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**SHIRE OF YORK**

**TOWN PLANNING SCHEME NO. 2**

**SCHEME AMENDMENT NO. 50**

**OMNIBUS AMENDMENT**

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# PLANNING AND DEVELOPMENT ACT 2005

## RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

### SHIRE OF YORK TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 50

Resolved that the Council, in pursuance of the Planning and Development Act 2005 amend the above local planning scheme as per the Scheme Amendment documentation by:

1. Amending Schedule 1 - Interpretations;
2. Replacing the Zoning Table;
3. Amending Clause 4.7 relating to provisions for operating home businesses and home occupations;
4. Amending Clause 4.14.4 by deleting sub-clause (a) requiring a planning consent for all development including a single house, which is contradictory to the Zoning Table and to amend the numbering of sub-clause 4.14.4 and references to number subsequently;
5. Amending Clause 5.3 and Schedule 8 relating to the control of advertisements to update provisions following the rescission of the relative local laws;
6. Amending Clause 5.8 relating to the control of transported dwellings to extend the application of the clause Shire-wide;
7. Amending Clause 6.1 and to create Clause 5.11 to correct an administrative error to the provisions relating to developer contributions and inserting mapping into Schedule 13 as proposed by Amendment 26;
8. Rezoning Lot 123 Horley Road from Road Reserve to Industrial to enable sale of the freehold land that was thought to be a portion of Horley Road;
9. Rezoning Lot R46915 Henrietta Street, York from Mixed Business to Reserve - Public Purposes to reflect the use for emergency services;
10. Rezoning portion of Sees Road, Malebelling from Reserve - Road to Reserve - Public Purposes to reflect the use for emergency services;
11. Rezoning Lots 593 Georgiana Street and 607 and 608 Gilford Street, York from Reserve - Recreation and Open Space to Reserve - Public Purposes to reflect the use by the York Scout Group, York Youth Centre and State-owned Respite Centre;

12. Rezoning Lots 7 and 202 Joaquina Street, York from Town Centre to Reserve - Public Purposes to reflect the use for civic and community purposes by the Shire of York and York Masonic Lodge;
13. Rezoning Lot 20 Avon Terrace, York from Reserve - Recreation and Open Space to Town Centre to reflect the private ownership and use in conjunction with the service station;
14. Rezoning Lots 18 and 207 Broome Street, York from Residential (R40) to Town Centre to enable appropriate development of the site for a mix of commercial, tourism and residential uses;
15. Rezoning Lot 619 Howick Street, York from Mixed Business (R9) to Town Centre and deleting the Restricted Use (R9) to enable appropriate development of a site within the town centre;
16. Rezoning Lots 100 (58) Avon Terrace and Lot 15 (44) Balladong Road, York from Residential R40 to Town Centre to enable appropriate development of a site within the town centre; and
17. Inserting 'Special Use Zones 6', as follows, to Schedule 3 to enable appropriate development of the site:

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lots 1 & 2 (18) Panmure Road (Laurelville)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Education Establishment, Residential, Short Term Accommodation	All development (including change of use) shall be subject to application for approval by the Heritage Council of Western Australia and in accordance with an approved conservation plan. All development (including change of use) shall be subject to application for the local government's planning consent and in accordance with the Shire of York Local Planning Policy Heritage Places and Precincts (as amended).

Dated this 19<sup>th</sup> day of November 2012

  
 CHIEF EXECUTIVE OFFICER

# TABLE OF CONTENTS

<b>SCHEME AMENDMENT REPORT</b>	<b>6</b>
<b>PURPOSE</b>	<b>6</b>
<b>BACKGROUND</b>	<b>7</b>
<b>PROPOSED AMENDMENTS</b>	<b>7</b>
1. Definitions/Interpretations	7
2. Zoning Table	21
3. Textual Changes	28
3.1 Home Business or Home Occupation	28
3.2 Rural Smallholding Zone	28
3.2.1 Clause 4.14.4 - Developer Requirements	28
3.3 Amendment to Clause 5.3 - Control of Advertisements	29
3.4 Transported Dwellings	29
3.5 Developer Contributions	30
4. Reserved Land	32
4.1 Use and development of Local Reserves	32
4.2 Proposals relating to road reserves	32
4.2.1 Horley Road (portion known as Lot 123)	32
4.3 Rezoning to and from Reserved Land	34
4.3.1 SES Building - Lot R46915 (16) Henrietta Street, York	34
4.3.2 Fire Shed - Sees Road, Malebelling	35
4.3.3 Scout Hall, Youth Centre and Respite Centre - Gilford Street, York	36
4.3.4 Masonic Hall and Community Resource Centre - Joaquina Street, York	37
4.3.5 Lot 20 Avon Terrace, York	39
5. Individual Properties	41
5.1 Laurelville - Lots 1 & 2 Panmure Road, York	41
5.2 2 Broome Street, York	44
5.3 Old York School - 6 Howick Street, York	46
5.4 58 Avon Terrace & 44 Balladong Rd, York	49
<b>PROPOSED AMENDMENTS</b>	<b>54</b>
<b>Textual Changes</b>	<b>54</b>
Proposal 1 - Schedule 1: Interpretations	54
Proposal 2 - Zoning Table	68
Proposal 3 - Clause 4.7: Home Business or Home Occupation	76
Proposal 4 - Clause 4.14.4: Rural Smallholding Zone	77
Proposal 5 - Clause 5.3 and Schedule 8: Control of Advertisements	80
Proposal 6 - Clause 5.8: Transported dwellings	85
Proposal 7 - Clause 5.11 and Schedule 13: Developer Contributions	86
<b>Mapping</b>	<b>91</b>

Proposal 8 - Lot 123 Horley Road, York	92
Proposal 9 - Lot R46915 Henrietta Street, York	94
Proposal 10 - Sees Road, Malebelling	96
Proposal 11 - Lots 593 Georgiana Street and 607 and 608 Gilford Street, York	98
Proposal 12 - Lots 7 and 202 Joaquina Street, York	100
Proposal 13 - Lot 20 Avon Terrace, York	102
Proposal 14 - Lots 18 and 207 Broome Street, York	104
Proposal 15 - Lot 619 Howick Street, York	106
Proposal 16 - Lot 100 Avon Terrace and Lot 15 Balladong Road, York	108
Proposal 17 - Lots 1 & 2 Panmure Road, York	110

## SCHEME AMENDMENT REPORT

1. LOCAL AUTHORITY: SHIRE OF YORK
2. DESCRIPTION OF TOWN  
PLANNING SCHEME: TOWN PLANNING SCHEME NO. 2
3. TYPE OF SCHEME: DISTRICT ZONING SCHEME
4. SERIAL NUMBER OF  
AMENDMENT: 50
5. REPORT PREPARED BY: SHIRE OF YORK

### PURPOSE

The proposed Omnibus amendment seeks to modify both the Scheme Text and Map for the purpose of correcting a series of minor Map anomalies and updating Text provisions.

This amendment is part of a continuing program of amendments to the Shire of York Town Planning Scheme No. 2 to ensure the Scheme meets the needs of the community, facilitate sustainable economic development and to protect the cultural and built heritage of York.

It is also appropriate to introduce definitions and land uses to encourage diversification of the economy, business and employment opportunities. Tourism is becoming an important part of the York economy and the town planning scheme should enable appropriate development.

The Omnibus amendment is also being utilised for progressing proposals of a minor nature within the Shire of York, rather than progressing them as individual amendments.

The amendment contains 5 main categories of proposals to the Scheme:

1. Interpretation;
2. Zoning Table;
3. Textual Changes;
4. Reserved Land; and
5. Individual Properties.

## BACKGROUND

TPS2 was gazetted in 1996, prior to the introduction of the Model Scheme Text (MST), which as the name suggests, provides a template for all local planning schemes in Western Australia, and is the format now expected by the Western Australian Planning Commission.

Work has commenced on a new planning scheme and this amendment is an interim measure. Separate scheme amendments will also be initiated to address identified issues within the town centre and rural residential precincts.

## PROPOSED AMENDMENTS

### 1. INTERPRETATIONS

The amendment proposes to amend Schedule 1 of the Scheme.

Schedule 1 is adopted under Clause 1.8.2 of the Scheme and contains general definitions and land use definitions. It is appropriate to periodically amend particularly the land use definitions to reflect current and future land uses and proposals. Significantly these amendments will introduce tourism related definitions and land uses.

A review of the Scheme has also identified land uses that are not in the Zoning Table and land uses in the table that are not defined. This amendment will correct that anomaly.

It is proposed to replace Schedule 1 with the following Schedule. The new or amended definitions are identified in the black text, with the existing definitions in grey.

#### **PROPOSED SCHEDULE 1 - INTERPRETATION**

##### **1. General Definitions**

Act means the Town Planning and Development Act, 1928 (as amended).

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.

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.**

battle-axe lot means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

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

commercial vehicle means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine whether self-propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.

Commission means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act, 1985* (as amended).

conservation means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:

- (a) enable the cultural heritage significance of that place or precinct to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilization, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

constructed road means a track which has been graded and stabilised within a dedicated road reserve.

cultural heritage significance means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

development shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building.

District means the Municipal District of the Shire of York.

flood fringe means the area of the floodplain, outside the main floodway, which is affected by flooding.



floodplain means the portion of a river valley next to the river channel that is or has been periodically covered with water during flooding.

floodway means the river channel and portion of the floodplain which forms the main flow for floodwaters once the main channel has overflowed.

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

frontage, when used in relation to a building that is used for –

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

Gazettal date means the date of which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.

height when used in relation to a building that is used for –

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

heritage place shall have the same meaning as given to the term in and for the purposes of the *Heritage of Western Australia Act 1990*.

heritage precinct means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

heritage list means the Municipal Inventory, as amended from time to time, prepared by the local government pursuant to Section 45 of the *Heritage of Western Australia Act, 1990* (as amended), or such parts thereof as described in the Heritage List.

incidental use means a use of premises which is ancillary and subordinate to the predominant use.

land shall have the same meaning given to it in and for the purpose of the Act.

Local Government shall have the same meaning as given to the term in and for the purposes of the *Local Government Act 1995*.

Local Planning Strategy means the Local Planning Strategy in respect of the Scheme, as endorsed by the Western Australian Planning Commission.

lot shall have the same meaning given to it in and for the purposes of the Act and "allotment" has the same meaning.

minerals as the same meaning as the *Mining Act 1978*.

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

- (a) all stairs, toilets, cleaners 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 means any use of land or building which was lawful immediately prior to the coming into operation of the scheme, but is not in conformity with the provisions of the scheme.

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

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

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

place means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- (a) an area of land situated in the bed of any watercourse or lake;
- (b) any works or buildings situated there, their contents relevant to the purpose of the Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

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

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

**premises means land or buildings.**

public authority shall have the same meaning given to it in and for the purposes of the Act.

public utility means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

**Residential Design Codes means the Residential Design Codes in the Western Australian Planning Commission State Planning Policy No. 3.1, as amended from time to time.**

restoration means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

**retail means the sale or hire of goods or services to the public.**

Schedule means a schedule to the Scheme.

short stay means tourist accommodation facilities (including motels, caravan and camping facilities, chalets, guest houses, holiday houses or any other form of tourist accommodation) set aside either continuously or from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period in excess of 3 months in any one 12 month period.

Structure plan means a structure plan, outline development plan or subdivision guide plan (or similar) that has been approved by both the Western Australian Planning Commission and adopted by the local government under clause 5.7. The plan should provide information at an appropriate scale to guide the Western Australian Planning Commission for the determination of applications for approval to subdivide land and for local governments in considering development applications and/or making comment to the Western Australian Planning Commission on any such applications.

substantially commenced means that work or development the subject of planning consent has been begun by the performance of some substantial part of that work or development.

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

zone means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

## **2. Land Use Definitions**

abattoir means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

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.

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

amusement facility means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

amusement machine means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

amusement parlour means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

ancillary tourist use means a premises used for:

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

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

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.

aquaculture means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the *Fisheries Act, 1905* (as amended) and the *Fisheries Regulations, 1938* (as amended) is required.

bed and breakfast means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast; for not more than four (4) adults or one family in an establishment containing a maximum of two (2) guest bedrooms and one (1) guest bathroom, located under the main roof of the dwelling house.

cabin means an individual self-contained unit similar to chalet which may lack ensuite facilities and may comprise only one room and is designed for short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.

camping ground has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*.

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

caretaker's dwelling means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

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

chalet means an individual self-contained unit usually comprising of cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, and where occupation by any person is limited to a maximum of three months in any 12-month period.

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

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

**civic building** means a building designed, used or intended to be used by a public authority or the local government as offices or for administrative or other like purpose.

**civic use** means land and buildings used by a public authority or the local government, for administrative, recreational or other purpose.

**club premises** means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

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

**consulting rooms** means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.

**convenience store** means any land or building used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m<sup>2</sup> gross leaseable area.

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

**education establishment** means a school or other educational centre, but does not include a reformatory.

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

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

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production. The accommodation that is provided to guests must consist of no more than 3 bedrooms.

**farm supply centre** means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

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

fuel depot means any land or building used for the storage and sale in bulk of solid, liquid, or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral parlour means premises used to prepare and store bodies for burial or cremation.

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

hobby farm means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.

holiday house means a single house (excluding ancillary accommodation) which might also be used from time to time for short stay accommodation for no more than six (6) people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

holiday house - large means premises conforming to the definition of "Holiday House" with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.

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

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

home occupation means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that:

- (i) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- (ii) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (iii) does not detract from the residential appearance of the dwelling or domestic outbuilding;
- (iv) does not entail employment of any person not a member of the occupier's household;

- (v) does not occupy an area greater than 20m<sup>2</sup>;
- (v) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (vi) in the opinion of the local government is compatible with the principal uses to which land in the zone in which it is located may be put;
- (vii) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (ix) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.

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

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

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

**hospital means a premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital.**

hotel means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act, 1988* (as amended) and may include a betting agency operated in accordance with the *Totalisator Agency Betting Board Act, 1960* (as amended), but does not include a motel, tavern, or boarding house the subject of a limited hotel licence or other licence granted under that Act.

incidental use means a use of land or buildings which is ancillary and subordinate to the predominant use.

industry - cottage means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which in the opinion of the local government:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;
- (c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area greater than 50m<sup>2</sup>;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area.

industry - extractive means an industry which involves:

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- (b) the production of salt by the evaporation of salt water.

industry - general means an industry other than a cottage, extractive, hazardous, light, noxious, rural, or service industry.

industry - hazardous means an industry which, when in operation and when all measures proposed to minimize its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural, or service industries.

industry - light means an industry:

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater or other waste products; and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, electricity, sewerage facilities, or any other like services.

**industry - mining means land used commercial to extract minerals from the land.**

industry - noxious means an industry which is subject to licensing as "Prescribed Premises" under the *Environmental Protection Act, 1986* (as amended).

industry - rural means an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

industry - service means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

lodging house shall have the same meaning as is given to it in and for the purposes of the *Health Act, 1911* (as amended).

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

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

medical centre means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

motel means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which a specific provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988* may have been granted.



motor vehicle and marine sales means land and buildings used for the display and sale or hire of new or second-hand motorcycles, cars, trucks, caravans, and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.

motor vehicle repair means land or buildings used for or in connection with electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not include recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.

motor vehicle wash means premises where the primary use is the washing of motor vehicles.

night club means premises -

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

office means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial service, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

park home shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Act 1995*.

park home park shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Regulations 1996*.

piggery shall have the same meaning given to it in and for the purposes of the *Health Act, 1911* (as amended).

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

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

plant nursery means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.

poultry farm means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *Health Act, 1911* (as amended).

produce store means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

public amusement means land and buildings used for the amusement or entertainment of the public, with or without charge.

public recreation means land used for a public park, public gardens, playground or other grounds for recreation which are normally open to the public without charge.

reception centre means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.

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

residential building has the same meaning as in the Residential Design Codes.

resort means integrated, purpose-built premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of three months in any 12-month period.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

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

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

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

retirement village means any land or buildings used to accommodate retirees, together with ancillary facilities, but does not include a "Park Home Park".

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

- (a) does not employ more than 5 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 200 square metres;
- (d) in relation to vehicles and parking does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of more than 3 vehicles of more than 3.5 tonnes tare weight; and
- (e) does not involve the use of an essential service of greater capacity than normally required in the zone.

rural pursuit means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (a) the rearing or agistment of goats, sheep, cattle, or beasts of burden;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial, or industrial gardens;

(d) the sale of produce grown solely on the lot;  
but does not include intensive agriculture.

salvage yard means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

school means a government school or non-government school within the meaning of the School Education Act 1999.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

service station means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repair to motor vehicles, or wrecking of vehicles.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents and where occupation by any person is limited to a maximum of three months in any 12-month period.

