TO IN SCHEME.....	40
	DIVISION 1 - GENERAL DEFINITIONS USED IN SCHEME.....	40
6.1	TERMS USED	40
	DIVISION 2 - LAND USE TERMS USED IN SCHEME	42
6.2	LAND USE TERMS USED	42

SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS.....	51
SCHEDULE 1 – SPECIAL USES IN SCHEME AREA.....	52
SCHEDULE 2 - ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS.....	62
SCHEDULE 3 - ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN.....	63
SCHEDULE 4 – CAR PARKING REQUIRMENTS.....	73

Part 1 - Preliminary

1.1 Citation

This local planning scheme is the Shire of Ravensthorpe Scheme No 6.

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*.

1.3 Scheme revoked

The following local planning scheme(s) is (are) revoked -

Shire of Ravensthorpe Town Planning Scheme No. 5, Gazetted 11 July 2003.

1.4 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.

1.5 Responsibility for Scheme

The Shire of Ravensthorpe 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.

1.6 Scheme area

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

1.7 Contents of Scheme

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

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;
- (b) the Scheme Map;
- (c) the following plans, maps, diagrams, illustrations or materials —

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

1.8 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.

1.9 Aims of Scheme

The aims of this Scheme are –

1.9.1 *Lifestyle and community identity*

To safeguard and enhance the character and amenity of the built and natural environment of the Shire.

To ensure there is sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.

To assist employment and economic growth by facilitating the timely provision of land suitable for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.

To facilitate a diverse and integrated network of open space catering for both the active and passive recreation needs of the community.

1.9.2 *Conservation and heritage*

To ensure that areas of environmental and cultural significance are protected and that land use and development within the Shire is environmentally sustainable.

1.9.3 *Agriculture, mining and rural land use*

To ensure the protection and sustainable use of agricultural land by discouraging land uses and developments that may detract from the principle function of the land and result in the ad hoc fragmentation of rural land.

Promote land uses and development that complement the agricultural use of land and facilitate additional employment opportunities such as tourism.

To facilitate and promote mining within the Shire including any subsequent land uses and developments that are required as a result. Ensuring that mining related land uses and developments such as workforce accommodation are developed within existing townsites.

1.9.4 *Tourism*

To support and protect tourism throughout the Shire through providing for a range of accommodation types and embracing the historical and natural values of the Shire.

1.9.5 *Residential Development*

Provide for a range of settlement options and lifestyle choices with a strong community identity and high levels of amenity.

1.9.6 *Community services and infrastructure provision*

To provide for affordable and sustainable physical and social infrastructure and services commensurate with the needs of the local and broader community.

1.10 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.

1.11 Relationship with other local planning schemes

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

1.12 Relationship with region planning scheme

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

Part 2 - Reserves

2.1 Regional Reserves

There are no regional reserves in the Scheme area.

2.2 Local reserves

2.2.1 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.

2.2.2 Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

2.2.3 The objectives of each local reserve are as follows -

a) Public Open Space

To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005* 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.

b) Environmental Conservation

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.

c) Public Purposes

To provide for a range of essential physical and community infrastructure.

d) Medical Services

Public Purposes which specifically provide for a range of essential medical services.

e) Infrastructure Services

Public Purposes which specifically provide for a range of essential infrastructure services.

f) Education

Public Purposes which specifically provide for a range of essential education facilities.

g) Government Services

Public Purposes which specifically provide for a range of government services.

- h) Primary Distributor Road
To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
- i) District Distributor Road
To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
- j) Local Distributor Road
To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
- k) Local Road
To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
- l) Strategic Infrastructure
To set aside land required for port or airport facilities.
- m) Cemetery
To set aside land required for a cemetery.

2.3 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

3.1 Zones

3.1.1 Zones are shown on the Scheme Map according to the legend on the Scheme Map.

3.1.2 The objectives of each zone are as follows -

a) Rural Townsite Zone

- i. To provide for a range of land uses that would typically be found in a small country town.
- ii. To provide a flexible approach to development to encourage the growth of the townsites within the Shire of Ravensthorpe.
- iii. Ensure the existing amenity and character of the townsites within the Shire of Ravensthorpe are retained by ensuring the compatibility of considered land uses.
- iv. Ensure the efficient use of services and infrastructure within the Shire's townsites.

b) Residential

- i. To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- ii. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- iii. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

c) Mixed Use

- i. 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.
- ii. 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.

d) Tourism

- i. To promote and provide for tourism opportunities.
- ii. 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.
- iii. To allow limited residential uses where appropriate.
- iv. 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.

- e) Light Industry
 - i. To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in rural townsite and mixed use zones.
 - ii. 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.
- f) General Industry
 - i. 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.
 - ii. To accommodate industry that would not otherwise comply with the performance standards of light industry.
 - iii. Seek to manage impacts such as noise, dust and odour within the zone.
- g) Special Use
 - i. To facilitate special categories of land uses which do not sit comfortably within any other zone.
 - ii. To enable the Council to impose specific conditions associated with the special use.
- h) Rural Residential
 - i. To provide for lot sizes in the range of 1 ha to 4 ha.
 - ii. 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.
 - iii. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
- i) Rural
 - i. To provide for the maintenance or enhancement of specific local rural character.
 - ii. To protect and promote broad acre and intensive and innovative uses that focus on food and agricultural production such as horticulture as the primary uses in productive agricultural areas, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use or are located in areas of lower productivity.
 - iii. 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.
 - iv. 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.
 - v. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
 - vi. To facilitate mining within the Shire including the construction of workforce accommodation where required.

3.2 Zoning table

The zoning table for this Scheme is as follows -

Use Class	Residential	Rural Townsite	Mixed Use	Tourism	General Industry	Light Industry	Rural	Rural Residential	Special Use
Residential Uses									
Caretaker's Dwelling	X	X	X	I	I	I	X	X	
Single House	P	D	P	X	X	X	P	P	
Grouped Dwelling	D	D	D	X	X	X	X	X	
Workforce Accommodation	A	A	A	X	X	X	D	X	
Multiple Dwellings	D	D	D	X	X	X	X	X	
Park Home Park	A	X	A	D	X	X	X	X	
Repurposed Dwelling	D	D	D	X	X	X	D	D	
Residential Building	D	A	A	D	X	X	X	D	
Second-hand Dwelling	D	D	D	X	X	X	D	D	
Ancillary Residential Uses									
Ancillary Dwelling	P	D	P	X	X	X	D	D	
Family Day Care	A	A	A	X	X	X	A	A	
Home Business	P	D	D	X	X	X	D	D	
Home Occupation	P	D	D	X	X	X	P	P	
Home Office	P	P	P	X	X	X	P	P	
Tourism Uses									
Bed and Breakfast	D	D	D	A	X	X	D	D	
Camping Ground	X	X	X	D	X	X	A	X	
Caravan Park	X	X	X	D	X	X	A	X	
Holiday Accommodation	X	X	X	D	X	X	D	X	
Guest House	D	D	D	A	X	X	D	D	
Holiday House	A	A	A	X	X	X	A	A	
Motel	X	D	D	D	X	X	X	X	
Serviced Apartment	A	D	D	D	X	X	X	X	

Use Class	Residential	Rural Townsite	Mixed Use	Tourism	General Industry	Light Industry	Rural	Rural Residential	Special Use
Licensed Premises									
Hotel	X	D	A	D	X	X	X	X	
Liquor Store	X	P	D	X	X	X	X	X	
Night Club	X	D	A	A	X	X	X	X	
Tavern	X	D	A	A	X	X	X	X	
Small Bar	X	D	A	A	X	D	X	X	
Commercial Uses									
Amusement Parlour	X	D	D	X	X	X	X	X	
Betting Agency	X	P	D	X	X	X	X	X	
Bus Depot	X	X	A	I	P	P	X	X	
Car Park	X	P	P	I	P	P	X	X	
Child Care Premises	A	D	D	X	X	X	X	A	
Cinema/Theatre	X	P	P	D	X	X	X	X	
Consulting Rooms	A	P	P	X	X	X	X	X	
Convenience Store	X	P	P	I	X	X	X	X	
Trade Supplies	X	D	D	X	D	P	X	X	
Fast Food Outlet	X	P	P	X	X	X	X	X	
Funeral Parlour	X	P	P	X	D	D	X	X	
Garden Centre	X	D	P	X	P	P	D	X	
Home Store	D	D	D	X	X	X	D	D	
Dry Cleaning Premises/Laundromat	X	P	P	X	D	D	X	X	
Lunch Bar	X	P	P	D	D	D	X	X	
Medical Centre	X	P	P	X	X	X	X	X	
Motor Vehicle, Boat, Caravan Sales	X	D	P	X	P	P	X	X	
Office	A	P	P	I	X	X	X	X	
Restaurant/Café	X	P	P	D	D	D	I	X	
Restricted Premises	X	A	A	X	A	A	X	X	
Service Station	X	D	D	X	D	D	X	X	

Use Class	Residential	Rural Townsite	Mixed Use	Tourism	General Industry	Light Industry	Rural	Rural Residential	Special Use
Shop	X	P	X	X	X	X	X	X	
Bulky Goods Showroom	X	P	P	X	X	D	X	X	
Trade Display	X	D	P	X	P	P	X	X	
Veterinary Centre	A	D	D	X	P	P	D	A	
Warehouse/Storage	X	D	D	X	P	P	X	X	
Industrial Uses									
Fuel Depot	X	X	A	X	D	D	X	X	
Industry	X	X	X	X	D	D	X	X	
Industry – Cottage	A	D	D	X	P	P	D	A	
Industry – Light	X	X	D	X	P	P	X	X	
Motor Vehicle Repairs	A	D	D	X	P	P	D	X	
Transport Depot	X	X	A	X	P	P	X	X	
Rural Uses									
Agriculture – Extensive	X	X	X	X	X	X	P	X	
Agriculture – Intensive	X	X	X	X	X	X	P	A	
Animal Establishment	X	X	X	X	X	X	P	A	
Animal Husbandry - Intensive	X	X	X	X	X	X	D	A	
Tree Farm – Carbon Sequestration	X	X	X	X	X	X	D	X	
Industry – Extractive	X	X	X	X	X	X	A	X	
Industry – Primary Production	X	X	X	X	X	X	P	X	
Mining Operations	X	X	X	X	X	X	D*	X	
Rural Home Business	X	X	X	X	X	X	P	X	
Rural Pursuit/Hobby Farm	X	X	X	X	X	X	P	D	
Stockyards	X	X	X	X	D	D	P	X	
Tree Farm	X	X	X	X	X	X	P	X	

Use Class	Residential	Rural Townsite	Mixed Use	Tourism	General Industry	Light Industry	Rural	Rural Residential	Special Use
Community Uses									
Civic Use	X	P	P	D	D	D	X	X	
Club Premises	X	D	D	D	D	D	X	X	
Community Purpose	X	P	P	X	D	D	X	X	
Educational Establishment	X	D	P	X	D	D	D	X	
Exhibition Centre	D	P	P	I	X	D	D	D	
Hospital	X	D	D	X	X	X	X	X	
Place of Worship	A	P	P	X	D	D	X	X	
Reception Centre	A	P	P	P	X	A	D	A	
Recreation – Private	A	D	D	D	D	D	D	D	
Telecommunications Infrastructure	A	A	A	A	A	A	A	A	

*Mining operations' covered by the *Mining Act 1978* is exempt from the requirement for development approval and will be determined in accordance with the *Mining Act 1978*.

3.3 Interpreting zoning table

3.3.1 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.

3.3.2 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.

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

3.3.4 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.

3.3.5 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.

- 3.3.6 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.
- 3.3.7 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;

3.4 Additional uses

- 3.4.1 The Table 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

Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
1	Lots 52 & 53 Martin Street, Ravensthorpe (A1 - Scheme Map 6)	Medical Centre	
2	Lot 189 Morrel Street, Munglinup (A2 - Scheme Map 9)	Equestrian Centre	

3.5 Restricted uses

There are no restricted uses which apply to this Scheme

3.6 Special use zones

3.6.1 Schedule 1 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.

3.6.2 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.

3.7 Non-conforming uses

3.7.1 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.

3.7.2 Subclause (3.7.1) 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.

3.7.3 Subclause (3.7.1) 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.

3.8 Changes to non-conforming use

- 3.8.1 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.
- 3.8.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- 3.8.3 A local government may only grant development approval for a change of use of land referred to in subclause (3.8.1)(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.

3.9 Register of non-conforming uses

- 3.9.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- 3.9.2 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.
- 3.9.3 If the local government prepares a register under subclause (3.9.1) 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.
- 3.9.4 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

4.1 R-Codes

- 4.1.1 The R-Codes, modified as set out in clause 4.2, are to be read as part of this Scheme.
- 4.1.2 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.
- 4.1.3 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.
- 4.1.4 The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (4.1.3).

4.2 Modification of R-Codes

- 4.2.1 Where a lot has a dual residential density coding, for the purposes of assessing applications for planning approval and/or subdivision referrals, the lower density coding shall apply, except that the local government may approve development to the higher density coding providing:
- (a) it achieves all relevant design principles and/or deemed-to-comply provisions of the Residential Design Codes to the satisfaction of the local Government; and
 - (b) it is consistent with any relevant Local Planning Policy to the satisfaction of the local government; and
 - (c) it is consistent with any provisions of any relevant planning instrument governing the control of development with a Special Control Area to the satisfaction of the local government and any other relevant public authority; and
 - (d) it retains the heritage values of the premises where included on the Heritage List in accordance with the Scheme and any relevant Local Planning Policy to the satisfaction of the local government; and
 - (e) reticulated sewerage is or becomes available to the land subject to the provisions of the Government Sewerage Policy.

4.3 State Planning Policy 3.6 to be read as part of Scheme

- 4.3.1 *State Planning Policy 3.6 - Development Contributions for Infrastructure*, modified as set out in clause 4.4, is to be read as part of this Scheme.

4.3.2 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.

4.4 **Modification of State Planning Policy 3.6**

There are no modifications to State Planning Policy 3.6.

4.5 **Other State planning policies to be read as part of Scheme**

There are no other State planning policies that are to be read as part of the Scheme.

4.6 **Modification of State planning policies**

There are no modifications to a State planning policy that, under clause 4.5 is to be read as part of the Scheme.

4.7 **Environmental conditions**

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

4.8 **Additional site and development requirements**

4.8.1 The Table in Schedule 2 and clauses 4.12 to 4.33 set out requirements relating to development that are additional to those set out in the R-Codes, activity centres plan, local development plans or State or local planning policies.

4.8.2 To the extent that a requirement referred to in subclause (4.8.1) 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 (4.8.1) prevails.

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

Schedule 3 sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.

4.10 **Variations to site and development requirements**

4.10.1 In this clause -

additional site and development requirements means requirements set out in clauses 4.8 and 4.9.

4.10.2 The local government may approve an application for a development approval that does not comply with an additional site and development requirements.

4.10.3 An approval under subclause (4.10.2) may be unconditional or subject to any conditions the local government considers appropriate.

4.10.4 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.

4.10.5 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.

4.11 Restrictive covenants

4.11.1 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.

4.11.2 If subclause (4.11.1) 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.

4.12 Development in the Rural Townsite and Mixed Use Zones

- 4.12.1 All development within the Rural Townsite and Mixed Use Zones shall have regard to any Local Planning Policy adopted by the local government.
- 4.12.2 All development within the Rural Townsite and Mixed Use Zones shall be of a design, and constructed from materials that complement the existing character and amenity of the zone as determined by the local government.
- 4.12.3 Residential development within the Rural Townsite and Mixed Use Zones is only permitted where it is proposed in conjunction with a non-residential land use or where an existing non-residential land use is operating. The local government may consider a standalone residential development where it can be demonstrated that it will not prejudice the primary street frontage to be used for non-residential land uses.
- 4.12.4 Residential development shall be permitted to a maximum density of R50 within the Rural Townsite and Mixed Use Zones. Any such residential development shall comply with the relevant requirements of the R-Codes as determined by the local government and clause 4.2
- 4.12.5 All development within the Rural Townsite and Mixed Use Zones shall have due regard to the impact on existing residential development in terms of:
 - (a) Scale, bulk and height of proposed buildings;
 - (b) The proposed activities associated with the land use including hours of operation; and
 - (c) The general amenity of the area.

4.13 Development in the General and Light Industry Zones

- 4.13.1 The local government shall not grant planning approval to any land use that can be considered in the General and Light Industry Zones, unless the proponent can adequately demonstrate to the satisfaction of the local government that there will be no adverse impacts from noise, dust, odour, risk, or gaseous emissions.
- 4.13.2 In determining an application for planning approval the local government will have due regard to the Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses*.
- 4.13.3 In determining an application for planning approval in the General and Light Industry Zones, the local government may impose conditions to control emissions including, but not limited to, industrial liquid, solid or gaseous wastes in accordance with Environmental Protection Authority's guidelines and advice from the Department of Environmental Regulation.
- 4.13.4 Where a proposal will generate industrial liquid, solid, or gaseous wastes, such wastes shall be treated and disposed of in accordance with Department of Environmental Regulation and Department of Health guidelines.
- 4.13.5 Land uses within the General and Light Industry Zones that are not required to be housed in buildings shall be designed and laid out on the land as not to detract from the visual amenity of the area and where open storage of goods and materials is proposed on the land they shall, at the discretion of the local government, be screened from view from the street or other public viewpoints.

4.13.6 Where development is proposed in the Light Industry Zone adjacent to Residential zoned land, the local government shall have regard to the following when assessing an application for planning approval:

- (a) the bulk, scale and height of the proposed building in relation to adjacent buildings;
- (b) anticipated traffic movements including types of vehicles and likely route to be taken;
- (c) the location of access ways, car parking, storage areas and waste disposal facilities;
- (d) the location of services including power, water and effluent disposal systems;
- (e) any proposed landscaping or other forms of buffer; and
- (f) the *Environmental Protection Authorities Separation Distances between Industrial and Sensitive Land Uses* where relevant.

4.14 Development in the Rural Zone

4.14.1 Additional Dwellings on Farms

4.14.1.2 Notwithstanding any other provisions in the Scheme, the local government may grant one (1) additional dwelling in the Rural zone provided that:

- (a) the total number of dwellings on the lot (excluding any ancillary accommodation) will not exceed three;;
- (b) the local government is satisfied that adequate provision can be made for the supply of domestic water and for the disposal of sewage from the additional dwelling/s;
- (c) the additional dwelling/s will not adversely affect the rural landscape or conflict with agricultural production on the subject lot or on adjoining land; and
- (d) the additional dwelling/s should generally be clustered in one location on the property with all relevant services shared.
- (e) The approval of more than one (1) dwelling on any lot zoned Rural should not be construed as support for the subdivision of the lot. Subdivision of Rural land shall be in accordance with State planning policy.

4.14.3 General development requirements

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

- (a) any sensitive or incompatible uses that may require buffer separation from the proposed use, including the potential for spray drift and the need to contain any spray drift within the land the subject of the application;
- (b) any wetland or remnant vegetation or other sensitive feature, and how the application has addressed the protection of the feature;
- (c) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;

- (d) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and
 - (e) proposals for treatment and disposal of waste products.
- 4.14.3.2 The local government may require a Nutrient Management Plan for developments which involve high levels of nutrients and have potential to export nutrients into waterways.
- 4.14.4 *Development of Tree Farms and Carbon Sequestration Plantations (harvesting and non-harvesting)*
- 4.14.4.1 In addition to those matters listed in clause 4.14.3 and clause 67 of the Regulations, applications for the development of Tree Farms and Carbon Sequestration Plantations are to be determined by the local government having regard to:
- (a) The objectives of the Rural zone and the need to ensure continuation of broad acre farming as the principal landuse;
 - (b) The Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time ('Code of Practice');
 - (c) Submission of a plantation management plan in accordance with the protocol in the Code of Practice;
 - (d) Provision and implementation of an adequate Fire Management Plan to the satisfaction of the local government;
 - (e) The Guidelines for Plantation Fire Protection (FESA), or subsequent document, as amended from time to time;
 - (f) Any resulting benefits in supplementing continued traditional agriculture on the land;
 - (g) Any resulting benefits to the land through protecting water courses, providing vegetation corridors, protecting existing grazing/cropping areas and mitigating wind erosion, waterlogging and salinity;
 - (h) Landuse compatibility and the location of the land in relation to land zoned and/or planned for residential, industrial and commercial uses;
 - (i) Any relevant Local Planning Policy adopted by the local government; and
 - (j) The suitability of the current and future road systems.

4.15 Development in the Rural Residential Zone

4.15.1 Land uses and development within the Rural Residential zone shall comply with the following general provisions and where appropriate with the additional site and development requirements for areas covered by a structure plan, activity centre plan or local development plan in Schedule 3. Where there is inconsistency between the provisions of clause 4.15 and Schedule 3, the provisions of Schedule 3 shall prevail to the extent of that inconsistency.

4.15.2 Subdivision

- a) Subdivision shall generally be in accordance with an approved Structure Plan where required under Part 4 of the deemed provisions.
- b) Further subdivision of lots other than what has been shown on an approved Structure Plan will generally not be supported.

4.15.3 Building Envelopes

4.15.3.1 Where the subject site is subject to a building envelope -

- a) No development is permitted outside of the designated building envelope, approved by the local government, except for:
 - i. Provision of a suitable access way to the building envelope;
 - ii. Provision of suitable boundary fencing as approved by the local government; and
 - iii. Implementation of an approved fire management plan or any other general fire requirements.
- b) The local government may consider approving land uses outside of the allocated building envelope, where:
 - i. the land use does not require the removal of native vegetation;
 - ii. the land use does not require the construction of a building or structure; and
 - iii. adequate separation has been provided between adjoining land uses.
- c) The local government may, where adequate justification has been provided by the applicant, approve a variation or relocation of the building envelope subject to advertising to any affected landowners in accordance with clause 64 of the deemed provisions provided it is satisfied that:
 - i. the objectives of the zone are not compromised;
 - ii. the visual amenity and rural character of the locality will not be affected by the change of location;
 - iii. the proposed size and location of the envelope can accommodate future development, including on-site effluent disposal systems and water supply tanks, and not have a detrimental effect on the environment; and
 - iv. general fire requirements and any endorsed fire management plans are considered.

4.15.3.2 Where no building envelope has been designated, a plan shall be submitted identifying a building envelope that:

- a) is delineated on-site by the landowner and approved by the local government prior to the commencement of any site works. The local government may require an alternative building envelope if it considers the proposed building envelope would be detrimental to the landscape or environment;
- b) does not exceed 10% of the lot area, or 2,000m² whichever is the lesser;
- c) complies with the minimum setback requirements of Schedule 2 of this Scheme and any setback requirements under an endorsed fire management plan; and
- d) has due regard to the land capability for effluent disposal, wind protection, fire management and the objective to minimise erosion and the visual prominence of buildings.

4.15.4 Building Design, Materials and Colours

- a) Buildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council may refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours. Council will be supportive of walls and roofs with green, brown or red tones in keeping with the amenity of the area.
- b) Dwelling houses shall not exceed 7.5 metres in height which is measured vertically from the natural ground level unless otherwise approved by Council.
- c) Any water tanks should be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of Council.

4.15.5 Fire Management

- a) Where an approved fire management plan exists, all development shall be in accordance with that fire management plan.
- b) The ongoing management requirements of the fire management plan are to be implemented by the landowner to the satisfaction of the local government.

4.15.6 Keeping of livestock

- a) The keeping of livestock/animals requires the approval of the local government. The local government may refer the application to the Department of Agriculture and Food for comment prior to making a determination.
- b) Livestock/animals will be required to be kept within appropriately fenced areas as approved by the local government. The ongoing maintenance of fences will be the responsibility of the landowner.

4.15.7 Land degradation

Any development, overstocking, or other land management practices that results in soil erosion, spreading of weeds, destruction of vegetation or any other land degradation will be required to be rectified and any damage made good, to the satisfaction of the local government on advice from the relevant authorities, at the landowners cost.