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

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

single dwelling has the same meaning as in the Residential Design Codes.

staff/workers accommodation means shared self-contained living accommodation (separate to a single dwelling) used for the accommodation of persons directly employed in an approved activity carried out on the Lot and does not include a Caretakers Dwelling.

tavern means land and buildings the subject of a Tavern License granted under the provisions of the *Liquor Licensing Act, 1988* (as amended).

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

transport depot means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

veterinary centre means land or buildings used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

warehouse means premises used to store or display goods and may include sale by wholesale.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

winery means the use of land or buildings for the production of viticultural produce, and may include sale of the produce.

## 2. ZONING TABLE

It is proposed to delete the existing zoning table in its entirety and insert the following zoning table to reflect the changes to the land use definitions and to provide users clearer guidance and interpretation as follows:

USES	ZONES							DEVELOPMENT ZONE			
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	IN ACCORDANCE WITH APPROVED STRUCTURE PLAN.		
1 ABATTOIR	X	X	X	X	X	X	X	SA			
2 AGRICULTURE - EXTENSIVE	X	X	X	X	X	X	X	SA			
3 AGRICULTURE - INTENSIVE	X	X	X	X	X	X	X	AA			
4 AGROFORESTRY	X	X	X	X	X	X	X	SA			
5 AMUSEMENT FACILITY	X	IP	IP	IP	X	X	X	X			
6 AMUSEMENT PARLOUR	X	AA	SA	X	X	X	X	X			
7 ANCILLARY TOURIST USE	IP	IP	IP	IP	X	IP	IP	IP			
8 ANIMAL ESTABLISHMENT	X	X	X	IP	SA	SA	SA	SA			
9 ANIMAL HUSBANDRY - INTENSIVE	X	X	X	X	X	X	X	SA			
10 AQUACULTURE	X	X	X	X	X	X	X	SA			

USES	ZONES							RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	DEVELOPMENT ZONE
	IP	AA	SA	IP	IP	SA	IP									
11	BED AND BREAKFAST	IP	AA	SA	IP	X	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP
12	CABIN	X	X	X	IP	X	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP
13	CAMPING GROUND	X	X	X	SA	X	SA	SA	SA	SA	X	X	X	SA	SA	SA
14	CARAVAN PARK	X	X	X	SA	X	SA	SA	SA	SA	X	X	X	SA	SA	SA
15	CARETAKER'S DWELLING	X	X	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP
16	CAR PARK	X	AA	SA	X	X	X	SA	SA	SA	X	X	X	X	X	X
17	CHALET	X	X	X	IP	X	IP	IP	IP	IP	X	IP	IP	IP	IP	IP
18	CHILD CARE PREMISES	SA	X	X	SA	X	SA	SA	SA	SA	X	SA	SA	X	X	X
19	CINEMA/THEATRE	X	AA	SA	X	X	X	SA	SA	SA	X	X	X	SA	SA	SA
20	CLUB PREMISES	X	AA	AA	AA	X	AA	AA	AA	AA	X	X	X	AA	AA	AA
21	CONSULTING ROOMS	SA	P	AA	SA	X	SA	SA	SA	SA	X	X	X	X	X	X
22	CONVENIENCE STORE	SA	X	P	SA	X	SA	SA	SA	SA	X	SA	SA	X	X	X
23	EDUCATION ESTABLISHMENT	SA	AA	AA	AA	X	AA	AA	AA	AA	X	X	X	AA	AA	AA
24	EXHIBITION CENTRE	IP	AA	AA	AA	X	AA	AA	AA	AA	X	IP	IP	IP	IP	IP

USES	ZONES										DEVELOPMENT ZONE	
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE				
25	P	SA	AA	P	X						P	
26	X	X	X	X	X						X	SA
27	X	X	SA	SA	P						X	SA
28	X	AA	SA	SA	X						X	X
29	X	X	X	X	AA						X	IP
30	IP	AA	SA	IP	X						X	IP
31	X	AA	SA	X	SA						X	X
32	SA	AA	AA	SA	X						IP	IP
33	X	X	X	X	X						P	P
34	P	P	P	P	X						P	IP
35	SA	AA	AA	SA	X						AA	IP
36	AA	AA	SA	AA	X						AA	AA
37	AA	AA	SA	AA	X						AA	AA
38	P	P	P	P	X						P	P

USES	ZONES										DEVELOPMENT ZONE			
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE						
39	SA	AA	AA	SA	X	X	X	X	X	X	X	IP		
40	X	AA	SA	SA	X					X	X	X		
41	SA	X	AA	AA	X					AA	AA	AA		
42	X	X	X	X	X					X	X	AA		
43	X	X	X	X	AA					X	X	X		
44	X	X	X	X	SA					X	X	SA		
45	X	X	SA	SA	P					X	X	X		
46	X	X	X	X	X					X	X	SA		
47	X	X	X	X	SA					X	X	SA		
48	X	X	X	X	X					SA	SA	P		
49	X	X	AA	SA	P					X	X	X		
50	SA	AA	AA	AA	X					X	X	X		
51	X	AA	AA	X	AA					X	X	X		
52	X	AA	AA	X	X					X	X	X		



USES	ZONES							RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	DEVELOPMENT ZONE
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	DEVELOPMENT ZONE							
53	MEDICAL CENTRE	SA	P	P	X	X	X	X	X	X	X	X	X	X	X	X
54	MOTEL	X	AA	AA	SA	SA	SA	AA	AA	X	X	X	X	X	X	X
55	MOTOR VEHICLE SALES AND HIRE	X	X	SA	X	AA	X	AA	AA	X	X	X	X	X	X	X
56	MOTOR VEHICLE REPAIR	X	X	X	SA	SA	SA	AA	AA	X	X	X	X	X	X	X
57	MOTOR VEHICLE WASH	X	SA	SA	SA	SA	SA	AA	AA	X	X	X	X	X	IP	X
58	NIGHT CLUB	X	AA	SA	X	X	X	X	X	X	X	X	X	X	X	X
59	OFFICE	X	P	P	X	AA	X	AA	AA	X	X	X	X	X	X	X
60	PARK HOME PARK	X	X	X	SA	SA	SA	X	X	X	X	X	SA	SA	SA	SA
61	PIGGERY	X	X	X	X	X	X	X	X	X	X	X	X	X	SA	SA
62	PLACE OF WORSHIP	X	SA	SA	SA	SA	SA	X	X	X	X	X	SA	SA	SA	SA
63	PLANTATION	X	X	X	X	X	X	X	X	X	X	X	X	X	AA	AA
64	PLANT NURSERY	SA	X	SA	AA	AA	AA	AA	AA	AA	AA	AA	SA	SA	AA	AA
65	POULTRY FARM	X	X	X	X	X	X	X	X	X	X	X	X	X	SA	SA
66	PRODUCE STORE	X	AA	AA	SA	SA	SA	AA	AA	AA	AA	X	X	X	IP	IP

USES	ZONES						RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	DEVELOPMENT ZONE
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL									
67	PUBLIC RECREATION	AA	X	AA	AA	AA	AA	AA	AA	AA	X	X	AA		
68	PUBLIC UTILITY	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA		
69	RECEPTION CENTRE	IP	AA	AA	IP	AA	IP	AA	IP	X	IP	IP	IP		
70	RECREATION - PRIVATE	X	SA	SA	SA	SA	SA	SA	SA	SA	X	SA	SA		
71	RESORT	X	X	X	X	X	X	X	X	X	X	SA	SA		
72	RESOURCE RECOVERY FACILITY	X	X	X	X	X	X	X	X	SA	X	X	SA		
73	RESPIRE DAY CARE CENTRE	AA	SA	SA	SA	SA	SA	SA	SA	X	SA	X	X		
74	RESTAURANT	X	P	AA	AA	AA	AA	AA	AA	X	X	X	IP		
75	RESTRICTED PREMISES	X	SA	X	X	X	X	X	X	SA	X	X	X		
76	RETIREMENT VILLAGE	SA	X	SA	SA	SA	SA	SA	SA	X	X	X	X		
77	RURAL HOME BUSINESS	X	X	X	SA	SA	SA	SA	SA	X	SA	AA	AA		
78	RURAL PURSUIT	X	X	X	X	X	X	X	X	X	SA	SA	P		
79	SALVAGE YARD	X	X	X	X	X	X	X	X	AA	X	X	SA		
80	SELF-STORAGE UNITS	X	X	X	X	X	X	X	X	AA	X	X	X		

USES	ZONES							RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	DEVELOPMENT ZONE
81	SERVICE STATION	X	SA	SA	SA	SA	SA	SA	SA	SA	SA	AA	X	X	AA	
82	SERVICED APARTMENT	X	AA	AA	SA	SA	SA	SA	SA	SA	SA	X	X	X	X	
83	SHOP	X	P	P	X	X	AA	AA	AA	AA	AA	SA	X	X	X	
84	SHOWROOM	X	AA	AA	AA	AA	X	AA	AA	AA	AA	AA	X	X	X	
85	SINGLE DWELLING	P	AA	AA	AA	AA	P	AA	AA	AA	X	X	P	P	P	
86	STAFF/WORKERS ACCOMMODATION	X	X	X	X	X	X	X	X	X	X	IP	IP	IP	IP	
87	TAVERN	X	AA	AA	SA	SA	SA	SA	SA	SA	SA	X	X	X	X	
88	TRANSPORT DEPOT	X	X	X	X	X	X	X	X	X	X	AA	X	X	SA	
89	VETERINARY CENTRE	X	SA	SA	AA	AA	SA	AA	AA	AA	AA	SA	SA	SA	AA	
90	WAREHOUSE	X	X	X	X	X	X	X	X	X	X	AA	X	X	X	
91	WASTE DISPOSAL FACILITY	X	X	X	X	X	X	X	X	X	X	X	X	X	SA	
92	WASTE OR RESOURCE TRANSFER STATION	X	X	X	X	X	X	X	X	X	X	X	X	X	SA	
93	WINERY	X	X	X	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	P	

### 3. TEXTUAL CHANGES

#### 3.1 HOME BUSINESS OR HOME OCCUPATION

Clause 4.7.2 currently stipulates that an approval to carry on a home business or home occupation is valid for a period of 12 months after the date of issue and must be renewed upon application in writing to the location.

It is proposed to modify this Clause as follows:

4.7.2 An approval to carry on a home business or home occupation:

- (a) Is subject to an annual inspection and permit. The permit must be renewed by application to Council each financial year accompanied by the adopted application fee.

Existing subclauses (b) and (c) will remain unchanged.

It is also proposed to insert a new clause to given notice to operators that Council may rescind an approval to operate a home business or home occupation as follows:

If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may rescind the approval.

The amendments to the provisions will enable more certainty for home business and home occupation operators and better management for Council.

#### 3.2 RURAL SMALLHOLDING ZONE

##### 3.2.1 CLAUSE 4.14.4 - DEVELOPER REQUIREMENTS

Clause 4.14.4(a) - Developer Requirements is inconsistent with the Land Use Table. This Clause requires planning consent for all development including a single house. The Land Use Table identifies a single dwelling as a 'P' use, i.e. permitted development.

Lots in the Rural Smallholding zone are generally between 4 hectares and 40 hectares in size and the construction of a single dwelling is consistent with the objectives of the zone.

It is proposed to delete this sub-clause 4.14.4(a) in its entirety and to amend the numbering of sub-clause 4.14.4 and references to number subsequently.

### 3.3 AMENDMENT TO CLAUSE 5.3 - CONTROL OF ADVERTISEMENTS

The current provisions of Clause 5.3 of the Scheme provide Council with the ability to control advertisements only within the York townsite. It is proposed to delete the reference to townsite to enable Council to control advertisements Shire-wide. This is becoming particularly important as rural industries and tourism initiatives increase in areas outside of the townsite boundary.

Sub-clause 5.3.1(a) refers to the Signs, Hoarding and Bill Posting Bylaws and licences that were issued thereunder that have been rescinded. Council adopted a Local Planning Policy - Advertising Signage in October 2011 that provides planning guidelines on the display and erection of advertising signage within the Shire of York. It is proposed to delete the last sentence referencing the Bylaws and licensing. The amended clause will read as follows:

“a) for the purposes of the Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the local government.”

Clause 5.3.8 refers to the now rescinded local laws. It is therefore necessary to amend the clause to reflect this change in legislation, as follows:

“5.3.8 Scheme to Prevail:

Where the provisions of clause 5.3 are found to be at variance with the provisions of the local government's policy, the provisions of the Scheme shall prevail.”

Similarly, some provisions of Schedule 8 require amendment to reflect the above change as follows:

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes change of posters or poster signs and applies to non-illuminated signs unless otherwise states)	MAXIMUM AREA
Shops, showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with any adopted Local Planning Policies.	Combined area of all advertisements not to exceed 5m <sup>2</sup>

### 3.4 TRANSPORTED DWELLINGS

Clause 5.8 relates to transported dwellings. The current clause applies only to the York town site and it is proposed to delete the words 'town site' and replace with 'Shire' so that the requirements and the Local Planning Policy applies to the whole Shire area.

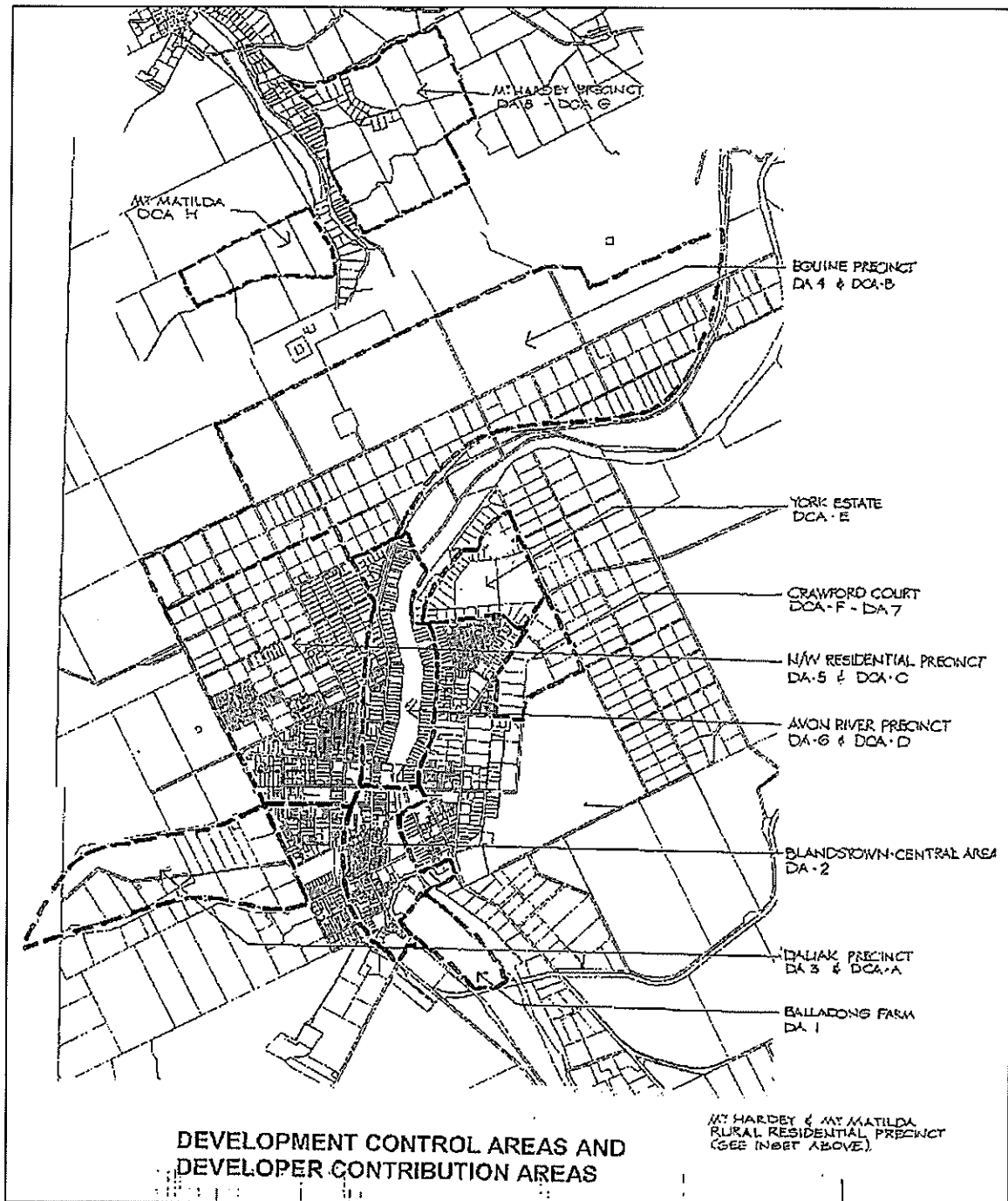
It is also proposed to delete the reference to 'Local Laws' in Clause 5.8.2(a) and to replace them with the words 'Local Planning Policy'.

### 3.5 DEVELOPER CONTRIBUTIONS

Scheme Amendment 26 implementing provisions of the Developer Contributions was gazetted on 13 May 2011. An administrative error has occurred and the provisions were inserted into the Scheme within Clause 6.1 relating to non-conforming use rights.