4.15.8 Vegetation protection

- a) Approval is required from the local government for the removal of vegetation unless:
 - i. it is within the agreed building envelope;
 - ii. such vegetation is dead, diseased or dangerous;
 - iii. the establishment of general fire requirements or any other requirement of an approved fire management plan; and
 - iv. it is necessary for an approved access way.
- b) The local government may liaise with the Department of Parks and Wildlife to determine the significance of vegetation.

4.15.9 Servicing

- a) Where a reticulated water supply is not available, each dwelling shall be provided with a minimum 92,000 litre water storage tank in addition to any requirements of an approved fire management plan.
- b) Where a reticulated sewerage system is not available, each dwelling shall be provided with an appropriate effluent disposal system.

4.16 **Workforce Accommodation**

4.16.1 On land within the Rural, Residential, Mixed Use or Rural Townsite Zones, the local government may consider an application for Workforce Accommodation associated with an existing or proposed construction, resource, agricultural or industrial operation to accommodate the worker(s), provided that:

- (a) the local government is satisfied that the Workforce Accommodation can be adequately serviced with water, power and effluent disposal;
- (b) where an operation is proposed and not yet operational, it can be adequately demonstrated to the local government that the operation will proceed to construction and operation prior to the approval for Workforce Accommodation being issued;
- (c) a management plan is prepared and submitted with the local government that outlines how the Workforce Accommodation will be decommissioned should it no longer be required; and
- (d) where Workforce Accommodation is proposed within the Residential, Mixed Use and Rural Townsite Zones it is to be setback from boundaries in accordance with the Residential Design Codes.

4.17 **Development of tourist accommodation**

4.17.1 The development of holiday accommodation shall not exceed 100 square metres per dwelling and have due regard to the following:

- (a) the size of the land and any existing development on the site;
- (b) the setback requirements under the Scheme;
- (c) the availability of services such as power, water and effluent disposal; and
- (d) the impact on the amenity of the area.

4.17.2 The development of a holiday house will require planning approval. The applicant must demonstrate, to the satisfaction of the local government, the proposed holiday house will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby properties.

4.17.3 The local government may, as a condition of approval, require the provision of additional parking areas to be provided over and above those required for residential uses under the R-Codes (see Schedule 4).

4.17.4 Unless the local government determines otherwise, any approval granted for the development of a holiday house will be limited to a period of one year renewable by way of a further application lodged before the expiration of that period. If the local government has received complaints regarding the holiday house activity, a further approval may not be granted.

4.17.5 Holiday houses will be considered appropriate within coastal communities and Townsite boundaries of the local government area as identified on the Scheme Maps, or within close proximity to tourist attractions. The local government may consider alternative locations should sufficient justification be provided.

4.18 Car parking

4.18.1 Land within the Scheme Area shall not be used or developed for any of the purposes requiring planning approval under the Scheme unless car parking is provided on site in accordance with Schedule 4 and to Australian Standard A2890.1-2004 (as amended).

4.18.2 Where land is proposed to be development and the use is not listed in Schedule 4, the number of spaces required is to be determined by the local government having due regard to:

- (a) the nature of the proposed development;
- (b) the number of employees or others likely to be employed or engaged in the use of the land;
- (c) the anticipated demand for visitor parking;
- (d) the availability of on-street parking; and
- (e) the orderly, proper and sustainable planning of the area.

4.18.3 Where, on any lot, different land uses have been, or are to be established and those uses operate at different times to each other, the local government, upon being satisfied that the operating times will be permanent, may approve a reduced number of bays as specified in Schedule 4 or otherwise agreed to by the local government, on a reciprocal use basis.

4.18.4 Where the proposed development is adjacent to on-street parking and is within the Town Centre or Mixed Use Zones, the local government may approve a reduced number of bays as specified in Schedule 4 having due regard to (a) to (e) outlined in clause 4.18.2 above when considering the total number of bays required.

4.18.5 Where the local government so decides, cash payments in lieu of the provision of parking spaces on the site of any proposed development may be accepted but only subject to:

- (a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the scheme plus the value, as estimated by the local government of that area of the land which would have been occupied by the parking spaces; and
- (b) payments under this clause shall be paid into a parking fund to be used for the provision of public car parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.

4.18.6 Where appropriate the local government may permit the required number of parking bays to be accommodated within the road reserve taking into account the width and function of the road and the location of the proposed use on the subject land.

4.18.7 The standard of construction of car parking spaces shall be at the discretion of the local government and based on the ability for the surface to cater for its intended use.

4.19 Servicing, access ways, loading and unloading spaces

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 clear of the street or right-of-way as appropriate and the local government will seek to ensure that, where such an area is provided, vehicles using the area must, unless otherwise approved by the local government, be able to enter the street in a forward direction.

4.20 The parking of heavy vehicles

Except as provided elsewhere in the Scheme or approved by the local government, no person, within or adjacent to any lot with an approved residential use, shall repair, service or clean or allow to remain or park a heavy vehicle for a period greater than 24 hours without the prior approval of the local government.

4.21 Derelict vehicles

Notwithstanding any other provision of the Scheme, the storage or wrecking of any derelict, damaged and unserviceable vehicle within the area comprising the front setback of privately owned land is prohibited within the Scheme Area.

4.22 Amenity

4.22.1 Where, in the opinion of the local government, any proposed building, structure, site work and/or use, would not be in harmony with existing buildings or the amenity of the locality in which the proposed development is to be located by virtue of the use and/or design and appearance of the development, the colour or type of materials to be used on exposed surfaces, the height, bulk and mass of any building, the local government may:-

- (a) refuse the proposal notwithstanding that it otherwise complies with the provisions of the Scheme; or
- (b) may place conditions on any planning approval granted for the proposed development to ensure that it will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality in which the proposed development is to be located.

4.22.2 No building shall be so constructed, finished or left unfinished that its external appearance would significantly detract from the amenity of the locality. All land and buildings shall be so used and maintained as to preserve the local amenity.

4.22.4 If the local government forms the opinion that there has been a breach of the requirements of subclauses 4.22.2 and 4.22.3 it may, by notice in writing, require the owner to make good the breach in the manner and within the time stated in the notice. The notice may be served on the owner personally or by posting it to the last address of the owner known by the local government, and if served by post, shall be deemed to have been served three (3) clear days after the date of posting.

4.22.5 A person to whom a notice under this clause is given may apply for a review of the requirement to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14.

4.22.6 Failure to comply with a notice under this clause shall be a breach of the provisions of this Scheme.

4.23 Unkempt land

- 4.23.1 On any land within the Scheme area, any undergrowth, refuse, rubbish or disused material which in the opinion of the local government is likely to adversely affect the health, comfort or convenience of the inhabitants thereof, the local government may cause a notice to be served on the owner or occupier of such land requiring that the land is cleared of trees, scrub, undergrowth, refuse or rubbish, or such refuse, rubbish or disused material is removed from such land within a specified period.
- 4.23.2 Where the owner or occupier does not clear the land or remove the refuse, rubbish or disused material as required by the notice, the local government may without payment or any compensation in respect thereof, clear or remove it and dispose of it at the expense of the owner or occupier to whom notice is given.
- 4.23.3 A person to whom a notice under this clause is given may apply for a review of the requirement to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. Where such an appeal is lodged, the effect of the notice and subsequent actions under subclause 4.23.2 shall be suspended until a decision of the State Administrative Tribunal has been handed down.
- 4.23.4 Failure to comply with a notice under this clause shall be a breach of the provisions of this Scheme.

4.24 Telecommunications infrastructure

- 4.24.1 An application for planning approval to the local government is required for the development of all telecommunications infrastructure excluding those listed in the Telecommunications Low Impact Facilities Determination 1997 and subsequent amendments to that determination.
- 4.24.2 Applications for the development of telecommunications infrastructure will be considered in relation to the following:
- (a) consistency of the proposed development with the objective and purpose of the zone or reserve;
 - (b) social and economic benefits of the proposal;
 - (c) the impact of the proposal on the landscape, heritage, environmental and rural character values of the locality;
 - (d) coordination with other services; and
 - (e) any relevant policy adopted by the local government.
- 4.24.3 Applications for telecommunications infrastructure on Crown land must be accompanied by the written consent of the Department of Planning and Department of Lands and any applicable management body under the *Lands Administration Act 1997*.

4.25 Caretaker's Dwelling

4.25.1 Caretaker's dwelling:

- (a) are limited to one caretaker's dwelling per lot excluding lots within a strata scheme;
- (b) shall be limited in floor area to a maximum of 100 square metres; and
- (c) prior to approval being granted the land upon which it is to be established is developed and/or is in use for a purpose requiring oversight by a caretaker, as determined by the local government.

4.25.2 A caretaker's dwelling can only be occupied once the non-residential use requiring a caretaker has been constructed and/or is operational.

4.25.3 The use of a caravan as a caretaker's dwelling is not permitted except in the conjunction with an approved caravan park or camping ground.

4.25.4 A caretaker's dwelling shall be occupied by the owner, manager or an employee of the use that is established on the land.

4.25.5 The local government will not support the subdivision or development of land that will:

- (a) allow a caretaker's dwelling to be sold separately from the predominant use of the land; or
- (b) restrict the future potential use of the land.

4.26 Home business or home occupation

Where planning approval has been issued for a home business or home occupation, that approval is only valid to the occupier of a particular parcel of land. Such approval shall not be transferred to any other person or land in respect of which it was granted. Should there be a change of occupier of the land in respect of which planning approval was granted, a new planning approval is required to be obtained.

4.27 Second-hand and repurposed dwellings

4.27.1 Notwithstanding any other provisions of this Scheme or clause 61 of the deemed provisions, development approval is required for the development of a second-hand or repurposed dwelling and shall consider:

- a) The external appearance of the dwelling in the context of the proposed location and general amenity of the area.
- b) The type of materials used in its construction and the potential impact on the health and wellbeing of adjoining landowners.

4.28 Development of lots abutting unconstructed roads or with no gazetted road access

4.28.1 Notwithstanding any other provision of the Scheme, planning approval is required for the development of land abutting an unconstructed road reserve or a lot which does not have direct frontage to a gazetted road reserve. In considering such a proposal, the local government shall either:

- (a) refuse the application until the road has been constructed or direct access to a constructed road is provided as the case may be; or
- (b) grant 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 and impose any other conditions it considers necessary; or
- (c) require other legal arrangements to be made for permanent legal access to the satisfaction of the local government.

4.29 Dwellings without a mains water supply

Where a reticulated water supply is not available, each dwelling shall be provided with a minimum 92,000 litre water storage tank in addition to any requirements of an approved fire management plan.

4.30 Building height

4.30.1 Except where provided elsewhere in the Scheme, the maximum height limits for buildings and structures above natural ground level throughout the Scheme Area irrespective of whether or not planning approval is required pursuant to this Scheme is 10m.

4.30.2 Notwithstanding the provisions of clause 4.31.1, the local government may, after following the advertising procedures set out at clause 64 of the deemed provisions, permit the construction of buildings or structures in excess of the height limitations specified where:

- (a) site constraints are such as to prevent the construction of a reasonable building on the site without exceeding the relevant limit; or
- (b) the nature of the proposed building or structure 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) plans including sections and elevations of the proposed development are submitted to and determined by the local government as being satisfactory for the purposes of advertising; and
- (e) the local government, after considering both the information provided by the applicant and any submissions made by persons in response to the proposal being advertised is satisfied that the proposed building:
 - (i) will be in harmony with the general character of buildings in the locality;
 - (ii) will not adversely affect the beauty, character, quality of environment or the area generally;
 - (iii) will maintain a satisfactory relationship to the boundaries of the lot on which it is to be constructed and relates satisfactorily to the siting, design and aspect of buildings on other nearby lots; and

- (iv) will not impair the amenity or development potential of adjoining lots.

4.30.3 For the purpose of clause 4.31.1, a building or structure does not include reference to a chimney, mast, satellite dish (not exceeding a diameter of 4 metres), pole, wind turbine or signal receiving or transmitting tower provided that the structure or facility is designed, sited and/or treated so as not to detract from the visual amenity of the locality.