Accordingly, it is proposed to relocate Clauses 6.1.1 to 6.1.28 inclusive to a new clause known as Clause 5.11 - Developer Contributions.

Similarly, the scheme mapping was not amended to include the Developer Contribution Areas. It is proposed to now amend the Scheme to insert the mapping as was intended as part of Scheme Amendment No. 26.



## 4. RESERVED LAND

### 4.1 USE AND DEVELOPMENT OF LOCAL RESERVES

It is proposed to insert the following clauses after Clause 2.1 to better define the use and development of local reserves:

- “2.1.1 A person must not -
- (a) use a Local Reserve; or
  - (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 7 of the Scheme.
- 2.1.2 In determining an application for planning approval the local government is to have due regard to:
- (a) the matters set out in Clause 7.5; and
  - (b) the ultimate purpose intended for the Reserve.
- In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.”

### 4.2 PROPOSALS RELATING TO ROAD RESERVES

#### 4.2.1 HORLEY ROAD (PORTION KNOWN AS LOT 123)

Lot 123 (1) Horley Road is currently reserved for road purposes. However, it is unmade and in private ownership.

The area of land is 636m<sup>2</sup> and was created in 1924 and until recently it was thought that the land formed part of Horley Road. A title search revealed it to be privately owned. The Shire has been unable to locate the current owner and intends to sell the land in accordance with the provisions of the Local Government Act for unpaid rates.

It is proposed to rezone the land to industrial to correspond the adjoining properties, which will facilitate the sale that will in all probability result in amalgamation into one or more adjoining properties.



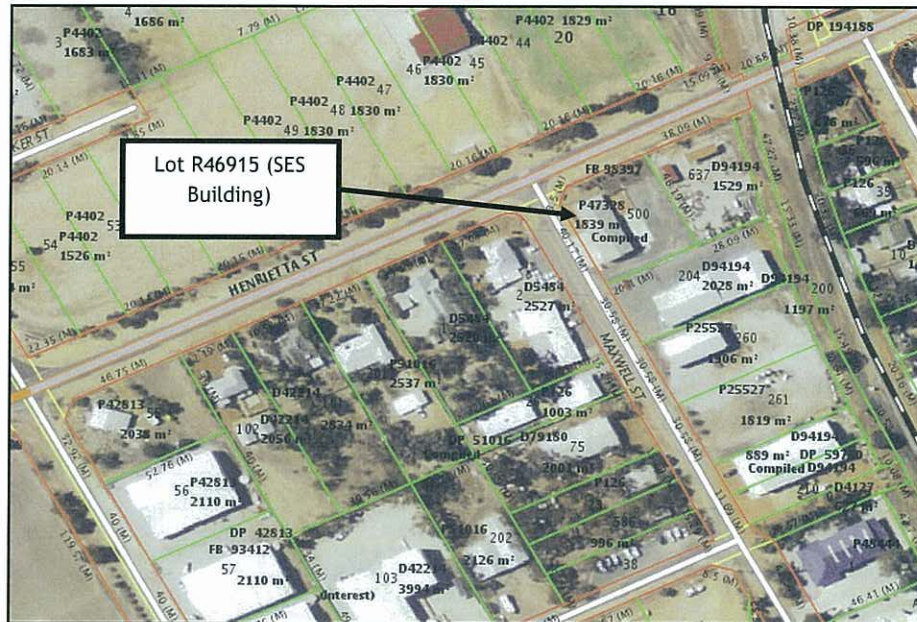


### 4.3 REZONING TO AND FROM RESERVED LAND

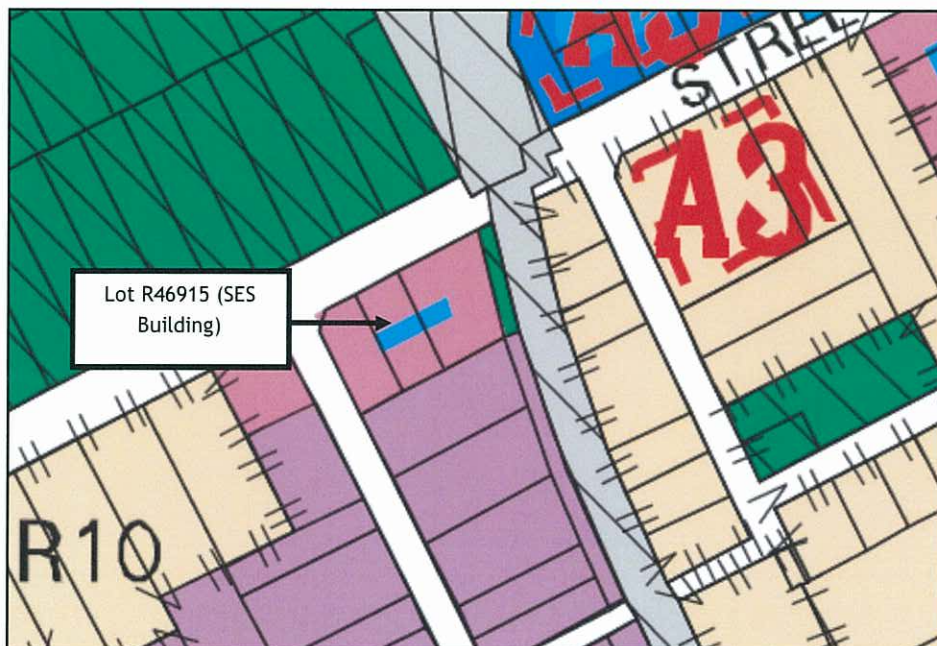
#### 4.3.1 SES BUILDING - LOT R46915 (16) HENRIETTA STREET, YORK

It is proposed to change the zoning from Mixed Business to Reserve - Public Purposes to reflect the current use of the land by the State Emergency Services.

#### Location Plan



#### Zoning Map



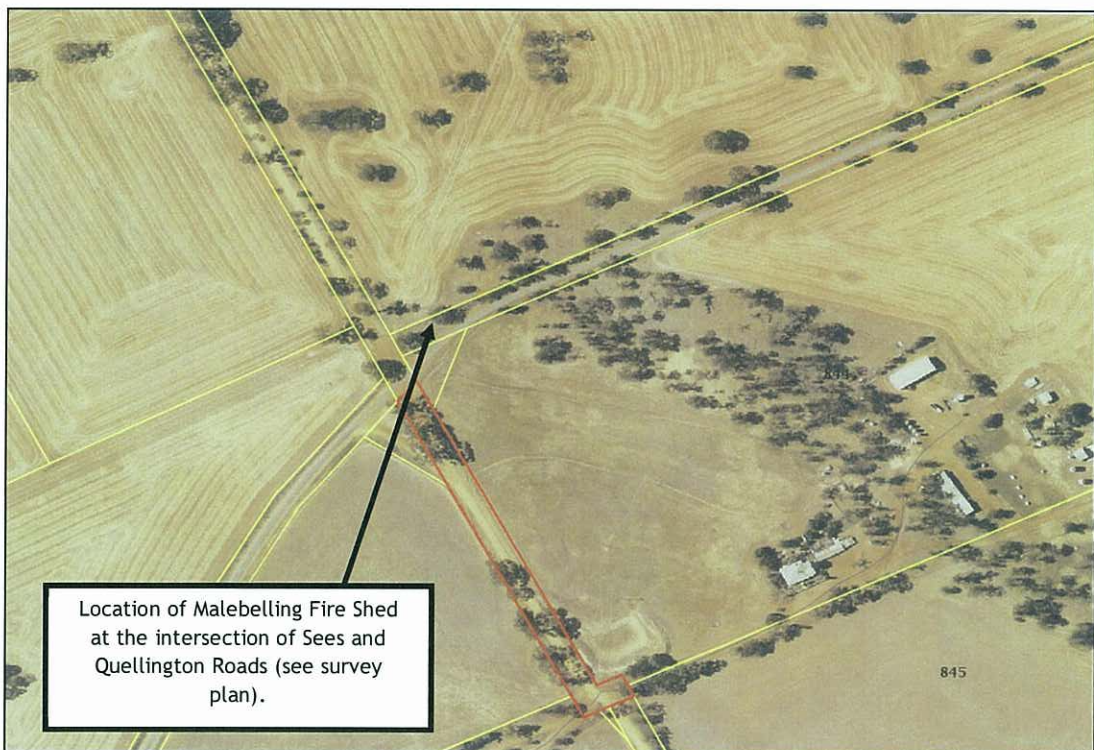
#### 4.3.2 FIRE SHED - SEES ROAD, MALEBELLING

A portion of Sees Road has recently undergone realignment for road safety reasons. The disused portion of Sees Road is now used by the local Malebelling Bush Fire Brigade and a shed has been constructed.

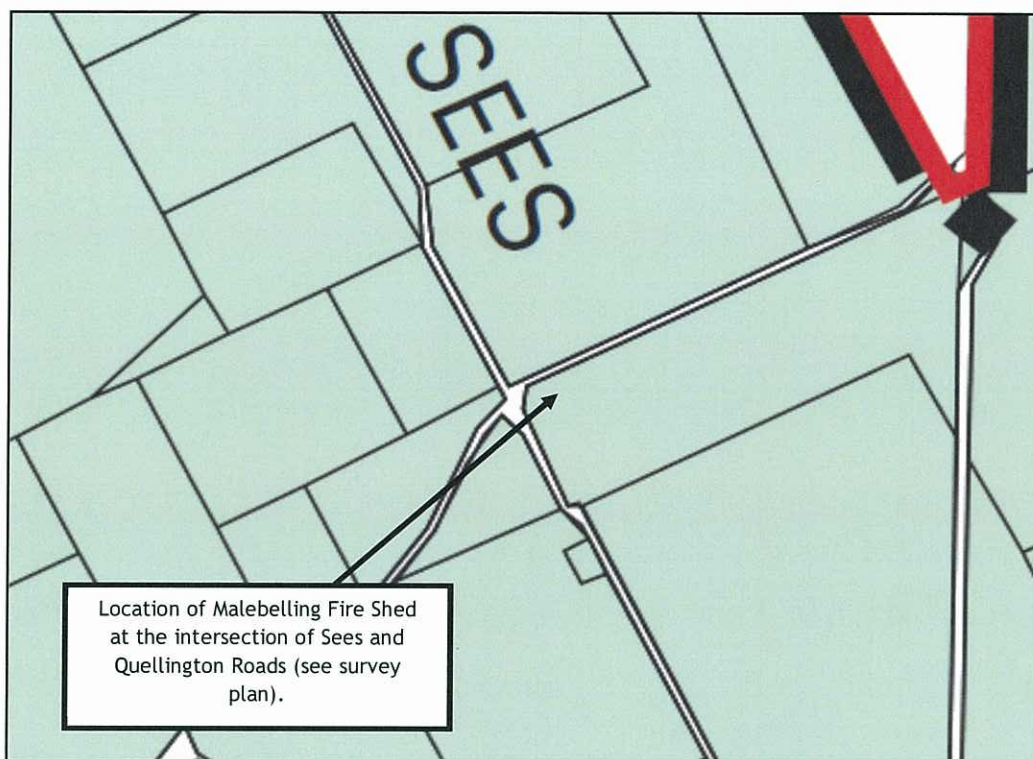
The Department of Regional Development and Lands have been requested to formalise the road closure and as an interim measure, issued a Licence under Section 91 of the Land Administration Act which has enabled the shed to be constructed.

The purpose of the reservation needs to be amended from Road Reserve to Public Purposes to reflect the current and future use for local fire brigade purposes.

#### Location Plan



## Zoning Map

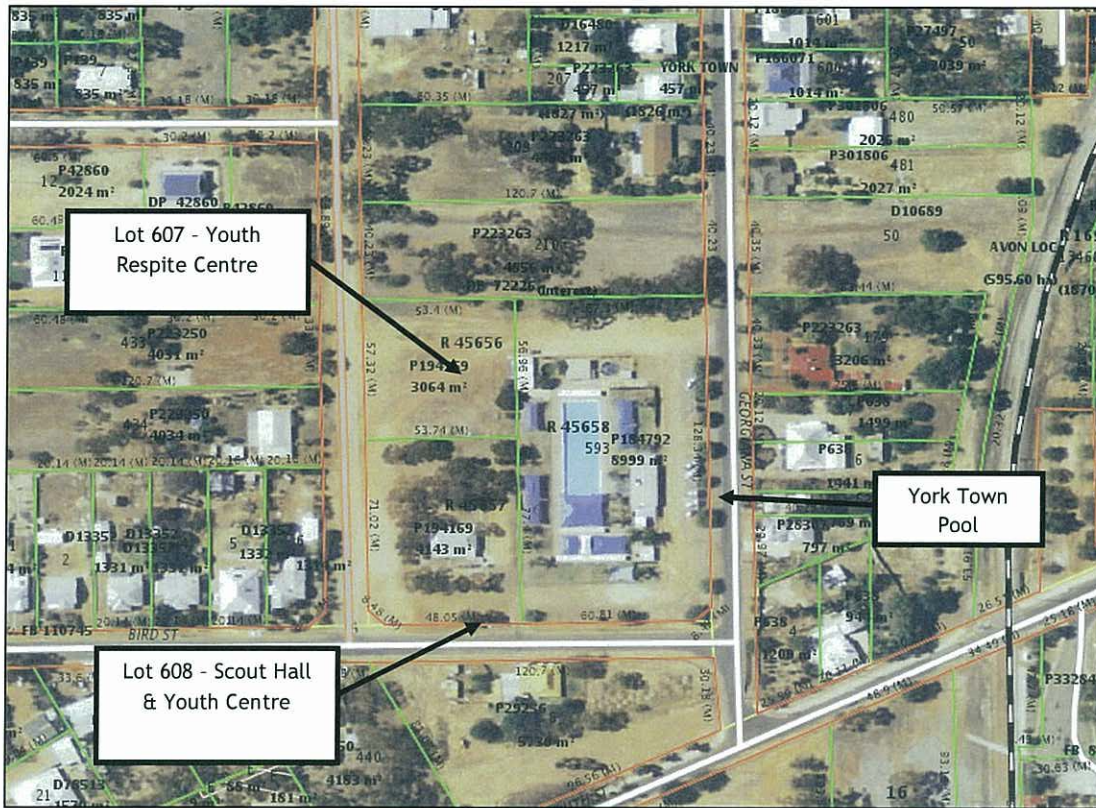


### 4.3.3 SCOUT HALL, YOUTH CENTRE AND RESPITE CENTRE - GILFORD STREET, YORK

Lot 606 Gilford Street is currently contains two buildings - one used by the local Scout Group and the other for the Shire Youth Centre. The land is currently reserved for Open Space and Recreation purposes and should be rezoned to reflect its use for Public Purposes.

Lot 607 Gilford Street has been recently developed by the State Government as a youth respite centre. The land is also currently reserved for Open Space and Recreation purposes and should be rezoned to reflect its use for Public Purposes.

Location Plan



Zoning Map



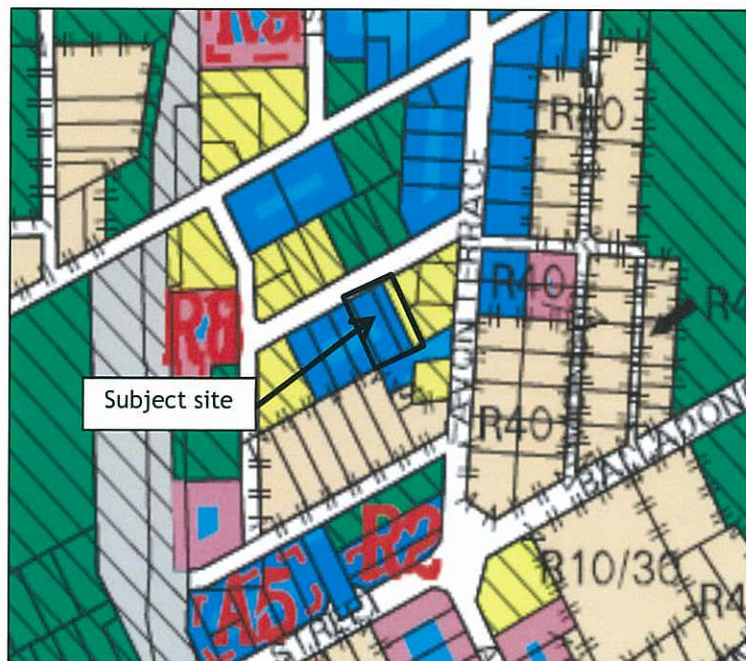
#### 4.3.4 MASONIC HALL AND COMMUNITY RESOURCE CENTRE - JOAQUINA STREET, YORK

Lots 3 and 5 Joaquina Street, York are currently zoned Town Centre and it is proposed to reserve the lots under Scheme for Public Purposes to reflect the current use of the properties by the York Masonic Lodge and Community Resource Centre respectively.