4.31 Development relating to waterways, creeks and other watercourses

Notwithstanding any other provisions of the Scheme, developments the subject of an application for planning approval under the Scheme that:

- (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 in consultation with any relevant agencies in accordance with clause 66 of the deemed provisions, 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.

4.32 Requirement for consultation to commence mining

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

Part 5 - Special control areas

5.1 Special control areas

5.1.1 Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

5.1.1 The purpose, objectives and additional provisions that apply to each special control area is set out in the Table.

Table 12 - Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional Provisions
SCA1 - Water Supply Protection Area	To protect both surface and groundwater resources which provide a potable water supply to townsites within the Scheme area.		<ol style="list-style-type: none"> 1. Planning approval is required for any proposed development or land use within the water supply protection area, except for a Dwelling. 2. In considering any rezoning request, development or subdivision application, the local government shall: <ol style="list-style-type: none"> (a) have regard to the comments of the Department of Water; and (b) ensure that the proposed use or development will not have a detrimental impact on the water resource. 3. Notwithstanding that a development or land use may be classified as 'P' on the Zoning Table, where the Department of Water advises that a development or land use should be refused on the basis of potential impact on surface and/or groundwater resources, the local government may refuse that development of land use.
SCA 2 – Structure Plan Area	To provide for a coordinated approach to development across the Structure Plan area in terms of the provision of services, roads, Public Open Space, footpaths, size and orientation of lots and other facilities required to service the area.		<ol style="list-style-type: none"> 1. Notwithstanding the underlying zoning of the land, development or subdivision cannot occur within a Structure Plan Area until a Structure Plan has been prepared in accordance with Part 4 of the deemed provisions.

			<ol style="list-style-type: none"> 2. Notwithstanding the requirement of clause 1 to prepare a Structure Plan for land in a Structure Plan Area, the local government may approve a development or support a subdivision of the land in a manner that is consistent with the objectives of the underlying zone without requiring such a Structure Plan where, in its opinion, the proposal will not prejudice or adversely affect the future subdivision or development of the land and where it can be demonstrated that it does not conflict with the future land use expectation of the Structure Plan Area. 3. Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any additional site and development requirements contained in Schedule 3.
<p>SCA 3 – Basic Raw Materials Protection Area</p>	<p>The purpose of the basic raw materials protection area is to:</p> <ol style="list-style-type: none"> (a) To identify areas where basic raw materials resource and extraction areas need to be protected from incompatible land uses. (b) To ensure that future land development or rezoning recognises the need to protect basic raw materials resource and extraction areas from incompatible land uses. 		<ol style="list-style-type: none"> 1. Notwithstanding the underlying zoning of the land and permissibility of land uses associated with that zoning as shown in the Zoning Table, planning approval is required for all proposals within the basic raw materials protection area. 2. Any proposed sensitive land uses as defined under the Environmental Protection Authority's <i>Separation Distances between Industrial and Sensitive Land Uses</i> will generally not be supported within the basic raw materials protection area. 3. In considering any scheme amendment, subdivision or development application the local government shall have regard to: <ol style="list-style-type: none"> (a) the Environmental Protection Authority's <i>Separation Distances between Industrial and Sensitive Land Uses</i>; (b) any advice provided by the Department of Mines and

			<p>Petroleum and/or the Western Australian Planning Commission;</p> <p>(c) whether the proposal would jeopardise the continued extraction of basic raw materials taking into account the future life of the extraction area; and</p> <p>(d) the expansion of the nearest urban zone and whether the future demand for development of land within this zone warrants the gradual phasing out of the extraction area.</p> <p>4. In the case of any proposed scheme amendment in respect of any land partly or wholly located within the basic raw material protection area shall be referred to the Department of Mines and Petroleum and the Western Australian Planning Commission for advice prior to the local government initiating the amendment.</p> <p>5. In the case of any proposed development application in respect of any land partly or wholly located within the basic raw material protection area shall be referred to the Department of Mines and Petroleum for advice.</p>
SCA 4 – Development Investigation Area	To enable the planned and progressive development of the land suitable for other purposes in a manner and at a time appropriate to the orderly and proper planning and development of the land and the locality.		<p><u>General</u></p> <p>1. Where land is identified on the Scheme map as being within a Development Investigation Area, the local government will require –</p> <p>(a) the rezoning of the land consistent with the proposed uses including justification that the land is suitable for the intended purpose; and</p> <p>(b) the preparation of a comprehensive Structure Plan for the land pursuant to Part 4 of the deemed provisions prior to approving any subdivision or development of the land.</p>

			<p>2. Notwithstanding clause 1 the local government may approve any development in a manner consistent with the underlying zone of any land included in a Development Investigation area without requiring a Development Guide Plan or Structure Plan where, in the opinion of the local government, such development is of a minor nature and will not adversely affect the future subdivision or development of the land within the zone.</p> <p>3. A dwelling house may be erected on an existing lot of land within a Development Investigation area only where it is proposed to be situated on zoned land; it is consistent with the underlying zoning and the local government is satisfied that the siting of the dwelling house is unlikely to prejudice the future development of the land or other land in the vicinity.</p> <p><u>Ravensthorpe Development Investigation Area</u></p> <p>1. The land use expectation for the Ravensthorpe Development Investigation Area shown as SCA 4 on the Scheme Map is for Residential development.</p> <p>2. The following matters should be addressed prior to, or through the structure planning process as required by the local government:</p> <p>a) A flora and fauna survey should be undertaken to determine areas that may be required to be protected. This should inform the Structure Planning process including lot sizes, POS and road layout.</p> <p>b) Planning for SCA 4 should be coordinated with the adjoining SCA 2 in relation to access and provision of services.</p>
--	--	--	--

Part 6 - Terms referred to in Scheme

Division 1 - General definitions used in Scheme

6.1 Terms used

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

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

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

Building Code means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

building envelope means an area of land within which all buildings and effluent disposal facilities on the 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;

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

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

floor area has the same meaning as in the Building Code;

heavy vehicle means a vehicle exceeding an unladen tare weight of 4.5 tonnes or a length of 5 metres;

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

minerals has the same meaning as in the *Mining Act 1978* 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 such facilities are not for the exclusive use of occupiers of the floor or building;

non-conforming use has the meaning given in the *Planning and Development Act 2005* section 172;

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

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

R-Codes means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time;

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

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

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

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

- (a) has the meaning it has in the *Planning and Development Act 2005*; 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

6.2 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 –

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

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

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- (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 more than 2 amusement;

ancillary dwelling as defined under the Residential Design Codes;

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) and other livestock in feedlots, sheds or rotational pens;

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*;

bulky goods showroom means premises –

- (a) used to sell by retail any 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. animal supplies including equestrian and pet goods;
- iv. floor and window coverings;
- v. furniture, bedding, furnishings, fabrics, manchester and homewares;
- vi. party supplies;
- vii. office equipment and supplies;
- viii. babies' and children's goods, including play equipment and accessories;
- ix. sporting, cycling, leisure, fitness goods and accessories;
- x. swimming pools;

and

(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;

bus depot means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking;

camping ground has the same meaning as in the *Caravan parks and Camping Grounds Act 1995*;

carbon sequestration plantation means direct human-induced conversion of land that is clear of vegetation to a plantation greater than 0.2ha in area. The trees must have a minimum height of 2 metres, a crown cover of greater than 20 percent and must not be harvested for a minimum of 10 years.

caravan park has the same meaning as 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;

carpark 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;

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;

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

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

convenience store means premises -

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

dry cleaning premises/laundromat means premises used for the commercial cleaning of clothes and laundry either in a self-service or serviced manner;

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

equestrian centre means land and buildings used for sport and recreation associated with horses including harness and turf racing, polocrosse, gymkhana, dressage and may or may not incorporate facilities for stabling, agistment or training of horses.

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

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

fast food outlet means premises 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;

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 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;

grouped dwelling has the same meaning as the Residential Design Codes;

guest house means a building or part of a building occupied as a single dwelling by the owner but within which provision is made in the form of rooms set aside for the short stay accommodation of visitors for hire or reward;

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

home occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that -

- (a) does not employ any person not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
- (e) does not involve the retail sale, display or hire of 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 of 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 signs on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

home store means any shop attached to a dwelling that –

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

hospital means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1);

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

incidental to any of those industrial operations;

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

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

industry - extractive means 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 *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

liquor store means premises in respect of which a liquor store licence is granted under the *Liquor Control Act 1988*;

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

medical centre means premises other than a hospital used by three or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

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

motel means premises, which may be licenced under the *Liquor Licensing Act 1988* –

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

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

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

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

multiple dwelling as the same meaning as the Residential Design Codes;

night club means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

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

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

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

residential building has the same meaning as in the Residential Planning Codes;

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

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

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

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

- (a) does not involve employing more than 2 people who are non-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 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight;

rural pursuit/hobby farm means any premises, other than premises used for agriculture – extensive or agriculture – intensive, that are 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;

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;

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

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

serviced apartment means a group of units or apartments providing –

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

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

single house has the same meaning as the Residential Design Codes;

small bar means premises in respect of which a small bar licence has been granted under the *Liquor Act 1988*;

stockyards means any land, building or other structure used for the holding and sale of animal stock and includes a saleyard;

tavern means premises the subject of a tavern licence under the *Liquor Control Act 1988*;

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 – low impact means development predominantly of a tourist nature for the accommodation of short stay guests that has been designed in such a manner to have minimal impact on the natural environment.

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 the following purpose including goods which may be assembled or manufactured off the premises –

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

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

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

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

tree farm - carbon sequestration means land used for the capture and storage of carbon in a manner that prevents it from being released into the atmosphere. Regulated in Western Australia by the *Carbon Rights Act 2003*.

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 and outdoor facilities used for –

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

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

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

Schedule A - Supplemental provisions 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 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 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.
- 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 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 of Western Australia Act 1990; or
 - (i) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
 - (ii) included on a heritage list prepared in accordance with this Scheme; or
 - (iii) within an area designated under the Scheme as a heritage area; or
 - (iv) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.
- Clause 61(1)(m)** The erection of a boundary fence in a 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.

SCHEDULE 1 – SPECIAL USES IN SCHEME AREA

No.	Description of land	Special use	Conditions
1	Lots 282, 283, 284, 285 & 286 Esplanade, Reynolds, Price and Chapman Streets, Hopetoun (SU1)	Holiday Accommodation, aged persons' dwellings or residential uses.	<ol style="list-style-type: none"> 1. Subject to connection to reticulated sewer, development may be permitted up to R40. 2. The local government will not support an application to further subdivide the land until such time as a Local Development Plan has been prepared in accordance with clause 48 of the deemed provisions.
2	Lot 12 South Coast Highway, Munglinup (SU2)	CBH Depot and ancillary uses	

3	Lot 50 Hamersley Drive, Hopetoun (SU3)	<p>Tourist Development – Low Impact (as defined under 6.2 Land Use terms used) consisting of the following components:</p> <ul style="list-style-type: none"> • Dwelling; • 12 holiday accommodation units; and • Ancillary outbuildings 	<p>1. Prior to development, a Local Development Plan will be required to be prepared in accordance with clause 48 of the deemed provisions. The Local Development Plan shall address the following:</p> <p>(a) <u>Development</u> Consideration should be given to the clustering of development to ensure the efficient use of services and minimise the impact on vegetation.</p> <p>(b) <u>Building envelopes</u> All buildings shall be located in allocated building envelopes as approved by the local government. Such building envelopes shall be located as to minimise the visual impacts from adjoining properties and roads by complying with the following setback requirements:</p> <ul style="list-style-type: none"> • Hamersley Drive – 50m • Any other road – 20m • Any other boundary – 15m <p>The building envelopes shall be a maximum:</p> <ul style="list-style-type: none"> • 3000m² for the dwelling and ancillary outbuildings; and • 750m² per unit. <p>(c) <u>Servicing</u> The development is required to be provided with rainwater storage tanks with a minimum capacity of:</p> <ul style="list-style-type: none"> • Dwelling – 92,000L • Units – 30,000L <p>The capacities above do not include any requirements under an approved Fire Management Plan.</p> <p>The suitable location of an on-site effluent disposal system to the satisfaction of the local government and Department of Health.</p> <p>(d) <u>Access</u> The location of common access ways are required to be shown on the Local Development Plan. Access ways should where possible be located in cleared areas.</p>
---	--	---	---

3	Lot 50 Hamersley Drive, Hopetoun (Cont'd)	<p>Tourist Development – Low Impact (as defined under 6.2 Land Use terms used) consisting of the following components:</p> <ul style="list-style-type: none"> • Dwelling; • 12 holiday accommodation units; and • Ancillary outbuildings 	<p>(e) <u>Vegetation</u> The Local Development Plan shall clearly define areas of vegetation that are proposed to be protected.</p> <p>(f) <u>Livestock</u> The keeping of horses, sheep, goats and other grazing animals shall be prohibited.</p> <ol style="list-style-type: none"> 1. No person shall use or be permitted to use any lot or part thereof for any purpose which would: <ul style="list-style-type: none"> • Detract from the amenity of the adjoining lots. • Detract from the rural character of the area generally. 2. Where in the opinion of the local government, specific land uses result in wind or water erosion, degradation of native vegetation and the spread of weeds, the local government may serve notice upon the owner or occupier of the land to make good any damage cause at the owner or occupiers expense. 3. A Fire Management Plan will be required to be prepared in conjunction with the Local Development Plan, to inform the location of building envelopes and access ways.
4	Lot 6381 (279) Hopetoun – Ravensthorpe Road, Hopetoun (SU4)	<p>Park Home Park Caravan Park</p> <p>The following uses (including permissibility):</p> <ul style="list-style-type: none"> • Convenience Store (D) • Restaurant/Café (D) • Fast Food Outlet (A) • Reception Centre (A) • Tavern (A) • Liquor Store (A) 	<p>All discretionary uses are to be held in a combined single tenancy with a maximum (combined) NLA of 400m².</p>

5	Portion Lot 1 Hamersley Drive, Hopetoun (SU5)	<p>Caravan Park Park Home Park Motel</p> <p>Other incidental uses considered by the local government to be complementary to the special uses</p>	<p>The conditions outlined below shall apply in addition to all other relevant requirements of the Scheme that may pertain to the proposed land uses. Where there is an inconsistency between the conditions and the Scheme, the specific condition prevails to the extent of the inconsistency.</p> <p>In considering development of the land, the local government shall have regard to the following:</p> <ol style="list-style-type: none"> 1. Prior to the issuing of planning approval or the commencement of any development, the following requirements shall be satisfied: <ol style="list-style-type: none"> a) Preparation of a Structure Plan in consultation with DPAW, DoW, the Water Corporation and any other relevant agencies and in accordance with the requirements of Part 8 of the Scheme. b) Demonstration to the satisfaction of the DoW and Department of Health that all development can be adequately serviced with a potable water supply and effluent disposal system. c) Preparation and implementation of a Foreshore Management Plan for areas abutting the inlet and ocean, to the satisfaction of DoW and DPAW. 2. The following conditions are to protect the visual amenity from surrounding roads, reserves and National Parks: <ol style="list-style-type: none"> a) The retention of all roadside vegetation and replanting as necessary. b) Suitability of access points to the site – the preferred location is in the south east corner of the site. c) Retention of stands of Eucalyptus, vegetation adjoining the foreshore reserve and fringe vegetation. d) Planting of additional vegetation on the site both within and between developments. <p>In this regard the local</p>
---	---	--	--

5	Portion Lot 1 Hamersley Drive, Hopetoun (SU5) (Cont.)		<p>government may require the preparation of a Landscaping Plan.</p> <p>e) Buildings shall be constructed to a maximum height of 8m. This may be varied at the discretion of the local government based on assessment of the topography of the site and adjoining areas.</p> <p>f) Buildings are to be designed and constructed using materials (non-reflective) and colours that are complementary to the surrounding landscape, to the satisfaction of the local government.</p> <p>3. The foreshore area between the Special Use site and the Culham Inlet shall be managed in accordance with the recommendations of the Land Capability and Environmental Management Plan prepared by Landform Research on 30 April 1998 or any future endorsed management plan.</p> <p>4. Servicing:</p> <p>a) Potable water is to be supplied via extension of the Hopetoun mains water supply subject to Water Corporation approval, unless an alternative on-site supply can be established to the satisfaction of the Department of Health and DoW.</p> <p>b) The disposal of liquid and solid waste shall be carried out by the installation of an approved effluent disposal system(s) located no closer than 300m from the edge of the inlet with the base of the system being the required distance above the highest known water table.</p> <p>c) The site will be serviced by an extension to the Hopetoun rubbish collection service. Rubbish and waste products shall be contained within an approved waste disposal area and removed regularly.</p> <p>d) As a condition of development approval, it will be a requirement to</p>
---	--	--	--

5	Portion Lot 1 Hamersley Drive, Hopetoun (SU5) (Cont.)		<p>demonstrate how electricity and telecommunications will be provided to the site.</p> <p>5. Bushfire Management As a condition of development, the local government may require a Bushfire Management Plan be prepared and implemented to the satisfaction of the local government in consultation with DFES.</p> <p>6. Development:</p> <p>a) Standards All development shall be of a high standard and in keeping with the character and amenity of the area.</p> <p>b) Use Mix and Facilities It is essential that the various forms of tourist development provided meet market requirements and expectations. In addition, it is essential that the appropriate facilities and human services are provided commensurate with the need to provide a high quality tourist accommodation venture.</p> <p>c) Form and Style Design guidelines shall be prepared by the applicant for adoption by the local government as a condition of development approval. The design guidelines are intended to ensure development accords with the requirements of the Visual Impact Assessment as well as to ensure that the development is coordinated in form and style.</p> <p>d) Environmental Considerations Any development application for the site must have regard for the land capability and management requirements of the environmental issues outlined in the Environmental Report prepared by Landform Research on 30 April 1998 or any other issues raised in subsequent reports.</p>
---	--	--	--

5	Portion Lot 1 Hamersley Drive, Hopetoun (SU5) (Cont.)		<p>e) Site Development Plan</p> <p>A site development plan at a scale of not less than 1:500 shall be prepared for each phase of the development showing:</p> <ul style="list-style-type: none"> • All proposed buildings (and intended uses); • Existing contours and proposed floor levels; • Site access points; • Vehicular and pedestrian access ways and car parking areas; • Effluent disposal areas; • Other infrastructure; • Open space/recreation areas; and • Buffers, vegetation and proposed landscape treatments.
6	Lot 704 Tamar Street, Hopetoun (SU6)	<p>The following uses may be permitted:</p> <ul style="list-style-type: none"> • Service station; • Motor vehicle repair; • Fast Food outlet; • Shop; and • Dry Cleaning Premises/Laundromat 	All uses that can be considered shall be ancillary to a service station.
7	Lot 168 Canning Boulevard and Maitland Street, Hopetoun (SU7)	<p>Local centre with the following uses and level of permissibility:</p> <ul style="list-style-type: none"> • Shop (P) • Consulting rooms (D) • Family Day Care (D) • Childcare Premises (D) • Dry Cleaning Premises/Laundromat (D) • Medical Centre (A) • Fast Food Outlet (A) • Liquor Store (A) • Restaurant (A) • Residential Development (R30) (D) 	Prior to any development being approved on the site, an overall concept plan shall be prepared to the satisfaction of the local government.

8	<p>Portion Oldfield Lot 8 Hopetoun-Ravensthorpe Road (cnr Steeredale Road) Hopetoun. (SU8)</p>	<p>Composite Rural Enterprise with the following uses and level of permissibility as provided by clause 3.3.2 of this Scheme.</p> <p>Caretaker's Dwelling (provided it is incidental to an approved enterprise) (D)</p> <p>Garden Centre (D)</p> <p>Industry – Cottage (P)</p> <p>Industry – Light (D)</p> <p>Industry – Rural (D)</p> <p>Industry – Service (D)</p> <p>Plant Nursery (D)</p> <p>Salvage Yard (A)</p> <p>Single House (provided it is within a designated Habitable Building Envelope) (P)</p> <p>Storage (P)</p> <p>Warehouse (P)</p>	<ol style="list-style-type: none"> 1. The objective of the zone is to encourage a mix of commercial, service trade and light industry activity in conjunction with rural living. 2. Subdivision of Special Use Zone No.16 is to generally be in accordance with the Structure Plan as signed by the Chief Executive Officer. 3. In granting development approval, the Council may assess and where appropriate apply conditions in relation to any of the following matters: <ul style="list-style-type: none"> ▪ advertising signage, ▪ vehicle access and parking, ▪ Building location and setbacks, ▪ External appearance, colours and finishes, ▪ Size and scale of non-residential buildings and land-uses, ▪ Storage and disposal of wastes, ▪ Emission of noise, dust and odour, ▪ Extent and standard of landscape screening, ▪ Security lighting impacting on housing ▪ Hours of operation ▪ Separation of incompatible uses; or ▪ Relevant Guidelines and/or Codes of Practice prepared by the Environmental Protection Authority 4. Buildings are to be setback a minimum of 20m from the Steeredale Road lot boundaries and 10m from the front boundary and 5m from side and rear lot boundaries. 5. The 'Habitable Building Envelope' on those lots so designated on the Structure Plan shall be used only for residential uses and associated out buildings. 6. The disposal of liquid waste is to be carried out with an effluent disposal system approved by Council and the Health Department of WA. 7. As scheme water is not available the proponent shall demonstrate at the development stage how they will supply their own water needs.
---	--	--	--

8	<p>Portion Oldfield Lot 8 Hopetoun-Ravensthorpe Road (cnr Steeredale Road) Hopetoun. (SU8) (Cont.)</p>		<p>8. No dwelling shall be constructed unless it is connected to a minimum of a 92 000 litre water storage tank, or has an alternative potable water supply that is acceptable to the local government. No dwelling shall be considered fit for human habitation unless such a supply has been installed and is operating.</p> <p>9. Reference should be made to Department of Agriculture guidelines relating to water storage, tank size and area of roof catchment.</p> <p>10. In granting approval for any commercial, industrial or business enterprises in the Zoning Table or listed in Column 3, the Council may specify the number of on-site car parking bays to be provided by the developer. Any such parking shall be constructed and finished to a suitable standard (compacted gravel, limestone, metal dust or the like) so as to minimise dust and nuisance and shall be appropriately screened from the street.</p> <p>11. Any commercial vehicles, trucks, trailers or other machinery parked on private property and any materials stored on site shall be adequately screened from the street and maintained in a neat and tidy manner.</p> <p>12. Any rubbish or other waste material on the site shall be stored discretely in containers that are screened from public view.</p> <p>13. Notwithstanding any requirements specified elsewhere in the Local Planning Scheme any advertising signage associated with an approved commercial, industrial or business enterprise shall be limited to one advertising device, not exceeding 1.5sqm in area located at the front boundary of the subject lot.</p> <p>14. At the time of subdivision the local government may request the Western Australian Planning Commission impose a condition requiring the</p>
---	--	--	---

8	<p>Portion Oldfield Lot 8 Hopetoun-Ravensthorpe Road (cnr Steeredale Road) Hopetoun.(SU8) (Cont.)</p>		<p>preparation of an Urban Water Management Plan and include an acknowledgment that the results of the Urban Water Management Plan may result in changes to the Structure Plan and in particular road reserve widths and lot yield.</p> <p>15. Tree Planting/Landscape screening may be required as condition of development approval.</p> <p>16. Where, in the opinion of Council, dust nuisance, soil or land degradation is occurring or likely to occur, Council shall require landowner to rehabilitate or stabilise the land to Council's satisfaction</p> <p>17. Where a lot is within 200m of sand extraction, a notification shall be placed on the Title advising the owner that the sand extraction activities may result in potential noise and dust nuisance which may affect the amenity of the land.</p>
---	---	--	---

SCHEDULE 2 - ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

Zone	Site coverage %	Plot Ratio	Minimum Setback (m)**			Landscaping %	Special Conditions/ comments
			Front	Rear	Side		
Rural Townsite –							
Residential Uses	As per the Residential Design Codes for side and rear setbacks. Front setbacks are to be determined by the local government taking into account existing or potential commercial development fronting the main road.						
Non- Residential Uses	75	2	Ni	Variable	Nil	Variable	
Mixed Use –							
Residential Uses	As per the Residential Design Codes for side and rear setbacks. Front setbacks are to be determined by the local government taking into account existing or potential commercial development fronting the main road.						
Non- Residential Uses	75	1	Nil	Variable	Nil	Variable	
Other –							
Tourism	75	Variable	6	Variable	5	10	Where a caravan park or camping ground is proposed site and development requirements shall be as per the Caravan and Camping Regulations
General Industry	75	Variable	7.5	7.5	Nil*	10	
Light Industry	75	Variable	7.5	7.5	Nil*	10	
Rural Residential	N/A	N/A	20	10	10	N/A	These setbacks are where a lot does not have a designated building envelope. Where a building envelope exists development is required to be within that envelope.
Rural	N/A	N/A	20	10	10	N/A	
* Where parking and servicing areas are located to the rear of buildings the nil setback will apply to one side only							
** These setbacks are a minimum, all proposed development will need to consider any endorsed Fire Management Plan which may vary these setbacks at the discretion of the local government.							