##### Location



##### Zoning



#### 4.3.5 LOT 20 AVON TERRACE, YORK

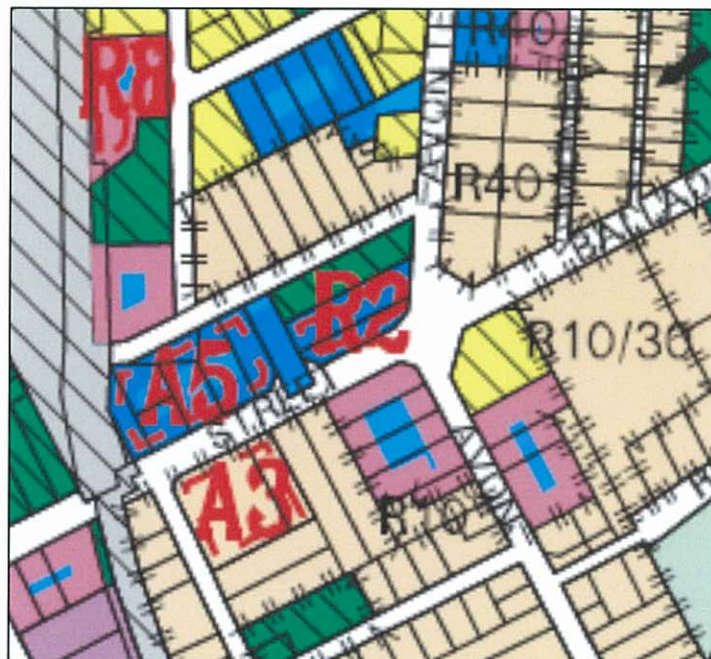
Lot 20 is currently reserved for Recreation and Open Space purposes but is privately owned and used in conjunction with the operation of the Gull Service Station on Lots 21 and 22 Avon Terrace, York.

It is proposed to rezone the lot to Town Centre matching the other lots.

#### Location



#### Zoning



## Contamination

The Department of Environment and Conservation have identified the subject lot as a known or suspected contaminated site and describes the contamination as follows:

*“A hydrocarbon plume in groundwater exists under 63 and 22 Avon Terrace (the Source Site). The plume has migrated in an East-North-East direction beneath the adjoining Avon Terrace road reserve and 58 Avon Terrace.”*

Remediation is required, although a Regulatory Notice has not been issued.

The contamination status of the site does not affect the proposed rezoning of the site from reserved land to correct an anomaly in the Scheme.



## 5. INDIVIDUAL PROPERTIES

It is proposed to rezone the following properties within the Shire of York to a more appropriate zoning in accordance with their current uses, their location and potential future use or development potential:

### 5.1 LAURELVILLE - LOTS 1 & 2 PANMURE ROAD, YORK

It is proposed to add the subject property to the Special Use Zone to allow a variety of tourist related uses, similar to other larger historic properties, such as Faversham House (Scheme Amendment No. 3) and the old York Hospital (Scheme Amendment No. 43) as follows:

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lots 1 & 2 (18) Panmure Road (Laurelville)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Residential, Short Term Accommodation	All development (including change of use) shall be subject to application for the local government's planning consent and in accordance with the Shire of York Local Planning Policy Heritage Places and Precincts (as amended).

#### Background

The subject property is currently used as a residence, bed and breakfast, lodging house, and wedding reception centre.

It is located on the eastern side of the town centre within a residential area of varying lot sizes and is currently zoned Residential with a coding of R2.5 that provides for a minimum lot size of 4,000m<sup>2</sup>.

#### Heritage

Laurelville is a Category 2 municipal heritage listed property and is described on the Heritage Council's database as follows:

*"Laurelville is set in 1.5ha of beautiful garden. The large house is set back a good distance from Panmure Road, on the slopes of Mount Brown. Warren and Jenny Marwick landscaped the whole area in 1986 to their own design. The front has a large sunken garden of lawn, the banks have thousands of bulbs, mostly daffodils, bluebells and jonquils planted on the slopes. The outer bank is a walkway and further out is a collection of deciduous trees which make a lovely splash of colour in the autumn. Flowering plum, white*

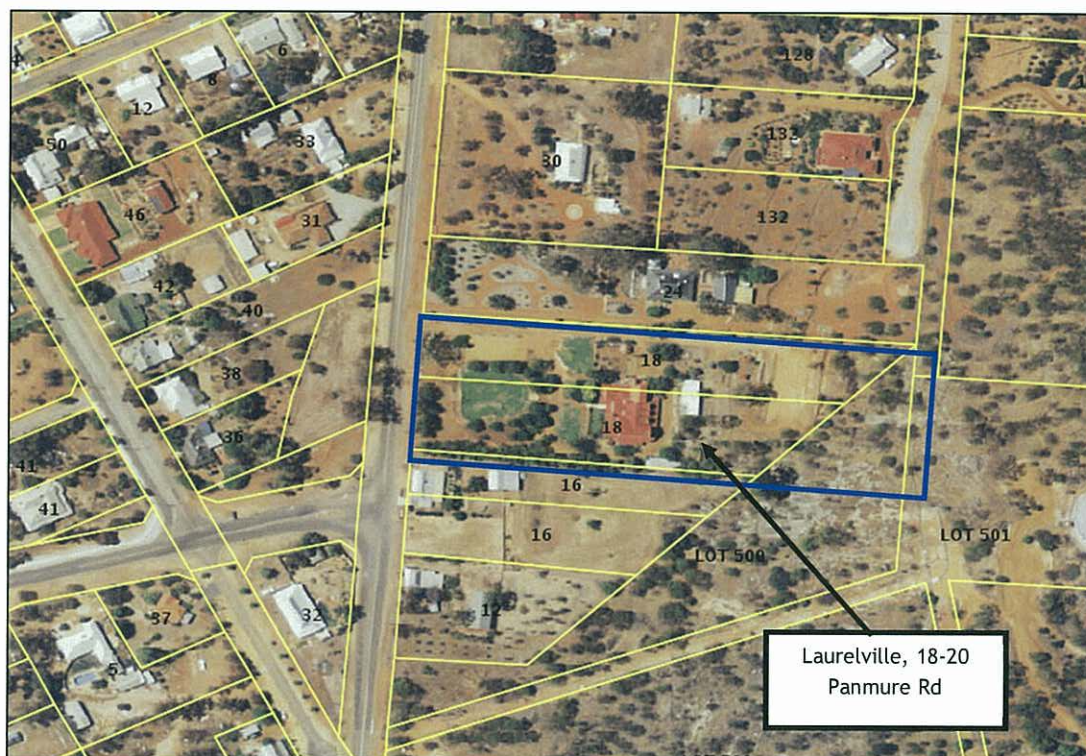
*flowering peach, liquidambar, Chinese tallow, claret ash, desert ash, crab apple and others. There is one lovely blue cedar. The southern driveway has very old peppercorn trees and the northern driveway is lined with many varieties of bougainvillea, poplars and old fashioned roses collected from the gardens of pioneer families in York. There are about 500 rose bushes in the garden and about 10,000 bulbs of all varieties available in Australia. There is one section of the garden full of heritage roses with a rotunda, walkway, statues and a birdbath. Construction date: 1896.”*

### Rationale

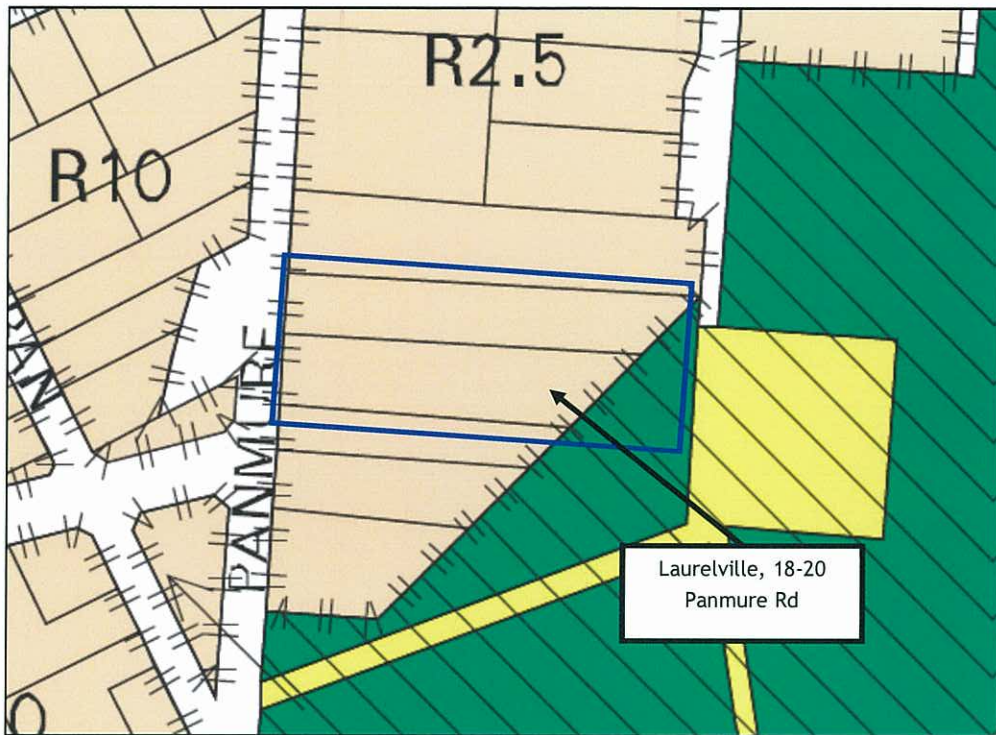
It is proposed to provide the ability for the owners of this significant property flexibility is permitted uses, subject to planning approval, to complement the current tourist-related uses that may be acceptable in a residential area.

The protection and sustainability of heritage places is heavily reliant on the financial capability of the landowner to maintain and develop the place. By providing ability for a variety of owners through permitted land uses, it is hoped that it will assist in the preservation of the place.

### Location Plan



Zoning Plan



Current Photograph of Main Building



## 5.2 2 BROOME STREET, YORK

It is proposed to rezone Lots 207 & 18 known as 2 Broome Street, York from Residential R40 to Town Centre. The Town Centre zoning will enable appropriate future development of the site for a mix of commercial and residential purposes.

The site currently contains a dwelling on Lot 18 (front lot) and a shed on Lot 207 (rear lot) and is accessed from Broome Street.

### Location

The site is located at the southern end of the York town centre on the corner of Avon Terrace and Broome Street. It is adjacent the Salvation Hall and a residential dwelling.



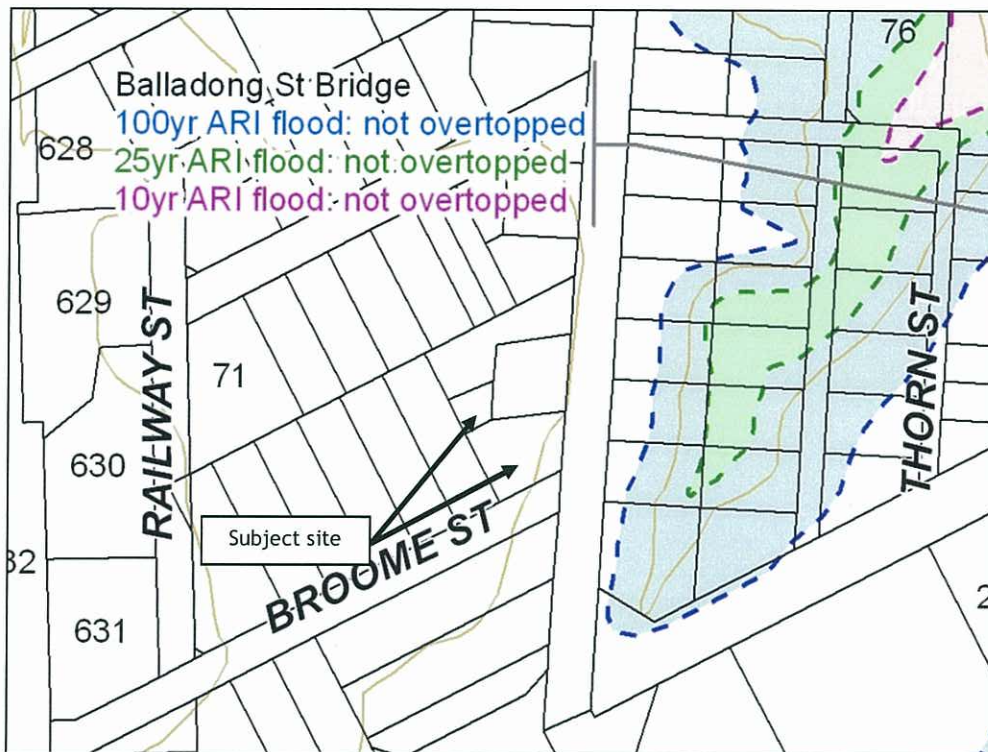
### Heritage

It is estimated that the dwelling on Lot 18 was constructed between 1915 and 1940. However, due to the number of alterations and loss of authenticity, is not listed on the Municipal Heritage Inventory. Notwithstanding this, the site is located within the Central York Heritage Precinct and any development must be

consistent with the provisions of the Scheme and the Local Planning Policy - Heritage Precincts and Places.

### Flooding

The site is not located within the flood prone area as indicated by the Department of Water mapping.



### Zoning

The site is currently zoned Residential R40 and can be connected to deep sewerage. It is proposed to rezone the property to Town Centre to enable offices to be constructed on the Avon Terrace frontage. The York Town Planning Scheme No. 2 provides for properties in the Town Centre zone to utilise the R40 coding.

The York Local Planning Strategy identifies the property within the Town Centre Precinct and a scheme amendment will be initiated in the near future to rezone properties, where appropriate, identified in the Town Centre Precinct to Town Centre.



### 5.3 OLD YORK SCHOOL - 6 HOWICK STREET, YORK

It is proposed to rezone Lot 619 (6) Howick Street, York from Mixed Business to Town Centre. The Town Centre zoning will enable sustainable future development of the site for appropriate commercial uses.

The site is currently used for medical consulting rooms and contains the buildings of the original York school.

#### Heritage

The place is state heritage listed by the Heritage Office of WA and is a category 1 place on the York Municipal Inventory. The Heritage Council's website describes the place as:

*“York Primary School, comprising a single story brick structure with a corrugated iron roof, designed in the Victorian Rustic Gothic Style and constructed in stages, and the former Principal's Quarters, a single story brick building with a hipped corrugated iron roof designed and built at the*

*end of the nineteenth century has cultural heritage significance for the following reasons:*

- *the place is a good example of a school designed by the Public Works Department in various stages between the 1880s and 1950s;*
- *the highly intact nineteenth century sections of the school are examples of the work of chief architect George Temple Poole;*
- *the use of a limited palette of materials and forms gives the place a strong and unified aesthetic character despite its staged construction over many years while its early northern end has aesthetic significance for its materials, massing of its roofs, interior volumes and early details;*
- *the place represents the development and provision of public education in a country town in Western Australia;*
- *the place is the site of the first purpose built school in the York district;*
- *the place provides an integrated design incorporating buildings of various periods united by a commonality of form, purpose and materials;*
- *the northern end of the main building is both rare as and representative of Western Australian Government hall and gallery schools constructed from the 1890s to world War One, while the place as a whole is representative of a progressive development of schools established in the nineteenth century to cater for increased populations and new methods of teaching in the twentieth century;*
- *the former principal's quarters are significant as an example of on-site accommodation provided to teaching staff in the late nineteenth century and early twentieth century at government schools; and,*
- *the place makes a positive contribution to the late 19th and 20th century townscape of York.*

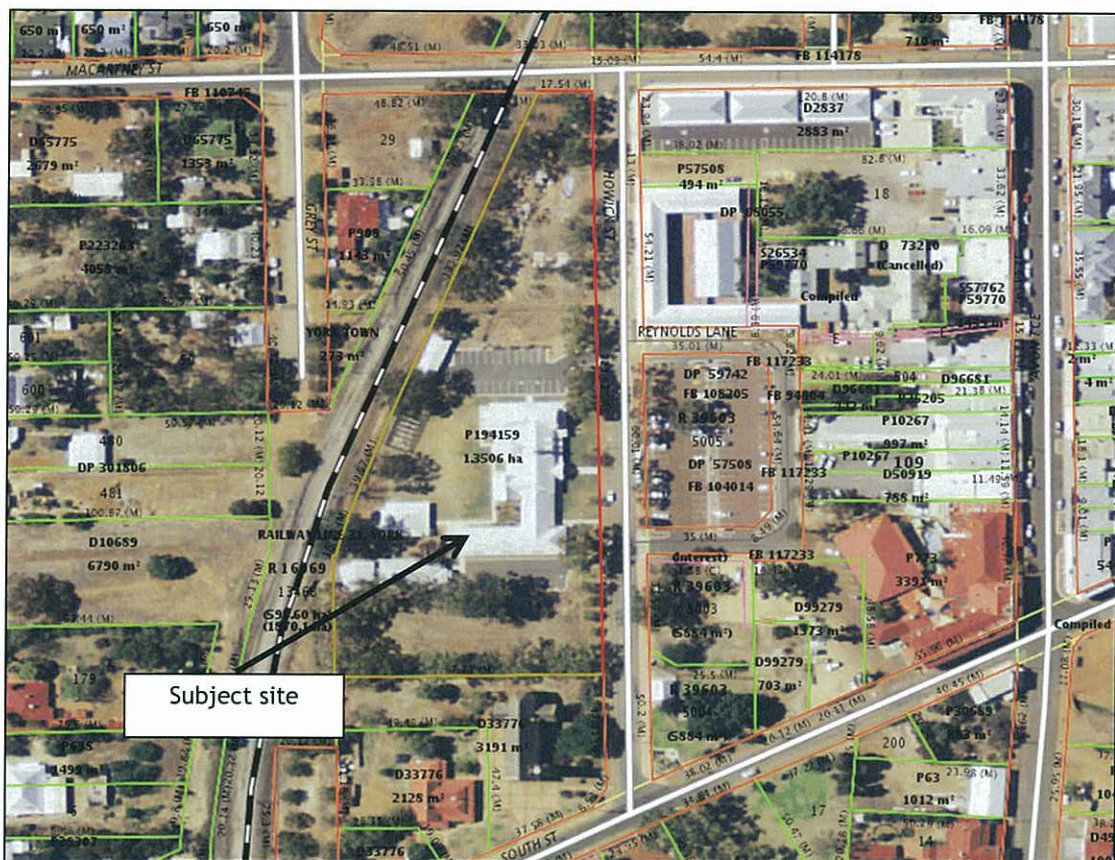
*The 1970s toilet block addition adjoining the rear of the main building is of little cultural heritage significance, as is the library building, lunch pavilion and toilet block located on the primary school grounds.”*



## Location

The site is located within the boundary of the Town Centre as identified in the York Local Planning Strategy and York Town Planning Scheme No. 2.

Howick Street is located parallel to Avon Terrace, the main commercial strip of York, and is within walking distance through pedestrian walkways and the Howick Street car park.



## Zoning

The site is currently zoned Mixed Business and the buildings are used for medical consulting rooms, offices and associated uses with a Restricted Use (R9) in Schedule 2 as follows:

*“The uses “industry - light”, “industry - service”, “plant nursery”, and “service station” shall not be permitted.”*

The site is located within the Town Centre boundary in both the Local Planning Strategy and Town Planning Scheme. The Mixed Business zone is a zone that is



supportive of the main town centre and excludes retail related uses so that the land uses do not compete or detract from the town centre. Additionally, the restricted uses ensure that the site is not used for any potentially contaminating purpose to protect the heritage and cultural significance of the site.

The zoning of this site as Mixed Business is not appropriate for the growth of York and the Town Centre zoning is more appropriate to facilitate the development of the site as part of the commercial core of York and is consistent with the prohibitions in the current restricted use.

Any future development would need to be sensitive to the heritage and cultural significance of the remainder of site and ideally located for additional commercial, business or community uses.



#### 5.4 58 AVON TERRACE & 44 BALLADONG RD, YORK

It is proposed to rezone Lots 100 (58) Avon Terrace and Lot 15 (44) Balladong Road, York from Residential R40 to Town Centre. The Town Centre zoning will enable sustainable future development of the site for appropriate commercial uses.

## Location

The site is located within the boundary of the Town Centre as identified in the York Local Planning Strategy and York Town Planning Scheme No. 2 and within the Central York Heritage Precinct.



The site is considered a strategic town entry site located on the intersection of Avon Terrace and Balladong Road, which is the main entry point to York from Perth and from the eastern and southern towns of the Wheatbelt (e.g. Beverley and Quairading).

On the opposite corner is located the Gull Service Station, the recently demolished tyre service site and the historic York cemetery. Nearby are the Balladong Country Estate, a local transitional retirement village, and east of historic Blandstown.

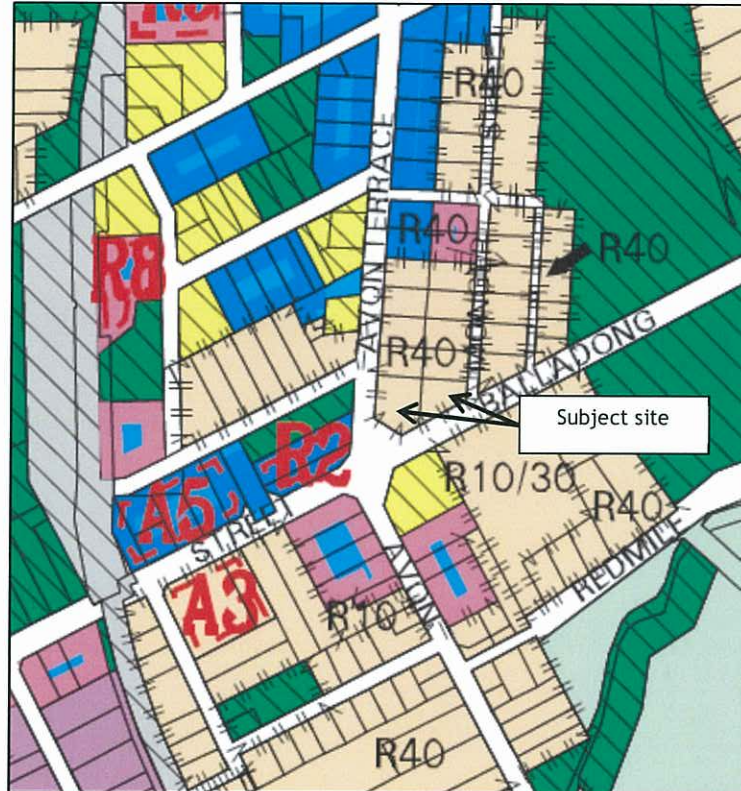
## Zoning

The lots are currently zoned Residential R40 and Lot 100 contains a single dwelling and ancillary outbuildings.

It is proposed to rezone the lots to Town Centre, which is consistent with the York Local Planning Strategy. The Strategy identifies the lots within the town centre boundary and is consistent with the objective of consolidating, not expanding, the town centre.

The rezoning will permit a wide variety of appropriate development, including commercial, residential or a mix.

Below is an excerpt from the York TPS 2 mapping:



### Heritage

The site is located within the York Central Heritage Precinct as designated in the adopted Local Planning Policy - Heritage Precincts and Places. The dwelling itself is not listed on the Municipal Heritage Inventory and therefore, any new development would need to take into consideration the provisions of the policy.

### Flooding

The lots are currently identified on the Department of Water mapping as being affected by a 1 in 100 year ARI flood level. It should be noted that drainage works are being carried out by the Shire of York in the near future that may reduce this potential impact.

Clause 5.4 of the York Town Planning Scheme No. 2 requires habitable floor levels for residential development are constructed 500 mm above the 1 in 100 year ARI

flood level and that commercial floor levels are constructed 300 mm above the 1 in 100 year ARI flood level. Below is an excerpt from the Department of Water mapping:



### Contamination

Lot 100 (58) Avon Terrace, York is identified as ‘Contaminated - Remediation Required’. However, no Regulatory Notices have been issued by the Department of Environment and Conservation to date.

The Department of Environment and Conservation’s Contaminated Site Database provides the following information with regards to contamination on the site:

<p><b>Address:</b> 58 Avon Terrace, York WA 6302</p> <p><b>Lot on Plan Address:</b> Lot 100 on Diagram 78638</p> <p><b>Classification:</b> 09/09/2009 - Contaminated - remediation required</p> <p>A hydrocarbon plume in groundwater exists under 63 and 22 Avon Terrace (the Source Site). The plume has migrated in an East-North-East direction beneath the adjoining Avon Terrace road reserve and 58 Avon Terrace.</p> <p><b>Nature and Extent of Contamination:</b></p> <p><b>Restrictions on Use:</b> Other than for analysis or remediation, groundwater abstraction is not permitted at this Site because of the nature and extent of groundwater contamination.</p> <p><b>Reason for Classification:</b> This Affected Site was reported to the Department of Environment and Conservation (DEC) under section 11 of the 'Contaminated Sites Act 2003', which commenced on 1 December 2006. The Affected Site classification is based on information submitted to DEC by August 2009.</p> <p>This Site (the Affected Site) is affected by contamination which has migrated from 63 and 22 Avon Terrace, York (the Source Site).</p>
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The Source Site is used as a service station, a land use that has the potential to cause contamination, as specified in the guideline 'Potentially Contaminating Activities, Industries and Land uses' (Department of Environment, 2004).

A number of contamination assessments were conducted on the Source and Affected Sites since 2003. DEC understands that soil investigations have been undertaken at the Site. However, at the time of classification a soil investigation report has not been submitted to DEC.

Free-phase hydrocarbons were detected on the surface of the groundwater under the Source Site.

Groundwater monitoring undertaken between August 2003 and February 2009 identified hydrocarbons (such as from petrol) were present in groundwater at concentrations exceeding Australian Drinking Water Guidelines, as published in 'Assessment Levels for Soil, Sediment and Water' (Department of Environment, 2003) and exceeding criteria published in 'Contaminated Sites Reporting Guideline for Chemicals in Groundwater' (Department of Health, 2006) which is the relevant assessment level for the use of groundwater for garden irrigation and other non-potable uses. In addition, hydrocarbons exceeded Groundwater Intervention Values (Netherlands Ministry for Housing, Spatial Planning and Environment, 2000) and Phase Separated Hydrocarbons (PSH) are also present on the surface of the groundwater.

The hydrocarbon contamination plume has migrated from the Source Site in an East-North-East direction, beneath Avon Terrace and 58 Avon Terrace.

Further groundwater investigations are required to delineate the full lateral and vertical extent of the groundwater impact.

A Screening Risk Assessment has indicated that groundwater beneath the Source Site is not suitable for any beneficial use, due to the contamination present. Further Risk Assessment is required to determine the potential risk posed by the substances of concern at the Site to human health, the environment and other environmental values.

As free-phase hydrocarbons are present in the groundwater, which are acting as a significant source of dissolved phase groundwater contamination, which presents a risk to human health, the environment, or environmental values, the Affected Site is classified as 'Contaminated - Remediation Required'.

Under the 'Contaminated Sites Act 2003', the person responsible for the remediation of a Source Site is also responsible for remediation of any related Affected Sites.

Other than for analysis or remediation, groundwater abstraction is not permitted at this Affected Site because of the nature and extent of groundwater contamination.

DEC, in consultation with Department of Health, has classified this Affected Site based on the information available to DEC at the time of classification. It is acknowledged that the contamination status of the Affected Site may have changed since the information was collated and/or submitted to DEC, and as such, the usefulness of this information may be limited.

**Certificate of Title Memorial:** Under the Contaminated Sites Act 2003, this Site has been classified as "Contaminated - remediation required". For further information on the contamination status of this Site, please contact the Contaminated Sites section of the Department of Environment & Conservation.

(Source: DEC (WA). Date: 31/10/2012.)

The contamination status should not affect the proposed rezoning and that prior to any development, the contamination issue will need to be resolved to the satisfaction of the DEC.

# PROPOSED AMENDMENTS

## TEXTUAL CHANGES

The following section outlines the textual amendments in their final form as proposed by this scheme amendment:

### PROPOSAL 1 - SCHEDULE 1: INTERPRETATIONS

#### SCHEDULE 1 - INTERPRETATION

##### 1. General Definitions

Act means the Town Planning and Development Act, 1928 (as amended).

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.

battle-axe lot means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

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

commercial vehicle means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine whether self-propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.

Commission means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act, 1985* (as amended).

conservation means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:

- (a) enable the cultural heritage significance of that place or precinct to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilization, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

constructed road means a track which has been graded and stabilised within a dedicated road reserve.

cultural heritage significance means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

development shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building.

District means the Municipal District of the Shire of York.

flood fringe means the area of the floodplain, outside the main floodway, which is affected by flooding.

floodplain means the portion of a river valley next to the river channel that is or has been periodically covered with water during flooding.

floodway means the river channel and portion of the floodplain which forms the main flow for floodwaters once the main channel has overflowed.

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

frontage, when used in relation to a building that is used for –  
residential purposes, has the same meaning as in the Residential Design Codes; and  
purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.

Gazettal date means the date of which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.

height when used in relation to a building that is used for –  
residential purposes, has the same meaning as in the Residential Design Codes; or  
purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above.

heritage place shall have the same meaning as given to the term in and for the purposes of the *Heritage of Western Australia Act 1990*.

heritage precinct means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

heritage list means the Municipal Inventory, as amended from time to time, prepared by the local government pursuant to Section 45 of the *Heritage of Western Australia Act, 1990* (as amended), or such parts thereof as described in the Heritage List.

incidental use means a use of premises which is ancillary and subordinate to the predominant use.

land shall have the same meaning given to it in and for the purpose of the Act.

Local Government shall have the same meaning as given to the term in and for the purposes of the *Local Government Act 1995*.

Local Planning Strategy means the Local Planning Strategy in respect of the Scheme, as endorsed by the Western Australian Planning Commission.

lot shall have the same meaning given to it in and for the purposes of the Act and "allotment" has the same meaning.

minerals as the same meaning as the *Mining Act 1978*.

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

- (a) all stairs, toilets, cleaners 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 means any use of land or building which was lawful immediately prior to the coming into operation of the scheme, but is not in conformity with the provisions of the scheme.

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

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



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

place means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- (a) an area of land situated in the bed of any watercourse or lake;
- (b) any works or buildings situated there, their contents relevant to the purpose of the Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

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

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

premises means land or buildings.

public authority shall have the same meaning given to it in and for the purposes of the Act.

public utility means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

Residential Design Codes means the Residential Design Codes in the Western Australian Planning Commission State Planning Policy No. 3.1, as amended from time to time.

restoration means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

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

Schedule means a schedule to the Scheme.

short stay means tourist accommodation facilities (including motels, caravan and camping facilities, chalets, guest houses, holiday houses or any other form of tourist accommodation) set aside either continuously or from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period in excess of 3 months in any one 12 month period.

Structure plan means a structure plan, outline development plan or subdivision guide plan (or similar) that has been approved by both the Western Australian Planning Commission and adopted by the local government under clause 5.7. The plan should provide information at an appropriate scale to guide the Western Australian Planning Commission for the determination of applications for approval to subdivide land and for local governments in considering development applications and/or making comment to the Western Australian Planning Commission on any such applications.

substantially commenced means that work or development the subject of planning consent has been begun by the performance of some substantial part of that work or development.

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

zone means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

## **2. Land Use Definitions**

abattoir means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

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.

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

amusement facility means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

amusement machine means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

amusement parlour means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

ancillary tourist use means a premises used for:

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

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

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.

aquaculture means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the *Fisheries Act, 1905* (as amended) and the *Fisheries Regulations, 1938* (as amended) is required.

bed and breakfast means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast; for not more than four (4) adults or one family in an establishment containing a maximum of two (2) guest bedrooms and one (1) guest bathroom, located under the main roof of the dwelling house.

cabin means an individual self-contained unit similar to chalet which may lack ensuite facilities and may comprise only one room and is designed for short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.

camping ground has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*.

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

caretaker's dwelling means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

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

chalet means an individual self-contained unit usually comprising of cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, and where occupation by any person is limited to a maximum of three months in any 12-month period.

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

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

civic building means a building designed, used or intended to be used by a public authority or the local government as offices or for administrative or other like purpose.

civic use means land and buildings used by a public authority or the local government, for administrative, recreational or other purpose.

club premises means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

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

consulting rooms means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.

convenience store means any land or building used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m<sup>2</sup> gross leaseable area.

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

education establishment means a school or other educational centre, but does not include a reformatory.

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

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

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production. The accommodation that is provided to guests must consist of no more than 3 bedrooms.

farm supply centre means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

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

fuel depot means any land or building used for the storage and sale in bulk of solid, liquid, or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral parlour means premises used to prepare and store bodies for burial or cremation.

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

hobby farm means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.

holiday house means a single house (excluding ancillary accommodation) which might also be used from time to time for short stay accommodation for no more than six (6) people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

holiday house - large means premises conforming to the definition of "Holiday House" with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.

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

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

home occupation means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that:

- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling or domestic outbuilding;

- (d) does not entail employment of any person not a member of the occupier's household;
- (e) does not occupy an area greater than 20m<sup>2</sup>;
- (f) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (g) in the opinion of the local government is compatible with the principal uses to which land in the zone in which it is located may be put;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.