SCHEDULE 3 - ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN

No.	Description of land	Requirement
1	Portion of Lot 117 Ravensthorpe-Hopetoun Road (RR1)	<p>1. All requirements below shall be read in addition to the requirements of clause 4.15, where there is an inconsistency between clause 4.15 and the requirements below, the requirements below prevail to the extent of the inconsistency.</p> <p>2. Subdivision</p> <p>a) Subdivision shall generally be in accordance with the Structure Plan signed by the Chief Executive Officer.</p> <p>b) The minimum lot size shall be 4ha.</p> <p>3. Service Requirements</p> <p>In addition to clause 4.15.9, where an effluent disposal system is located within 100 metres of the drainage line, an alternative treatment system shall be used to the specification of Council.</p> <p>4. Location of Buildings and Structures</p> <p>All buildings and structures shall be set back a minimum 20 metres from all lot boundaries.</p> <p>5. Building Design, Materials and Colour</p> <p>Fencing should be of rural construction such as post and strand (or similar) to the satisfaction of Council.</p> <p>6. Notification of Prospective Owners</p> <p>At the subdivision stage of development the Western Australian Planning Commission may impose a condition requiring the subdivider to make arrangements with the Commission for a notification in accordance with Section 70A of the <i>Transfer of Land Act 1893</i> to be deposited which will inform landowners and prospective purchasers of the potential noise impact from the gun club and kennels.</p>
2	Portion of Lot 6382 Steeredale Road, Hopetoun (RR2)	<p>1. All requirements below shall be read in addition to the requirements of clause 4.15, where there is an inconsistency between clause 4.15 and the requirements below, the requirements below prevail to the extent of the inconsistency.</p> <p>2. Subdivision</p> <p>(a) Subdivision shall generally be in accordance with the Structure Plan signed by the Chief Executive Officer of the Shire of Ravensthorpe and endorsed by the Western Australian Planning Commission (including any approved modifications thereto).</p> <p>(b) The minimum lot size shall be 2 hectares except if supplied with reticulated water where the minimum lot size shall be 1 hectare.</p> <p>(c) No further subdivision other than that to create lots shown on the endorsed Structure Plan will be permitted.</p> <p>3. Development Requirements</p> <p>The subdivider shall implement appropriate management practices when undertaking subdivision development works to minimise the spread of weed species and dieback disease.</p> <p>4. Essential Service Requirements</p> <p>In addition to clause 4.15.9, the construction of wells or bores on any lot shown on the Structure Plan is not permitted.</p> <p>5. Location of Buildings and Effluent Disposal Systems</p> <p>(a) All buildings and effluent disposal systems shall be constructed within a single building envelope not exceeding 2,000 square metres, which shall maintain a minimum setback of 20 metres from lot boundaries and 100 metres from designated very high or extreme hazards as depicted on the Structure Plan.</p> <p>(b) Unless depicted for a given lot on the Structure Plan signed by the Chief Executive Officer and endorsed by the Western Australian Planning Commission, Building envelopes shall be defined by the landowner in a position to be approved by the local government prior to the commencement of any development on a lot.</p>

2	Portion of Lot 6382 Steeredale Road, Hopetoun (Cont'd) (RR2)	<p>(c) When considering approval to the location of a building envelope the local government shall have due regard to the following:</p> <ul style="list-style-type: none"> (i.) the nature of the existing topography and the need to avoid steep slopes; (ii.) foundation stability and the need to avoid the construction of buildings on limestone outcrops, pinnacles or basement where differential compaction, loading and movement could occur; (iii.) the potential impacts upon existing flora and/or fauna; (iv.) the effective operation of an on-site effluent disposal system; (v.) the location of essential services; (vi.) building setback requirements from all boundaries; (vii.) building setback requirements for bushfire protection purposes; (viii.) the potential impacts arising from adjoining land uses and the need to maintain adequate buffer distances; and (ix.) the residential amenity of adjoining properties. <p>(d) Subject to c) above, the local government may permit a variation to a previously approved building envelope, prior to the construction of any building, if it is shown to the satisfaction of the local government that the location of the proposed new building envelope will not be detrimental to the landscape and/or environmental qualities of the land or its residential amenity.</p> <p>(e) No effluent disposal systems shall be permitted within 100 metres of any existing Water Corporation production bore identified on the Structure Plan.</p> <p>(f) At the subdivision stage of the development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to prepare a local drainage and nutrient management plan.</p> <p>6. Vegetation Conservation and Environment</p> <p>(a) The subdivider shall prepare a Native Vegetation Management Plan to the specifications and satisfaction of the local government to inform landowners and prospective purchasers of the following:</p> <ul style="list-style-type: none"> (i) the value of native vegetation to local fauna; (ii) the need to maintain native vegetation in good condition to sustain local fauna; (iii) the potential for non-local plant species to invade native vegetation to the detriment of local fauna; and (iv) the advantages of using local native trees and shrubs in household gardens to minimise water usage and create additional habitat for local fauna. <p>(b) In order to enhance the rural amenity and landscape value of land the local government considers to be deficient in tree cover it may require the owner of any lot to plant and maintain local native trees and/or shrubs as specified by the local government.</p> <p>(c) In order to limit the destruction of natural vegetation and allow ease of access for fauna and emergency vehicles, fencing shall be restricted to the building envelope only. The materials used in fencing shall be to the satisfaction of the local government and appropriate for an area where the keeping of stock is not permitted.</p> <p>(d) The delineation of lot boundaries shall not comprise fencing however pegs and/or cairns or other similar measures are acceptable.</p> <p>(e) Clearing for the purpose of establishing or maintaining firebreaks along the boundaries of individual lots shall be restricted to those areas comprising the Strategic Fire Breaks as shown on the Structure Plan. The creation of firebreaks along the boundaries of individual lots is not permitted unless it is required under a regulation or by-law.</p> <p>7. Bush Fire Management</p> <p>(a) At the subdivision stage of development the subdivider shall prepare and implement a Fire Management Plan to the specifications and satisfaction of DFES and the local government.</p> <p>(b) All subdivision, development and management of the land shall be in accordance with the Fire Management Plan as endorsed by DFES and the local government.</p> <p>(c) At the subdivision stage of development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to install 50,000 litre water storage tanks and associated hydrants</p>
---	--	--

2	Portion of Lot 6382 Steeredale Road, Hopetoun (Cont'd) (RR2)	<p>and/or standpipes on those sites shown on the Structure Plan with all such sites to be ceded to the Crown at nil cost and vested in the local government for firefighting purposes.</p> <p>(d) At the subdivision stage of development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to install fire hydrants at 200 metre intervals along water mains in areas served by a reticulated potable water supply.</p> <p>8. Notification of Landowners and Prospective Purchasers</p> <p>(a) Arrangements shall be made to the local government's satisfaction to ensure all landowners and prospective purchasers of lots shown on the Structure Plan are aware of the relevant Scheme provisions and endorsed Management Plans.</p> <p>(b) At the subdivision stage of development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to make arrangements with the local government for the registration on title of a notification pursuant to Section 70A of the Transfer of Land Act informing all prospective purchasers that development of the land is subject to the provisions and requirements of the Shire of Ravensthorpe Local Planning Scheme No.6 and an endorsed Fire Management Plan.</p> <p>(c) At the subdivision stage of development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to make arrangements with the Commission for the registration on title of a notification pursuant to Section 165 of the Planning and Development Act informing all prospective purchasers of any lot located within 500 metres of the wind turbines on Lot 6382, as depicted on the Structure Plan, that the use and enjoyment of the land may be affected by the nearby wind turbines.</p> <p>(d) At the subdivision stage of development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to make arrangements with the Commission for the registration on title of a notification pursuant to Section 165 of the Planning and Development Act informing all prospective purchasers of any lot located within 500 metres of the limits of future limestone quarrying on the balance portion of Lot 6382, as depicted on the Structure Plan, that the use and enjoyment of the land may be affected by the current and future limestone quarry operations on Lot 6382.</p> <p>(e) At the subdivision stage of development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to make arrangements with the Commission for the registration on title of a notification pursuant to Section 165 of the Planning and Development Act informing all prospective purchasers of any lot within the Structure Plan area located within 250 metres of the limits of the buffer area to the possible future wastewater treatment plant on Lot 6382 that the use and enjoyment of the land may be affected by the wastewater treatment plant.</p> <p>(f) At the subdivision stage of development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to make arrangements with the Commission for the registration on title of a notification pursuant to Section 165 of the Planning and Development Act informing all prospective purchasers of any lot within the Priority 2 Public Drinking Source Area, of the constraints on pesticide use and other potential contamination agents within a Public Drinking Source Area, under the Country Area Water Supply (CAWS) Act 1947 and that the use and enjoyment of the land may be affected by these constraints.</p>
3	Portion Lot 61 Hopetoun-Ravensthorpe Road, Hopetoun (RR3)	<p>1. All requirements below shall be read in addition to the requirements of clause 4.15, where there is an inconsistency between clause 4.15 and the requirements below, the requirements below prevail to the extent of the inconsistency.</p> <p>2. Objective</p> <p>The objective of this Rural Residential Zone is for rural residential purposes in a natural bushland setting and the conservation of the existing natural vegetation is of paramount importance.</p> <p>3. Subdivision</p> <p>Subdivision shall generally be in accordance with the Structure Plan signed by the Chief Executive Officer. No further subdivision will be supported.</p>