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

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

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

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

hotel means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act, 1988* (as amended) and may include a betting agency operated in accordance with the *Totalisator Agency Betting Board Act, 1960* (as amended), but does not include a motel, tavern, or boarding house the subject of a limited hotel licence or other licence granted under that Act.

incidental use means a use of land or buildings which is ancillary and subordinate to the predominant use.

industry - cottage means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which in the opinion of the local government:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;
- (c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area greater than 50m<sup>2</sup>;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area.

industry - extractive means an industry which involves:

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land

from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;

(b) the production of salt by the evaporation of salt water.

industry - general means an industry other than a cottage, extractive, hazardous, light, noxious, rural, or service industry.

industry - hazardous means an industry which, when in operation and when all measures proposed to minimize its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural, or service industries.

industry - light means an industry:

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater or other waste products; and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, electricity, sewerage facilities, or any other like services.

industry - mining means land used commercial to extract minerals from the land.

industry - noxious means an industry which is subject to licensing as "Prescribed Premises" under the *Environmental Protection Act, 1986* (as amended).

industry - rural means an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

industry - service means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

lodging house shall have the same meaning as is given to it in and for the purposes of the *Health Act, 1911* (as amended).

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

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

medical centre means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

motel means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which a specific

provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988* may have been granted.

motor vehicle and marine sales means land and buildings used for the display and sale or hire of new or second-hand motorcycles, cars, trucks, caravans, and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.

motor vehicle repair means land or buildings used for or in connection with electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not include recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.

motor vehicle wash means premises where the primary use is the washing of motor vehicles.

night club means premises -

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

office means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial service, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

park home shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Act 1995*.

park home park shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Regulations 1996*.

piggery shall have the same meaning given to it in and for the purposes of the *Health Act, 1911* (as amended).

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

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

plant nursery means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.

poultry farm means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *Health Act, 1911* (as amended).

produce store means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

public amusement means land and buildings used for the amusement or entertainment of the public, with or without charge.



public recreation means land used for a public park, public gardens, playground or other grounds for recreation which are normally open to the public without charge.

reception centre means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.

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

residential building has the same meaning as in the Residential Design Codes.

resort means integrated, purpose-built premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of three months in any 12-month period.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

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

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

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

retirement village means any land or buildings used to accommodate retirees, together with ancillary facilities, but does not include a "Park Home Park".

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

- (a) does not employ more than 5 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 200 square metres;
- (d) in relation to vehicles and parking does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of more than 3 vehicles of more than 3.5 tonnes tare weight; and
- (e) does not involve the use of an essential service of greater capacity than normally required in the zone.

rural pursuit means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

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

but does not include intensive agriculture.

salvage yard means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

school means a government school or non-government school within the meaning of the School Education Act 1999.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

service station means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repair to motor vehicles, or wrecking of vehicles.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents and where occupation by any person is limited to a maximum of three months in any 12-month period.

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

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

single dwelling has the same meaning as in the Residential Design Codes.

staff/workers accommodation means shared self-contained living accommodation (separate to a single dwelling) used for the accommodation of persons directly employed in an approved activity carried out on the Lot and does not include a Caretakers Dwelling.

tavern means land and buildings the subject of a Tavern License granted under the provisions of the *Liquor Licensing Act, 1988* (as amended).

telecommunications infrastructure means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line,

equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.

transport depot means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

veterinary centre means land or buildings used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

warehouse means premises used to store or display goods and may include sale by wholesale.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

winery means the use of land or buildings for the production of viticultural produce, and may include sale of the produce.

PROPOSAL 2 - ZONING TABLE

USES	ZONES										DEVELOPMENT ZONE		
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	IN ACCORDANCE WITH APPROVED STRUCTURE PLAN.				
1	X	X	X	X	X	X	X	X	X	X	X	SA	
2	X	X	X	X	X	X	X	X	X	X	X	SA	
3	X	X	X	X	X	X	X	X	X	X	X	AA	
4	X	X	X	X	X	X	X	X	X	X	X	SA	
5	X	IP	IP	IP	X	X	X	X	X	X	X	X	
6	X	AA	SA	X	X	X	X	X	X	X	X	X	
7	IP	IP	IP	IP	X	X	IP	IP	IP	IP	IP	IP	
8	X	X	X	IP	SA	X	IP	SA	SA	SA	SA	SA	
9	X	X	X	X	X	X	X	X	X	X	X	SA	
10	X	X	X	X	X	X	X	X	X	X	X	SA	

USES	ZONES										DEVELOPMENT ZONE	
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE				
11	IP	AA	SA	IP	X							IP
12	X	X	X	IP	X							IP
13	X	X	X	SA	X							SA
14	X	X	X	SA	X							SA
15	X	X	IP	IP	IP							IP
16	X	AA	SA	X	X							X
17	X	X	X	IP	X							IP
18	SA	X	X	SA	X							X
19	X	AA	SA	X	X							SA
20	X	AA	AA	AA	X							AA
21	SA	P	AA	SA	X							X
22	SA	X	P	SA	X							SA

USES	ZONES		RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE	DEVELOPMENT ZONE
			SA	AA	AA	AA	AA	AA	AA	AA	
23	EDUCATION ESTABLISHMENT		SA	AA	AA	AA	X	X	X	AA	
24	EXHIBITION CENTRE		IP	AA	AA	AA	X	IP	IP	IP	
25	FAMILY DAY CARE		P	SA	AA	P	X	P	P	P	
26	FARM STAY ACCOMMODATION		X	X	X	X	X	X	X	SA	
27	FARM SUPPLY CENTRE		X	X	SA	SA	P	X	X	SA	
28	FAST FOOD OUTLET		X	AA	SA	SA	X	X	X	X	
29	FUEL DEPOT		X	X	X	X	AA	X	X	IP	
30	FUNCTION CENTRE		IP	AA	SA	IP	X	X	X	IP	
31	FUNERAL PARLOUR		X	AA	SA	X	SA	X	X	X	
32	GUEST HOUSE		SA	AA	AA	SA	X	IP	IP	IP	
33	HOBBY FARM		X	X	X	X	X	P	P	P	
34	HOLIDAY HOUSE		P	P	P	P	X	P	P	IP	

USES	ZONES								DEVELOPMENT ZONE	
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE		
35	HOLIDAY HOUSE - LARGE	SA	AA	AA	SA	X	AA	AA	AA	IP
36	HOME BUSINESS	AA	AA	SA	AA	X	AA	AA	AA	AA
37	HOME OCCUPATION	AA	AA	SA	AA	X	AA	AA	AA	AA
38	HOME OFFICE	P	P	P	P	X	P	P	P	P
39	HOME STORE	SA	AA	AA	SA	X	SA	X	X	IP
40	HOTEL	X	AA	SA	SA	X	SA	X	X	X
41	INDUSTRY - COTTAGE	SA	X	AA	AA	X	AA	AA	AA	AA
42	INDUSTRY - EXTRACTIVE	X	X	X	X	X	X	X	X	AA
43	INDUSTRY - GENERAL	X	X	X	X	AA	X	X	X	X
44	INDUSTRY - HAZARDOUS	X	X	X	X	SA	X	X	X	SA
45	INDUSTRY - LIGHT	X	X	SA	SA	P	SA	X	X	X
46	INDUSTRY - MINING	X	X	X	X	X	X	X	X	SA

USES	ZONES										DEVELOPMENT ZONE	
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE				
47	INDUSTRY - NOXIOUS	X	X	X	X	X	X	X	X	X	X	SA
48	INDUSTRY - RURAL	X	X	X	X	X	X	X	X	X	X	P
49	INDUSTRY - SERVICE	X	X	AA	SA	AA	SA	P	X	X	X	X
50	LODGING HOUSE	SA	AA	AA	AA	AA	AA	X	X	X	X	X
51	LUNCH BAR	X	AA	AA	X	AA	X	AA	X	X	X	X
52	MARKET	X	AA	AA	X	AA	X	X	X	X	X	X
53	MEDICAL CENTRE	SA	P	P	X	X	X	X	X	X	X	X
54	MOTEL	X	AA	AA	SA	AA	SA	X	X	X	X	X
55	MOTOR VEHICLE SALES AND HIRE	X	X	SA	X	SA	X	AA	X	X	X	X
56	MOTOR VEHICLE REPAIR	X	X	X	SA	AA	SA	AA	X	X	X	X
57	MOTOR VEHICLE WASH	X	SA	SA	SA	AA	SA	AA	X	X	X	IP
58	NIGHT CLUB	X	AA	SA	X	AA	X	X	X	X	X	X



USES	ZONES										DEVELOPMENT ZONE	
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE				
59	OFFICE	X	P	P	X	AA	X	AA	X	X	X	X
60	PARK HOME PARK	X	X	X	SA	X	SA	X	X	SA	SA	SA
61	PIGGERY	X	X	X	X	X	X	X	X	X	X	SA
62	PLACE OF WORSHIP	X	SA	SA	SA	X	SA	X	X	SA	SA	SA
63	PLANTATION	X	X	X	X	X	X	X	X	X	X	AA
64	PLANT NURSERY	SA	X	SA	AA	AA	AA	AA	SA	SA	SA	AA
65	POULTRY FARM	X	X	X	X	X	X	X	X	X	X	SA
66	PRODUCE STORE	X	AA	AA	SA	X	SA	X	X	X	X	IP
67	PUBLIC RECREATION	AA	X	AA	AA	AA	AA	AA	X	X	X	AA
68	PUBLIC UTILITY	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
69	RECEPTION CENTRE	IP	AA	AA	IP	X	IP	X	IP	IP	IP	IP
70	RECREATION - PRIVATE	X	SA	SA	SA	SA	SA	SA	X	SA	SA	SA

USES	ZONES										DEVELOPMENT ZONE			
	RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE						
71	RESORT	X	X	X	X	X	X	X	X	X	SA	SA	SA	
72	RESOURCE RECOVERY FACILITY	X	X	X	X	X	X	SA	SA	X	X	SA	SA	
73	RESPIRE DAY CARE CENTRE	AA	SA	SA	SA	SA	SA	X	X	SA	X	X	X	
74	RESTAURANT	X	P	AA	AA	X	X	X	X	X	X	IP		
75	RESTRICTED PREMISES	X	SA	X	X	X	SA	SA	X	X	X	X	X	
76	RETIREMENT VILLAGE	SA	X	SA	SA	X	X	X	X	X	X	X	X	
77	RURAL HOME BUSINESS	X	X	X	SA	X	SA	X	X	SA	AA	AA	AA	
78	RURAL PURSUIT	X	X	X	X	X	X	X	X	SA	SA	P		
79	SALVAGE YARD	X	X	X	X	X	X	AA	AA	X	X	SA	SA	
80	SELF-STORAGE UNITS	X	X	X	X	X	X	AA	AA	X	X	X	X	
81	SERVICE STATION	X	SA	SA	SA	SA	SA	AA	AA	X	X	AA	AA	
82	SERVICED APARTMENT	X	AA	SA	SA	SA	SA	X	X	X	X	X	X	

USES	ZONES	DEVELOPMENT ZONE													
		RESIDENTIAL	TOWN CENTRE	MIXED BUSINESS	RURAL TOWNSITE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	GENERAL AGRICULTURE						
83	SHOP	X	P	X	AA	SA	X	X	X	X	X	X	X	X	X
84	SHOWROOM	X	AA	AA	X	AA	X	X	X	X	X	X	X	X	X
85	SINGLE DWELLING	P	AA	AA	P	X	P	P	P	P	P	P	P	P	P
86	STAFF / WORKERS ACCOMMODATION	X	X	X	X	IP	X	IP	IP	IP	IP	IP	IP	IP	IP
87	TAVERN	X	AA	SA	SA	X	X	X	X	X	X	X	X	X	X
88	TRANSPORT DEPOT	X	X	X	X	AA	X	AA	X	X	X	X	X	X	SA
89	VETERINARY CENTRE	X	SA	AA	SA	AA	SA	AA	SA	SA	SA	SA	AA	AA	AA
90	WAREHOUSE	X	X	X	X	AA	X	AA	X	X	X	X	X	X	X
91	WASTE DISPOSAL FACILITY	X	X	X	X	X	X	X	X	X	X	X	X	X	SA
92	WASTE OR RESOURCE TRANSFER STATION	X	X	X	X	X	X	X	X	X	X	X	X	X	SA
93	WINERY	X	X	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	P

PROPOSAL 3 - CLAUSE 4.7: HOME BUSINESS OR HOME OCCUPATION

4.7 HOME BUSINESS OR HOME OCCUPATION

4.7.1 A person is not to carry on a home business or home occupation unless planning consent has been issued by the local government and is current.

4.7.2 An approval to carry on a home business or home occupation:

- (a) Is valid for a period of 12 months after the date of issue thereof but may be renewed upon application in writing to the local government;
- (b) Is subject to an annual inspection and permit. The permit must be renewed by application to Council each financial year accompanied by the adopted application fee; and
- (c) Is not capable of being transferred or assigned to any other person and does not run with the land in respect of which it was granted.

4.7.3 In granting planning consent to carry on a home business or home occupation the local government may impose any reasonable condition it thinks fit to preserve the amenity of the area and reduce potential for land use conflicts.

#### 4.14 RURAL SMALLHOLDING ZONE

##### 4.14.1 Objectives:

- (a) To provide for closer settlement for residential use in association with a rural pursuit and/or home business, and such uses as hobby farms, equestrian activities, and permaculture as well as for conservation lots.
- (b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

##### 4.14.2 General Provisions:

- (a) Before making provision for a Rural Smallholding Zone, the local government will require the owner(s) of the land to prepare a submission supporting the creation of the Rural Smallholding Zone and such submission shall include:
  - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
  - (ii) a plan or plans showing contours at such intervals as to adequately depict the land-form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
  - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot as required under clause 5.7.
  - (iv) information on the environmental values pertaining to the site.
  - (v) details of surrounding land uses and the potential for land use conflict.
- (b) In the Rural Smallholdings zone the local government may require the preparation of an outline development plan, in accordance with Clause 5.10 before granting and/or recommending approval to any development which involves subdivision or follow subdivision and outline development plan shall be the basis for subdivision.
- (c) In addition to the subdivision guide plan, the Scheme provisions for a specific Rural Smallholding Zone shall specify:
  - (i) any facilities which the purchasers of the lots will be required to provide such as their own potable water supply, liquid or solid waste disposal, and the like.
  - (ii) proposals for the control of land uses and development to ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.

- (iii) commitments to environmental management and repair to ensure that the natural environment is not adversely impacted by subdivision or development.
- (iv) any special provisions appropriate to secure the objectives of the zone.
- (d) The provisions for controlling subdivision and development in specific Rural Smallholding Zones shall be as laid down in Schedule 7 and future subdivision will generally accord with the outline development plan, approved in accordance with Clause 5.10, for the specified areas.

#### 4.14.3 Site Requirements:

The following minimum building setbacks shall apply:

- Front : 20.0m
- Rear : 15.0m
- Side : 15.0m

#### 4.14.4 Development Requirements:

Development in a Rural Smallholding Zone shall be in accordance with the following:

- (a) Not more than one dwelling per lot shall be erected but the local government may, at its discretion, approve ancillary accommodation.
- (b) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the local government.
- (c) In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning consent the planting of such trees and/or groups of trees and species as specified by the local government.
- (d) Keeping of animals:
  - (i) stocking rates shall not exceed those recommended by the Department of Agriculture for the applicable pasture types.
  - (ii) the keeping of horses, sheep, goats, and other grazing animals shall be setback a minimum 100m from any watercourse unless a lesser distance is agreed to by the Department of Environmental Protection, and this area shall be fenced to the satisfaction of the local government.
- (e) Any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- (f) With the intention of preventing erosion, overstocking, and any other practice detrimental to the amenity of a Rural Smallholding zone, the local government may take any action which in the opinion

of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals.

- (g) Any costs incurred by the local government in taking action under clause 4.14.4(f) shall be recoverable by the local government from the landowner.
- (h) Any person who uses any land for any purpose associated with leisure activities whether or not involving the use of motorized vehicles shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- (i) Where land is affected by fire hazard, subdivision and development shall satisfy the Commission's Policy DC 3.7 Fire Planning and have regard to the Planning for Bushfire Protection Guidelines (Commission/FESA, 2001).
- (j) Buildings are to comply with Australian Standard AS3959 "Construction of Buildings in Bushfire Prone Areas."

#### 4.14.5 Proposed Development:

In considering an application for planning consent for a proposed building (including additions and alterations to existing development) the local government shall have regard to the following:

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

### 5.3 CONTROL OF ADVERTISEMENTS

#### 5.3.1 Power to Control Advertisements:

- (a) For the purposes of the Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the local government.
- (b) Applications for the local government's consent pursuant to this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out in Schedule 10 giving details of the advertisement(s) to be erected placed or displayed on the land.

#### 5.3.2 Existing Advertisements:

Advertisements which:

- (a) were lawfully erected, placed or displayed prior to the approval of the Scheme, or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the local government prior to the approval of the Scheme, hereinafter in clause 5.3 referred to as "existing advertisements", may except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

#### 5.3.3 Consideration of Applications:

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the local government shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

#### 5.3.4 Exemptions from the Requirement to Obtain Consent:

Subject to the provisions of the *Main Roads (Control of Signs) Regulations 1983* and notwithstanding the provisions of clause 5.3.1 (a) the local government's prior consent is not required in respect of those advertisements listed in Schedule 8 which for the purpose of this clause are referred to as "exempted advertisements". The exemptions listed in Schedule 8 do not apply to places, buildings, conservation areas or landscape protection zones which are either:



- (a) listed by the National Trust; or
- (b) listed on the register of the National Estate; or
- (c) included in the Heritage List; or
- (d) in a Heritage Precinct.

#### 5.3.5 Discontinuance:

Notwithstanding the scheme objectives and clause 5.3.4 where the local government can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of the Scheme, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

#### 5.3.6 Derelict or Poorly Maintained Signs:

Where in the opinion of the local government, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by notice in writing require the advertiser to:

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

#### 5.3.7 Notices:

- (a) "The advertiser" shall be interpreted as any one or any group comprised of the landowner, occupier, or licensee.
- (b) Any notice served in exceptional circumstances pursuant to clause 5.3.5 or pursuant to clause 5.3.6 shall be served upon the advertiser and shall specify:
  - (a) the advertisement(s) the subject of the notice;
  - (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
  - (c) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.
- (c) Any person upon whom a notice is served pursuant to this clause may within a period of 60 days from the date of the notice appeal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and, shall thereafter have effect according to that decision.

#### 5.3.8 Scheme to Prevail:

Where the provisions of clause 5.3 are found to be at variance with the provisions of the local government's policy, the provisions of the Scheme shall prevail.

### 5.3.9 Enforcement and Penalties:

The offences and penalties provisions specified in clause 8.3 of the Scheme apply to the advertiser in this clause.

### SCHEDULE 8 - EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Dwellings	One professional nameplate as appropriate.	0.2m <sup>2</sup>
Home Business or Home Occupation	One advertisement describing the nature of the home business or home occupation.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with any adopted Local Planning Policies.	Combined area of all advertisements not to exceed 5m <sup>2</sup>
Industrial and Warehouse Premises	<p>A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building.</p> <p>A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.</p>	<p>Total area of such advertisements are not to exceed 15m<sup>2</sup></p> <p>Maximum permissible total area is not to exceed 10m<sup>2</sup> and individual advertisement signs are not to exceed 6m<sup>2</sup>.</p>
Showroom, racecourses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not Applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not Applicable

	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government, and	Not Applicable
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not Applicable
Railway Property	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.	No sign shall exceed 2m <sup>2</sup> in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>
<b>TEMPORARY SIGNS</b>	<b>EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)</b>	<b>MAXIMUM AREA</b>
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
a. Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>
b. Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above.	5m <sup>2</sup>
c. Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height	One sign as for (a) above  One additional sign showing the name of the project builder.	10m <sup>2</sup>  5m <sup>2</sup>
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose	2m <sup>2</sup>

<p>Property transactions</p> <p>Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:</p> <p>(a) Dwellings</p> <p>(b) Multiple dwellings, shops, commercial and industrial properties</p> <p>(c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.</p>	<p>One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above</p>	<p>Each sign is not to exceed an area of 2m<sup>2</sup></p> <p>Each sign is not to exceed an area of 5m<sup>2</sup></p> <p>Each sign is not to exceed an area of 10m<sup>2</sup></p>
<p>Display Homes</p> <p>Advertisement signs displayed for the period over which homes are on display for public inspection</p>	<p>One sign for each dwelling on display.</p> <p>In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.</p>	<p>2m<sup>2</sup></p> <p>5m<sup>2</sup></p>

## PROPOSAL 6 - CLAUSE 5.8: TRANSPORTED DWELLINGS

### 5.8 TRANSPORTED DWELLINGS

- 5.8.1 No person shall transport a building and place it on land in the Shire York and use it as a dwelling unless planning consent has been granted by the local government. The local government shall not grant planning consent if the land is within a Heritage Precinct designated in accordance with clause 5.1.3.
- 5.8.2 The local government shall only grant planning consent pursuant to clause 5.8.1 if the transported building:
- (a) complies with the provisions of the Scheme, the Residential Design Codes, and any adopted Policy applicable both to the transported building and the land on which it is to be situated; and
  - (b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the locality.
- 5.8.3 The planning consent which may be granted by the local government pursuant to clause 5.8.2 may include a condition requiring the applicant to enter into an agreement with, and provide a bond to, the local government. Such an agreement and bond is to provide a surety for completion of the building to a standard acceptable to the local government within such time as may be specified by the local government.

PROPOSAL 7 - CLAUSE 5.11 AND SCHEDULE 13: DEVELOPER CONTRIBUTIONS

5.11 DEVELOPER CONTRIBUTIONS

- 5.11.1 The *Planning and Development Act 2005* provides for local schemes to make agreements and recover expenses incurred in order to implement, enforce and give effect to the scheme.
- 5.11.2 Development contributions may be made for standard infrastructure such as roads, water, power, sewer and public open space through the subdivision process.
- 5.11.3 Community infrastructure includes, but is not limited to, public open space in rural areas, sporting and recreational facilities, community centres, child care centres, libraries and cultural facilities.
- 5.11.4 Development contributions for community infrastructure may only be levied in accordance with the requirements of *State Planning Policy 3.6 - Development contributions for infrastructure*. Prior to seeking contributions for community infrastructure local governments need to prepare a:
- (a) Community infrastructure plan for the area with demand analysis and service catchments;
  - (b) A capital expenditure plan;
  - (c) Projected growth figures; and
  - (d) Infrastructure costs, with provision for cost escalation.
- 5.11.5 Development contributions can be calculated and applied as either standard conditions of subdivision, conditions of development or through voluntary legal agreements. Provisions of this Scheme relate to development contributions prepared through a scheme amendment process, and do not cover voluntary legal agreements between local government and developers.
- 5.11.6 Development contributions for standard infrastructure can generally be summarised as:
- (a) Land contributions - public open space, riverine setbacks, land for primary schools, roads and road widening and primary distributor roads where justified by the subdivision;
  - (b) Infrastructure works - water, sewerage, drainage, electricity, roads and other traffic works, footpaths, pedestrian accessways and dual-use paths, road upgrades, construction and widening;
  - (c) Standard water, sewerage and drainage headworks charges for off-site works, monetary contributions in lieu of land or works and to reimburse other owners where costs are shared;

- (d) Other contributions as provided for in Western Australian Planning Commission policies.

5.11.7 Development contributions relate only to the provision of infrastructure and not the ongoing maintenance of said infrastructure.

5.11.8 For matters relating to the calculation and supporting information required to support a development contribution plan, the clauses of *State Planning Policy 3.6 - Development contributions for infrastructure* shall apply as if they were part of this Scheme.

5.11.9 Principles for requiring development contributions

In considering development contributions, it must be demonstrated that:

- (a) The proposed development generates a need for the infrastructure;
- (b) The calculation and application of the contributions is clear and transparent;
- (c) Contributions are levied equitably across a development contribution area;
- (d) All development contributions are identified and methods for dealing with escalation be agreed upon at the commencement of a contribution arrangement;
- (e) Contributions should be justified on a whole of life capital cost basis and prevent over-recovery of costs;
- (f) Landowners and developers are consulted on the manner of determining contributions and have the opportunity to seek review by an independent third party; and
- (g) Development contributions must be determined and expended in an accountable manner.

5.11.10 Development contribution areas and development contribution plans

5.11.11 Development contribution areas are shown on the Scheme map and included in Schedule 13 of the Scheme.

5.11.12 In respect of a development contribution area shown on a scheme map, the provisions applying to the area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the scheme.

5.11.13 The purpose of having development contribution areas is to:

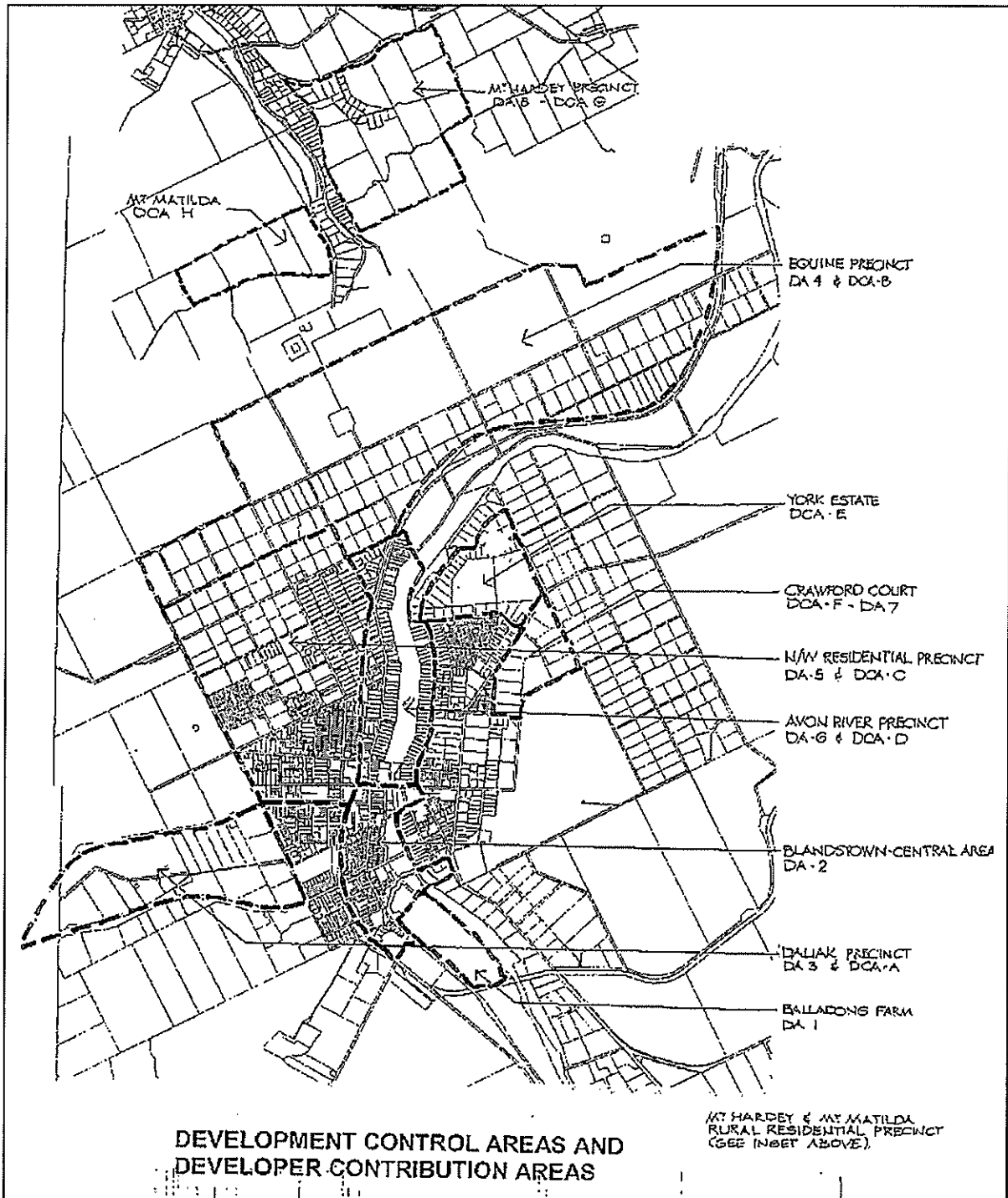
- (a) Provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) Ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and

- (c) Coordinate the timely provision of infrastructure.
- 5.11.14 Development contribution areas must be supported by a development contribution plan, which is then referenced in Schedule 12 of the Scheme.
- 5.11.15 The content, form and process for preparing and implementing a development contribution plan is outlined in *State Planning Policy 3.6 - Development contributions for infrastructure*. For matters of process, valuation, arbitration or conflict resolution, the clauses of *State Planning Policy 3.6 - Development contributions for infrastructure* shall apply as if they were part of this Scheme.
- 5.11.16 Development contribution plans may involve administrative costs involved in the preparation and implementation of the plan, including legal, accounting, planning, engineering and other professional advice.
- 5.11.17 Costs not identified in a development contribution plan may not be apportioned or levied at a later date.
- 5.11.18 A development contribution plan is only enforceable once it is incorporated into the scheme. This enacts the advertising and other provisions of the *Town Planning Regulations 1967* applicable to the making of schemes and amendments.
- 5.11.19 Any amendment to a development contribution plan will require a scheme amendment in order to become enforceable.
- 5.11.20 Payment of cost contributions
- 5.11.21 As a general principle, the local government incurs costs associated with a development contribution plan up-front, and then recoups costs from landowners. This may be varied by agreement between the parties.
- 5.11.22 The landowners liability to pay the owner's cost contribution to the local government arises when:
- (a) The Western Australian Planning Commission endorses the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
  - (b) The commencement of any development on the owner's land within the development contribution area;
  - (c) The approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or
  - (d) The approval of a change of extension of use by the local government on the owner's land within the development contribution area.



- 5.11.23 The liability arises only once upon the earliest of the above listed events.
- 5.11.24 Interaction between outline development plans and development contributions plans
- 5.11.25 A development contribution plan will generally be supported by an outline development plan prepared under clause 5.10 of the scheme.
- 5.11.26 In order to effect a development contribution plan, it is necessary to:
- (a) Prepare an outline development plan to identify the land uses and development in the development contribution area;
  - (b) Establish a development contribution area based on the outline development plan area;
  - (c) Prepare a development contribution plan;
  - (d) Amend the scheme to appropriately zone land in the development contribution area;
  - (e) Amend the scheme to introduce the development contribution area to the scheme map and reference the development contribution plan in schedule 14.
- 5.11.27 The development contribution area may encompass multiple outline development plan areas.
- 5.11.28 It is possible to conduct all five steps concurrently, the local government may elect to prepare an outline development plan and development contribution plan as a first stage. This provides for effective risk management and gives the local government the opportunity to:
- (a) Consult with landowners, community groups and agencies in the preparation of the outline development plan to address major issues prior to a scheme amendment;
  - (b) Use the outline development planning process to inform the eventual zones in the scheme and provide a basis for the development contribution area;
  - (c) Use the outline development planning process to clarify and refine the administrative costs required in the development contribution plan; and
  - (d) Determine whether the scheme amendment should be proceeded with prior to investing in the preparation of a development contribution plan.