3	Portion Lot 61 Hopetoun- Ravensthorpe Road, Hopetoun (RR3) (Cont'd)	<p>4. Building Envelopes</p> <p>(a) All buildings and effluent disposal systems shall be constructed within a single building envelope not exceeding 2,500m², located outside of any areas shown on the Structure Plan as 'Building Exclusion Area' or 'Shelter Belt' and setback a minimum of 50 metres from Hopetoun-Ravensthorpe Road, 30 metres to a road boundary and 20 metres to any other boundary.</p> <p>(b) Notwithstanding the building envelope size, vegetation clearance for the purpose of constructing a house, shed and/or other buildings shall be limited to 2,500m² unless approved by the Council and in consultation with DPAW for the relevant lots designated in the Structure Plan.</p> <p>(c) Building envelopes shall be defined by the landowner in a position to be approved by the local government prior to the commencement of any development on a lot. Such envelopes shall meet the following requirements –</p> <p>(i) buildings and effluent disposal systems to be setback a minimum of 50 metres from the wetland dependant vegetation of any water body or wetland and a minimum of 100 metres from any adjoining Crown lands;</p> <p>(ii) building setback for bush fire protection purposes; and</p> <p>(iii) the building envelope and access way do not adversely affect any rare flora and/or fauna.</p> <p>(d) Subject to (a) above, the local government may permit a variation to the building envelope, prior to the construction of any building, if it is shown to the satisfaction of the local government that the proposed location of the building envelope will not be detrimental to the landscape or the environment.</p> <p>5. Service Requirements</p> <p>(a) The local government shall require that a prospective purchaser of a lot is made aware of the responsibility to install an individual supply of water and method of effluent disposal.</p> <p>(b) Reference should be made to Department of Agriculture & Food guidelines relating to water storage, tanks size and area of roof catchment.</p> <p>6. Vegetation Protection and Enhancement</p> <p>(a) No trees or shrubs shall be felled or removed from a lot except for –</p> <p>(i) trees that present an imminent danger to human health;</p> <p>(ii) the establishment of fire hazard reduction measures are required;</p> <p>(iii) specific requirements of an adopted fire management plan; and</p> <p>(iv) building, road and access way construction approved by the local government and in consultation with DPAW for the relevant lots designated in the Structure Plan.</p> <p>(b) Vegetation clearance for the purpose of constructing a house, shed and/or other buildings shall be limited to 2,500m² unless approved by the local government and in consultation with DPAW for the relevant lots designated in the Structure Plan.</p> <p>(c) No clearing will be permitted within the designated Building Exclusion Areas on the Structure Plan.</p> <p>(d) At the time of subdivision, subject to agreement from the relevant Agency, the local government may request that the WA Planning Commission impose a condition requiring a conservation covenant to protect the vegetation in perpetuity and/or a Section 70A Notification or similar notification on all Titles to alert first and subsequent purchasers of the Rural Residential lots that vegetation outside of the designated building envelope is to be maintained and protected for its conservation values.</p> <p>(e) At the time of subdivision the local government may request the Western Australian Planning Commission to impose a condition requiring the planting of shelter belts and/or revegetation areas with approved local indigenous species.</p> <p>(f) Upon the submission of an application for planning approval in accordance with the Scheme, the local government may require that the lot owner plant and maintain trees and shrubs of a type and density of planting approved by the local government.</p> <p>(g) No vehicle or motorcycle shall be driven or horses ridden along firebreaks or other areas apart from established roads or tracks except where such use is necessary for maintenance or management purposes.</p>
---	--	---

3	Portion Lot 61 Hopetoun-Ravensthorpe Road, Hopetoun (Cont'd) (RR3)	<p>(h) The keeping of horses, sheep, goats, cattle or other grazing animals will only be permitted in accordance with the requirements of the Land Degradation provisions, and only on those lots with existing cleared and fenced areas and will not be permitted under any circumstances on Lots 1, 27 to 39 and 50 to 55 inclusive.</p> <p>7. Land Degradation</p> <p>(a) With the intention of preventing soil erosion and any other land degradation, whether by overstocking, land management practices, or destruction of vegetation, the local government may, with the advice of the Department of Agriculture, take any soil conservation action considered necessary to reduce or eliminate the adverse effects on the environment, including the removal of animals, and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner and/or occupier.</p> <p>(b) Where permitted in accordance with provision 5(h), prior to putting stock onto a lot landowners shall seek and comply with advice from the Department of Agriculture on suitable animal stocking rates.</p> <p>(c) Landowners are responsible for protecting remnant vegetation and vegetation in shelter belts by fencing such vegetation should stock be put on the lots.</p> <p>(d) Landowners are required to maintain to the satisfaction of the Department of Agriculture the erosion control grade banks.</p> <p>8. Bushfire Management Control</p> <p>(a) The local government and/or relevant agency may request the Commission to impose a condition at the subdivision stage requiring the implementation of the adopted fire management plan for the land, including the provision and construction of Strategic Fire Breaks, designed and constructed so as to avoid erosion impacts, to the specifications of the local government and the requirements of Planning for Bushfire.</p> <p>(b) Where a lot is traversed by a Strategic Fire Break as shown on the Structure Plan, the owner of the lot shall maintain such firebreak to the satisfaction of the local government. Access along the strategic firebreak shall remain available at all times. Gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of the local government. Such gates shall not be locked.</p> <p>(c) Asset Protection and Hazard Separation Zones shall be established and maintained around each habitable building in accordance with the requirements of Planning for Bushfire Protection.</p> <p>9. Development Requirements</p> <p>(a) The local government and/or the relevant water authority may at or prior to the subdivision stage request the subdivider to prepare stormwater management plan to the specifications of the relevant water authority and the local government.</p> <p>(b) During the construction of the roads and lot access ways, management practices shall be implemented to minimise the spread of dieback.</p> <p>(c) Approval must be sought from and granted by the relevant water authority before a bore is constructed.</p> <p>(d) The materials and colours used on the exterior surfaces of all buildings shall be designed to blend in with the landscape to the satisfaction of the local government.</p> <p>10. Advice and Notifications</p> <p>At the subdivision stage the Western Australian Planning Commission may impose a condition requiring the subdivider to make arrangements with the Commission for a notification in accordance with section 165 of the Planning and Development Act 2005 to be deposited which will inform lot owners and prospective purchasers of the potential mosquito risk and aircraft noise.</p> <p>10. Dieback and Weed Hygiene Plan</p> <p>(a) The subdivider shall prepare and implement a Dieback and Weed Hygiene Plan in order to minimise the risk of introduction or spread of dieback or weeds to the site. The plan shall include –</p> <p>(i) requirements and procedures for clean-down of vehicles engaged in subdivisional or development works prior to entry to the site;</p> <p>(ii) sourcing of any fill materials for subdivision works and lot development from certified dieback and weed-free sources;</p> <p>(iii) requirements and procedures for clean-down of vehicles or machinery engaged in post development management works including hoeing of</p>
---	--	--

3	Portion Lot 61 Hopetoun-Ravensthorpe Road, Hopetoun (Cont'd) (RR3)	<p>firebreaks, prior to entry to the site.</p> <p>(b) The plan shall be prepared and implemented prior to the issue of a Development Approval for site works, to the satisfaction of the local government on advice from the relevant environmental agency.</p> <p>11. Weed Eradication Plan</p> <p>(a) The subdivider shall prepare and implement a weed eradication programme to control weeds including the declared plant <i>Asparagus asparagoides</i>.</p> <p>(b) The programme shall be prepared and implemented prior to the issue of titles to the satisfaction of the local government on advice from the relevant agency.</p> <p>12. Bushland Management Plan</p> <p>The subdivider shall prepare a bushland management plan that describes –</p> <p>(i) the value of remnant vegetation to fauna;</p> <p>(ii) the need to maintain bushland in good condition to maintain the fauna population;</p> <p>(iii) the potentially detrimental effects of non-local plants;</p> <p>(iv) the advantages of using local plants to minimise water use, create additional habitat and ameliorate clearing for development; And make arrangements for the provision of the plan to all potential purchasers and subsequent owners.</p> <p>13. Prohibition of Cats</p> <p>The keeping of domestic cats shall be prohibited on all lots.</p> <p>14. Control of Off-road Vehicles</p> <p>No vehicle shall be driven along firebreaks or other areas apart from established roads or tracks within the Rural Residential zone except where such use is necessary for maintenance or management purposes (e.g. construction or maintenance of fences, maintenance of firebreaks, weed control or firefighting).</p>
4	Lot 2 Steeredale Road, Hopetoun.(RR4)	<p>1. All requirements below shall be read in addition to the requirements of clause 4.15, where there is an inconsistency between clause 4.15 and the requirements below, the requirements below prevail to the extent of the inconsistency.</p> <p>2. Subdivision</p> <p>a) The minimum lot size for Lot 201 shall be 1 hectare with an average of no less than 1.5 hectares as shown on the Structure Plan. The minimum lot size for Lot 200 is 4 hectares.</p> <p>b) Further subdivision that creates additional lots than proposed by the Structure Plan as signed by the Chief Executive Officer and endorsed by the Western Australian Planning Commission shall not be permitted.</p> <p>c) Staging of the development is to allow for a minimum of two access/egress routes to/from each lot created as far as practicable.</p> <p>3. Service Requirements</p> <p>a) No dwelling shall be constructed or approved for construction unless a supply of water (either from an underground bore or well, or a minimum of 92,000 litre storage tank), an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and operating.</p> <p>b) Reference should be made to Department of Agriculture and Food guidelines relating to water storage, tank size and area of catchment.</p> <p>c) Effluent disposal shall be the responsibility of the individual landholder and shall be effected by septic waste disposal systems including a semi inverted leach drain, installed to the specifications of the local government.</p> <p>d) Where an effluent disposal system is located within 100 metres of an area indicated as having 'potential for winter water logging' on the Structure Plan signed by the Chief Executive Officer and endorsed by the Western Australian Planning Commission, an alternative treatment system shall be used to the specification of the local government.</p> <p>e) On those lots identified as having some limitations regarding on-site effluent disposal the type and location of the proposed waste disposal system may be subject to on-site verification and further testing.</p>

4	Lot 2 Steeredale Road, Hopetoun. (Cont'd) (RR4)	<p>f) No dwelling or effluent disposal system will be located within areas identified as subject to potential winter water logging on the Structure Plan signed by the Chief Executive Officer and endorsed by the Western Australian Planning Commission.</p> <p>g) At the subdivision stage of the development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to prepare a local drainage management plan.</p> <p>4. Location of Buildings and Structures</p> <p>a) All buildings and structures shall be set back a minimum 25 metres from a street boundary and 20 metres from a side or rear boundary of 50 metres from the boundary of Lot 1, unless otherwise shown on the approved Structure Plan.</p> <p>b) Dwellings and significant plantings (vegetation likely to grow to a height in excess of 3 metres) shall be located to minimise any impact on views of Mount Barren from adjacent lots.</p> <p>c) Where building envelopes are indicated on the Structure Plan, all development and effluent disposal systems are to be located within those envelopes.</p> <p>5. Vegetation Protection and Enhancement</p> <p>a) The local government may request the Commission impose a condition at the time of subdivision for the revegetation of areas shown on the Structure Plan.</p> <p>b) Individual landowners shall be responsible for the maintenance of re-vegetation of areas shown on the Structure Plan.</p> <p>c) Individual land owners shall be responsible for the control of invasive weed species on the individual allotments.</p> <p>6. Bush Fire Management</p> <p>a) The local government may request the commission to impose a condition at the time of subdivision for the provision of Strategic Fire Breaks in accordance with the Structure Plan.</p> <p>b) Individual landowners shall be responsible for the management of any strategic fire breaks crossing individual lots.</p> <p>c) Low fuel areas, a minimum of 20 metres wide shall be provided and maintained around all buildings.</p> <p>d) Subdivision and development are to be in accordance with the Fire Management Plan for the land as endorsed by the DFES and the local government as a condition of subdivision approval and shall require the implementation and ongoing maintenance of the developer's, property owner's and local government responsibilities as set out in the plan.</p> <p>7. Notification of Prospective Owners</p> <p>a) Provision shall be made to the local government's satisfaction to ensure prospective purchasers of land within Rural Residential Area No. 4 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.</p> <p>8. Buffer Distances to Wastewater Treatment and Electricity Generation Facilities</p> <p>a) No residence is permitted to be located within any odour and/or noise buffer that is required by the relevant authority or utility provider to protect wastewater treatment and/or electricity generation facilities.</p> <p>b) The local government may at the time of subdivision not support creation of any of the lots shown on the Structure Plan as signed by the Chief Executive Officer and endorsed by the Western Australian Planning Commission should it be of the opinion that creation of the lot(s) require residences to be located within an odour and/or noise buffer that is required by the relevant authority or utility provider to protect wastewater treatment and/or electricity generation facilities.</p>
---	---	--

5	Lot 8 Hopetoun-Ravensthorpe Road, Hopetoun (RR5)	<p>1. All requirements below shall be read in addition to the requirements of clause 4.15, where there is an inconsistency between clause 4.15 and the requirements below, the requirements below prevail to the extent of the inconsistency.</p> <p>2. Objectives</p> <p>The objectives of Rural Residential zone No. 5 are to:</p> <ul style="list-style-type: none"> • Allow for a range of lot sizes for small scale rural retreats and business enterprises. • Encourage a mix of low-key commercial activity in conjunction with rural living. • Integrate development with the rural landscape while providing for bushfire protection and management. • Utilise water sensitive and passive solar design principles to ensure effective and efficient use of resources (water and energy). • Ensure the amenity of the locality is maintained through appropriate design and location of buildings and compatible land uses. <p>3. Subdivision</p> <p>The minimum lot size shall be 1 ha</p> <p>4. Land Use</p> <p>a) In addition to those uses listed in the Zoning Table, notwithstanding the requirements of part 3.2 and 3.3 of Local Planning Scheme Number 6, within Rural Residential zone No. 5, the following uses may be permitted at the discretion of the local government:</p> <ul style="list-style-type: none"> • Civic use. • Club Premises. • Home Office. • Storage. • Plant Nursery. • Other incidental or non-defined activities considered appropriate by Council which are consistent with the objectives of the zone. <p>b) In order to ensure non-residential uses provide for the protection of rural-living amenity the Council will not grant planning consent unless it is satisfied that the proposed use would not have an adverse impact on amenity;</p> <p>c) In addition to the general development provisions, in granting development approval, the Council may assess and where appropriate apply conditions in relation to any of the following matters:</p> <ul style="list-style-type: none"> • advertising signage, • vehicle access and parking, • building location and setbacks, • external appearance, colours and finishes, • size and scale of non-residential buildings and land-uses, • storage and disposal of wastes, • emission of noise, dust and odour, • extent and standard of landscape screening, • hours of operation. <p>d) Intensive agricultural pursuits are not permitted and the keeping of livestock shall be at the discretion of the Council. Animal numbers shall not exceed the stocking rate recommended by Agriculture WA.</p> <p>e) Where, in the opinion of Council, dust nuisance, soil or land degradation is occurring or likely to occur, Council shall require landowner to rehabilitate or stabilise the land to Council's satisfaction.</p> <p>5. Building Design, Materials & Location</p> <p>a) Dwellings and outbuildings shall be designed and constructed of materials in keeping with the amenity of the site. The Council will be supportive of traditional Australian rural style dwellings with wide verandahs, simple forms and passive solar orientation. Unpainted Zinalume and highly reflective finishes will not be permitted. Walls and roofs with green, brown red or natural, muted tonings will be supported.</p>
---	--	--

5	<p>Lot 8 Hopetoun-Ravensthorpe Road, Hopetoun (RR5) (Con't)</p>	<p>b) Sheds are to be designed and constructed using materials and colour schemes which are complementary to the main dwelling on the site.</p> <p>c) Buildings are to be setback a minimum of 10m from Steeredale Road and 20m from the Hopetoun-Ravensthorpe Road lot boundaries, otherwise 10m from another boundary where Asset Protection Zones are shared or 20m elsewhere.</p> <p>d) All building envelopes shall be setback by a minimum of 200m from the sand extraction area as defined on the Structure Plan.</p> <p>e) No residence or other sensitive use is to be located within the noise buffer that is required for the electricity generating facilities,</p> <p>f) Notwithstanding (d) above, the Council may approve a minor variation to the siting requirements where it can be justified on the basis of existing structures, vegetation, visual amenity and/or fire safety, provided such variation is consistent with the objectives of the zone.</p> <p>g) In granting approval for any commercial, industrial or business enterprises in the Zoning Table or listed in Clause 4 (a), the Council may specify the number of on-site car parking bays to be provided by the developer. Any such parking shall be constructed and finished to a suitable standard (compacted gravel, limestone, metal dust or the like) so as to minimise dust and nuisance and shall be appropriately screened from the street.</p> <p>h) Any commercial vehicles, trucks, trailers or other machinery parked on private property and any materials stored on site shall be adequately screened from the street and maintained in a neat and tidy manner.</p> <p>i) Any rubbish or other waste material on the site shall be stored discretely in containers that are screened from public view</p> <p>j) Notwithstanding any requirements specified elsewhere in the Local Planning Scheme any advertising signage associated with an approved commercial, industrial or business enterprise shall be limited to one advertising device, not exceeding 1.5sqm in area located at the front boundary of the subject lot.</p> <p>k) Tree Planting/Landscape screening may be required as condition of development approval.</p> <p>6. Service Requirements</p> <p>a) At the time of subdivision the local government may request the Western Australian Planning Commission impose a condition requiring the preparation of an Urban Water Management Plan and include an acknowledgment that the results of the Urban Water Management Plan may result in changes to the Structure Plan and in particular road reserve widths and lot yield.</p> <p>b) As scheme water is not available the proponent shall demonstrate at the development stage how they will supply their own water needs.</p> <p>c) No dwelling shall be constructed unless it is connected to a minimum of a 92 000 litre water storage tank, or has an alternative potable water supply that is acceptable to the local government. No dwelling shall be considered fit for human habitation unless such a supply has been installed and is operating.</p> <p>d) Reference should be made to Department of Agriculture and Food guidelines relating to water storage, tank size and area of roof catchment.</p> <p>e) On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>f) The disposal of liquid waste is to be carried out with an effluent disposal system approved by Council and the Health Department of WA.</p> <p>g) On those lots identified on the Structure Plan as possibly requiring detailed waste water assessment, further on-site testing may be warranted to determine the appropriate type and location of effluent disposal system. This might entail ATUs , nutrient absorbing waste water systems or use of inverted leach drains.</p> <p>h) No more than one effluent disposal system will be permitted on each lot.</p>
---	---	--

5	Lot 8 Hopetoun-Ravensthorpe Road, Hopetoun (RR5) (Con't)	<p>7. Bushfire Management Control</p> <ul style="list-style-type: none"> a) At the subdivision stage of development the subdivider shall prepare and implement a Fire Management Plan to the specifications and satisfaction of DFES and the local government. b) The Asset Protection Zone may, subject to approval/agreement of the neighbour, extend beyond the property boundary. c) At the subdivision stage of development, the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to provide a permanent and secure water supply for firefighting purposes in accordance with the requirements of the 'Guidelines for Planning in Bush Fire Prone Areas'. d) The proponent shall demonstrate how the storage tank(s) for firefighting can be resupplied from a non-potable water supply (i.e. a bore) so that it does not become a responsibility of the local fire brigade. e) Where fences are erected on those lots with interim Fire Breaks, unlocked gates shall be installed. <p>8. Vegetation Protection</p> <ul style="list-style-type: none"> a) Clearing for the purpose of creating and maintaining fence lines, firebreaks and/or Asset Protection Zones is to be by way of slashing. b) Council may request the Commission to impose a condition at the subdivision stage requiring the planting of a landscape screen, as shown on the Structure Plan. <p>9. Advice to Prospective Owners</p> <ul style="list-style-type: none"> a) Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Rural Residential zone No.5 are given a copy of these Special Provisions prior to entering into an agreement to acquire property.
---	---	--

SCHEDULE 4 – CAR PARKING REQUIRMENTS

Use Class	Parking	Qualifications, requirements or conditions
Residential Uses		
All residential development to which the R Codes apply.	As per the Residential Design Codes.	
Residential Building	1 bay for every 2 beds.	
Caretaker's Dwelling	2 bays.	
Ancillary Residential Uses		
Ancillary Accommodation	As per the R Codes.	All parking requirements are in addition to the requirements for the existing dwelling under the R Codes.
Family Day Care	1 bay per 2 children.	
Home Business	1 bay per 25m ² of floorspace.	
Commercial Uses		
Office	1 space per 25m ² NLA.	
Shop (including restricted premises, amusement parlour, liquor store and plant nursery)	1 space per 25m ² NLA. Minimum 3 spaces per tenancy.	
Home Store	1 space per 25m ² NLA plus one space for the exclusive use of the dwelling.	
Restaurant/Cafe	1 space per 4 seats.	
Fast Food Outlet/ Lunch Bar	1 space per 4 seats or 1 space per 25m ² NLA, whichever is the greater.	
Bulky Goods Showroom	1 space per 50m ² NLA.	
Service Station, Convenience Store	2 spaces per service bay plus 1 space per 25m ² of NLA.	Where service station is located in industry zone, the standard for motor vehicle repair station may be applied.
Hotel/Tavern	1 space per 6m ² of bar space (areas occupied by customers excluding servery areas) and 1 space per unit of accommodation.	
Motor Vehicle, Boat and Caravan Sales	1 space per 50m ² of NLA except that, where servicing facilities are incorporated, 2 spaces for each such service bay.	
Warehouse/Storage	1 space per 50m ² NLA up to 200m ² plus 1 space per 100m ² above 200m ² , or 1 space for every person employed, whichever is the greater. Minimum 3 bays	

Use Class	Parking	Qualifications, requirements or conditions
Consulting Rooms, Medical Centre, Veterinary Centre or the like.	4 spaces for each practitioner the premises are approved to accommodate at any one time.	
Trade Display Trade Supplies	1 space per 50m ² NLA.	
Child Care Premises	At the local government's discretion.	
Cinema/Theatre	1 space per 4 persons the building is approved to accommodate.	
Betting Agency	1 space per 25m ² NLA.	
Funeral Parlour	1 space per 4 persons the building is approved to accommodate.	
Garden Centre	1 space per 50m ² of sales or display area. Minimum 3 bays.	
Dry Cleaning Premises/Laundromat	1 space for every washing machine provided. Minimum 3 bays per unit or tenancy.	
Night Club	1 space for every 2.5m ² of public bar area, plus 1 space for every 5m ² of lounge or outdoor area.	
Small Bar	1 space for every 2.5m ² of public bar area, plus 1 space for every 5m ² of lounge or outdoor area and 1 space for every 5 seats provided in eating areas or 1 space per 5m ² of eating area, whichever is the greater.	
Tourism uses		
Caravan Park and Camping Ground	1 space per site plus 1 additional space for every 4 sites for visitor parking.	
Bed and Breakfast, and Guesthouse	1 space for each room of accommodation plus one for the principle dwelling.	
Motel	1 space per unit plus 1 additional space for every 4 units for visitor parking.	
Holiday Accommodation	1 space per chalet/cabin plus 1 visitor space for every 4 chalets/cabins.	

Use Class	Parking	Qualifications, requirements or conditions
Industrial Uses		
Industry, and Industry - Light	1 space per 50m ² NLA plus 1 space for every 100m ² of unenclosed industrial area. Minimum 3 spaces per tenancy.	
Industry - Cottage	1 space per 50m ² of industrial area, or 1 space per employee, whichever is the greater.	
Motor Vehicle Repairs	2 spaces per service bay	
Fuel and Transport Depot	At the discretion of local government taking into consideration the proposed number of trucks accessing the site and the number of workers.	
Rural Uses		
Stockyards	At the discretion of local government taking into consideration the location, zoning and size of the yards.	
Animal Establishment	1 space for every 10 animals the facility is approved to accommodate, plus 1 space per employee. Minimum of 4 spaces.	
Community Uses		
Civic Use	1 space per 25m ² NLA.	
Community Purpose and Place of Worship	1 space per 4 persons or 4 seats the venue is approved to accommodate.	
Club Premises	At the discretion of local government taking into consideration the maximum number of people approved to use the premises at any one time.	
Hospital	1 space per 4 patient beds plus 1 space per 40m ² of administrative area.	
Educational Establishment	At the local government's discretion.	

Use Class	Parking	Qualifications, requirements or conditions
Recreation – private (including sporting clubs)	1 space per 25m ² of floor space to which the patrons have access plus 1 space for every 40m ² of administrative office space. Where playing venues are involved 1 space for every 4 seats for spectators or 1 space for every 4.5m ² of spectator accommodation area whichever is the greater plus adequate parking for sports participants as assessed by the local government.	
Exhibition Centre	1 space per 25m ² of NLA.	
Reception Centre	1 space for every 5 seats, or 1 space for every 5 persons the facility is approved to accommodate, or 1 space for every 5m ² of dining area, whichever is the greater.	

The certification pages for local planning schemes have been updated as follows -

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Shire of Ravensthorpe at the **Ordinary** Meeting of Council held on the **18th February 2016**

CHIEF EXECUTIVE OFFICER

PRESIDENT

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Shire of Ravensthorpe at the **Ordinary Meeting of Council held on the 15th December 2016**

The Common Seal of the Shire of Ravensthorpe 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: _____