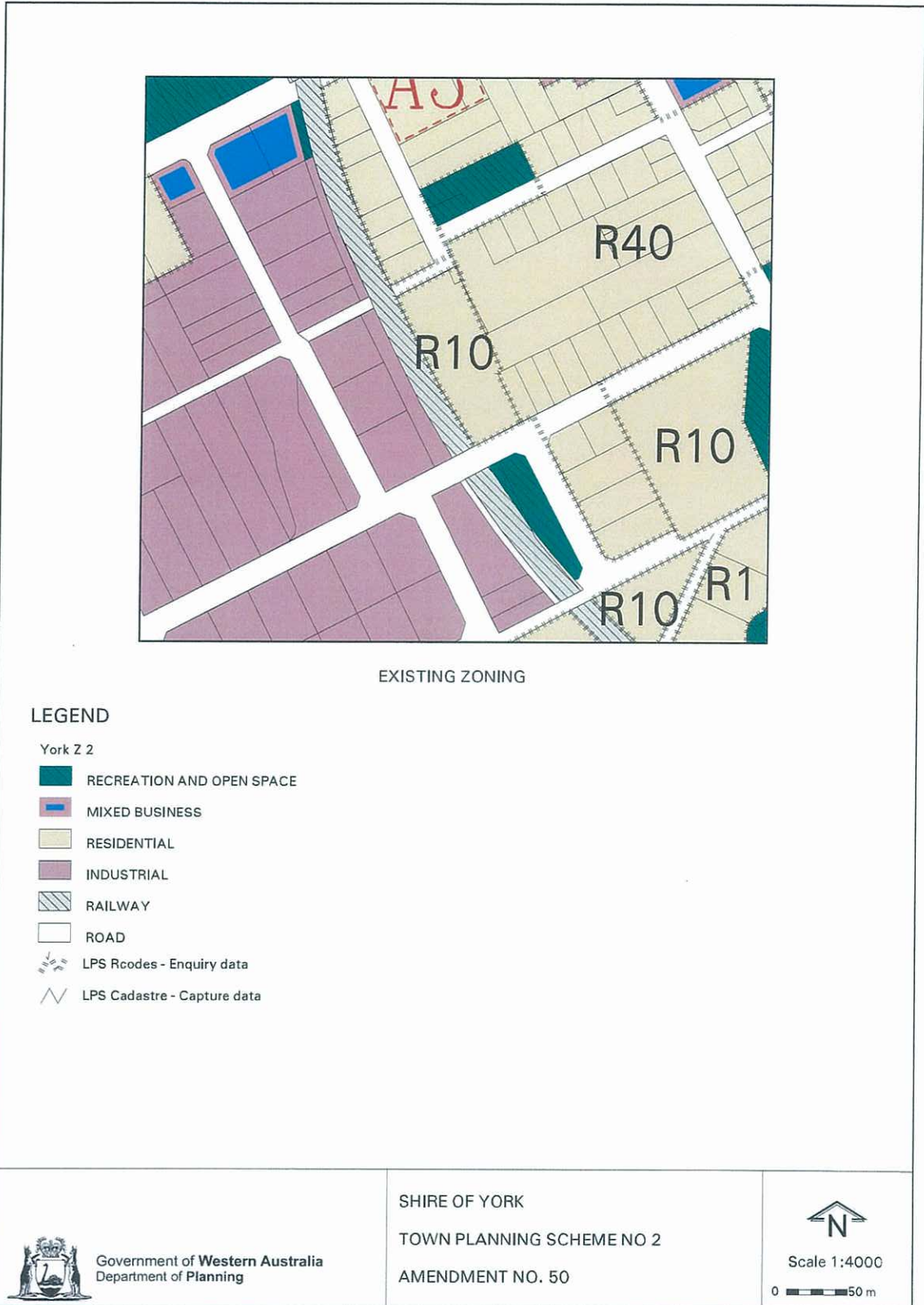
SCHEDULE 13 - DEVELOPMENT CONTROL AREAS

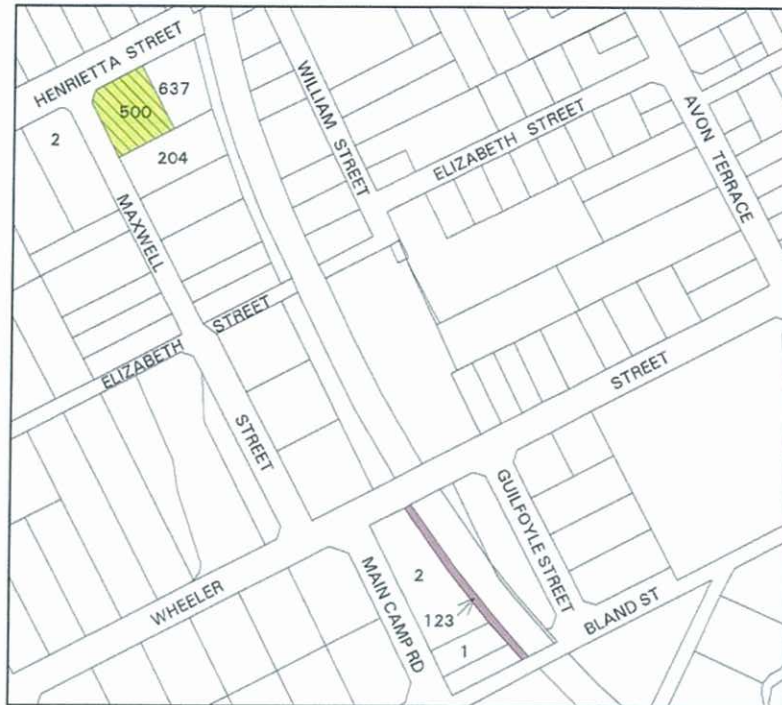


## MAPPING

The following section provides the existing and proposed mapping for the property based amendment (i.e. rezoning). Refer to the report for the background and purpose of the rezoning.

PROPOSAL 8 - LOT 123 HORLEY ROAD, YORK





SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  PUBLIC PURPOSES
-  INDUSTRIAL



Government of Western Australia  
Department of Planning

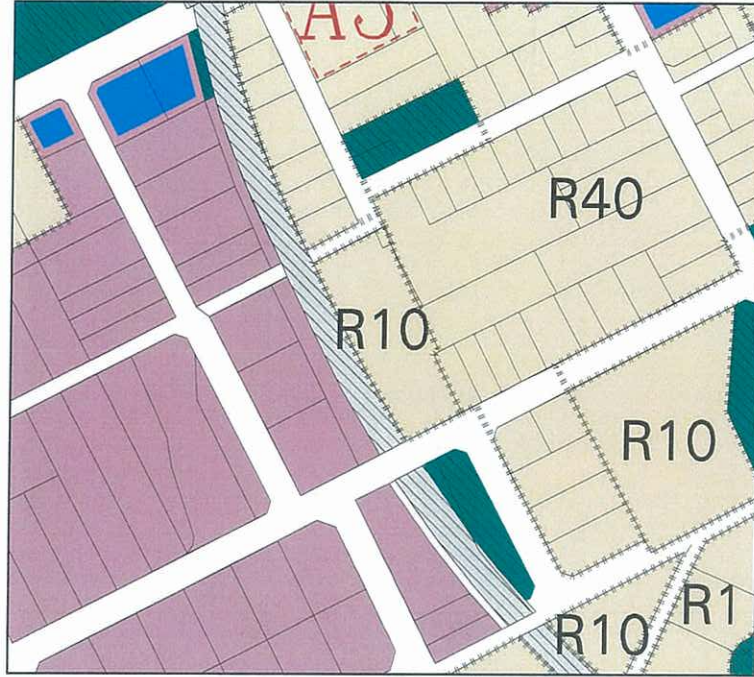
SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



Scale 1:4000



PROPOSAL 9 - LOT R46915 HENRIETTA STREET, YORK



EXISTING ZONING

LEGEND

York Z 2

-  RECREATION AND OPEN SPACE
-  MIXED BUSINESS
-  RESIDENTIAL
-  INDUSTRIAL
-  RAILWAY
-  ROAD
-  LPS Rcodes - Enquiry data
-  LPS Cadastre - Capture data



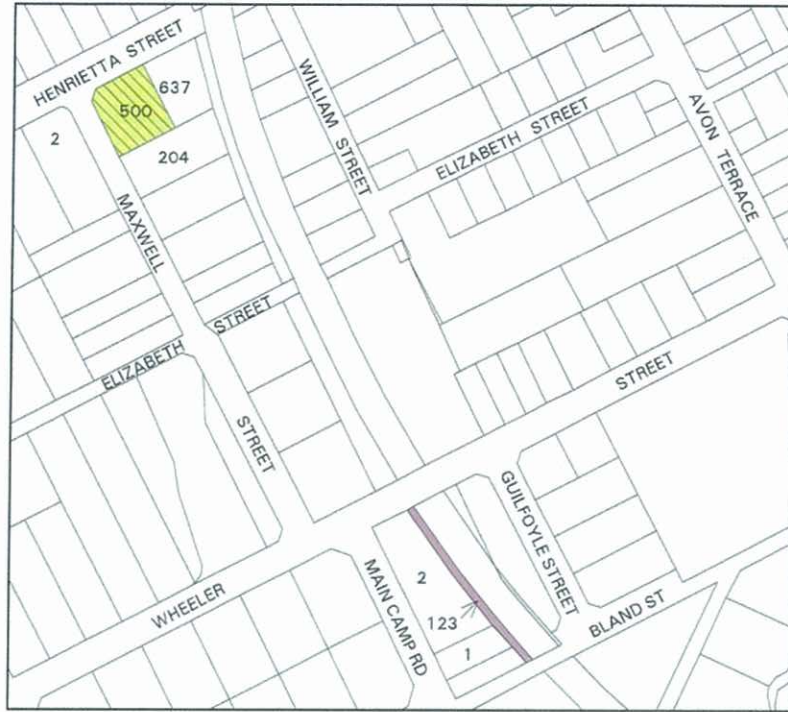
Government of Western Australia  
Department of Planning

SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



Scale 1:4000

0 50 m



SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  PUBLIC PURPOSES
-  INDUSTRIAL



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Department of Planning

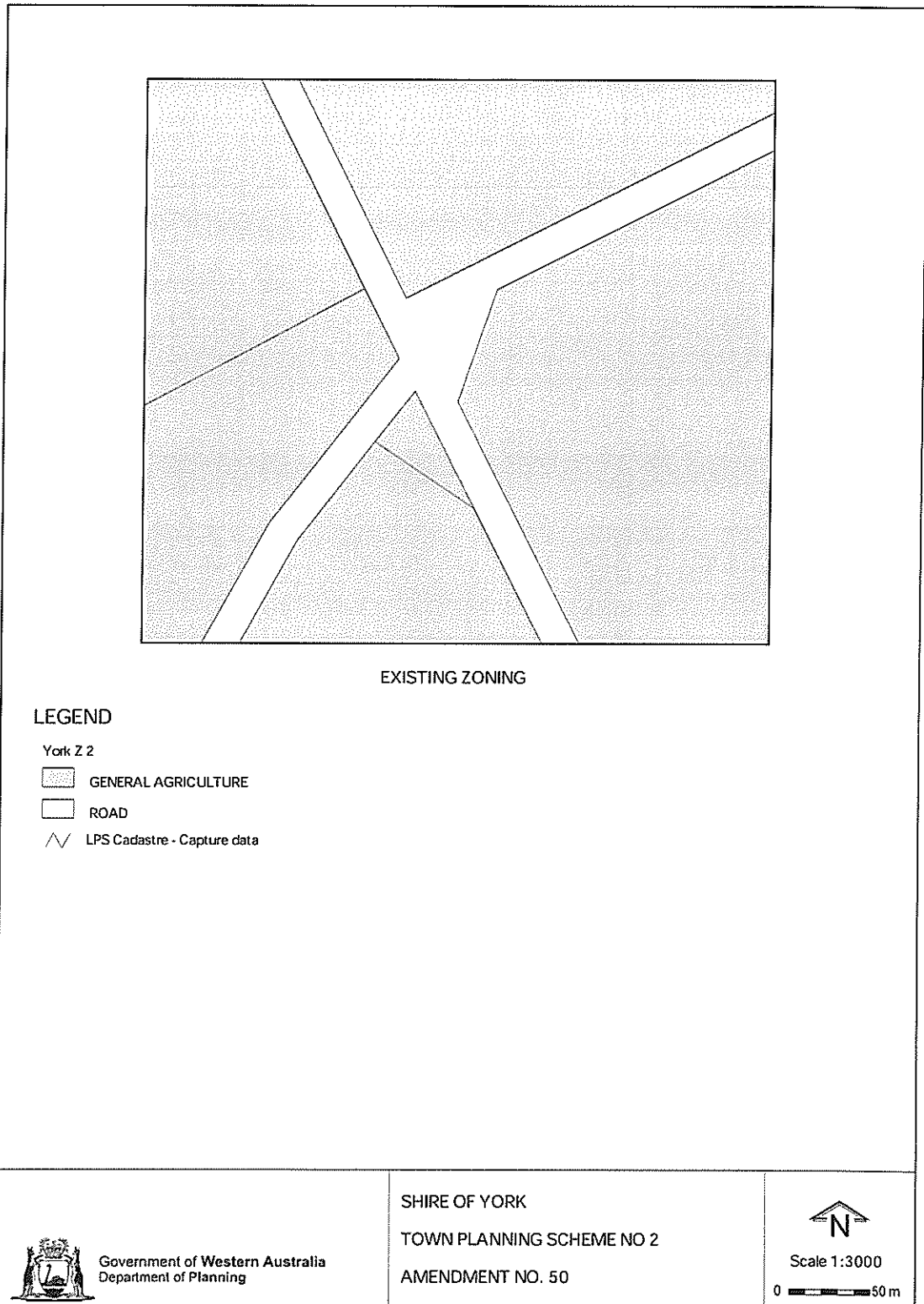
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TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



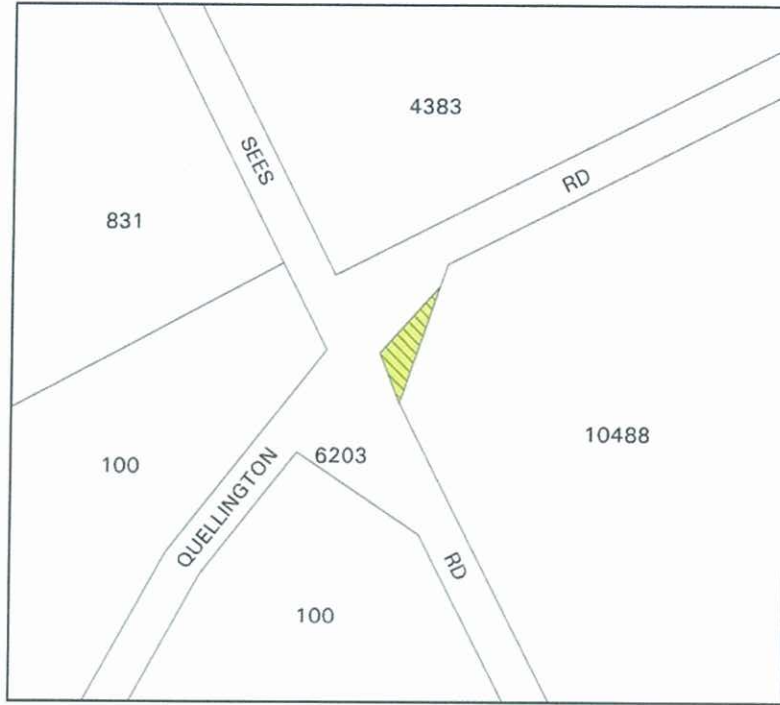
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PROPOSAL 10 - SEES ROAD, MALEBELLING







SCHEME AMENDMENT MAP

**LEGEND**

-  LPS Cadastre - Capture data
- York Z 2
-  PUBLIC PURPOSES



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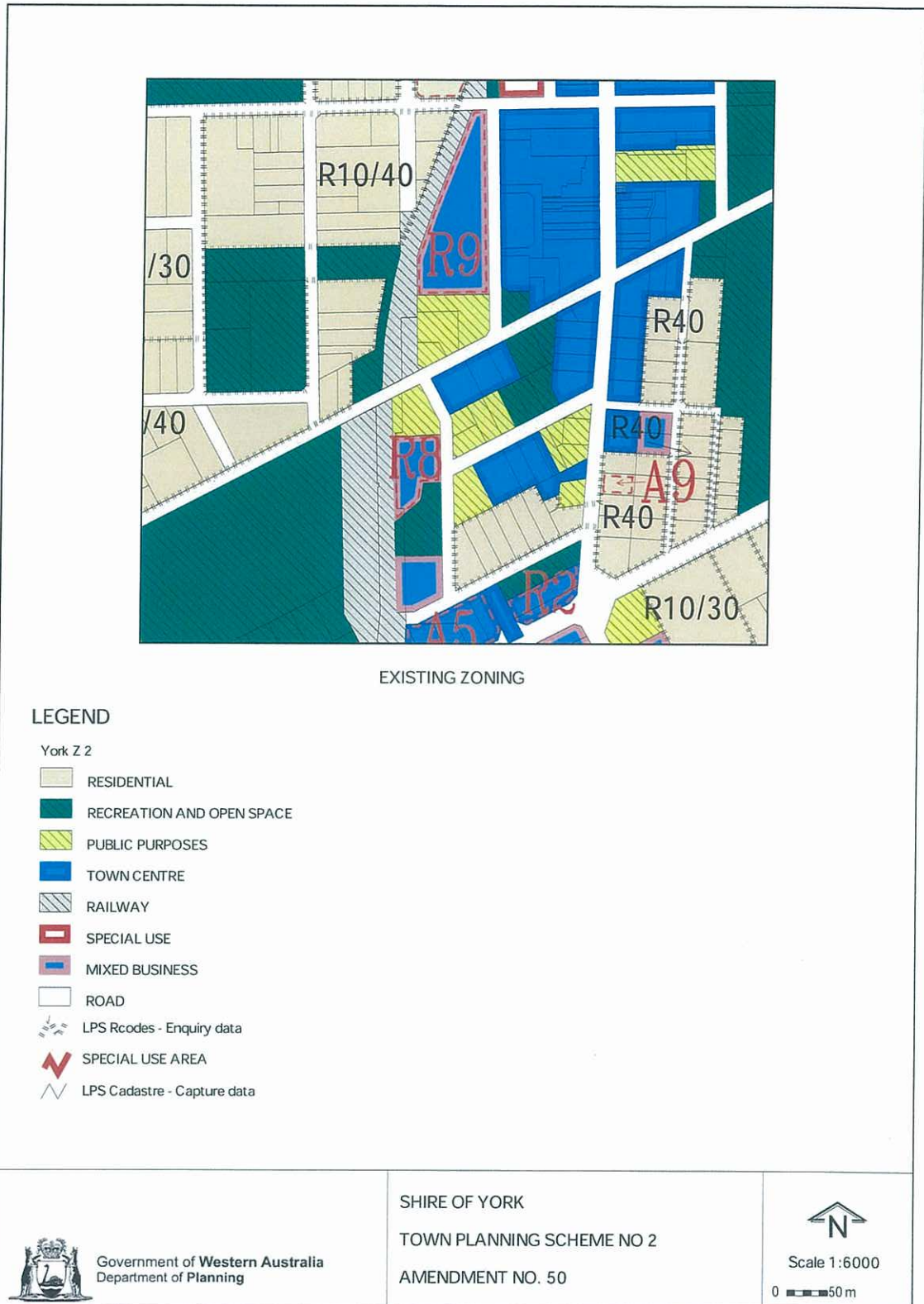
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TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50

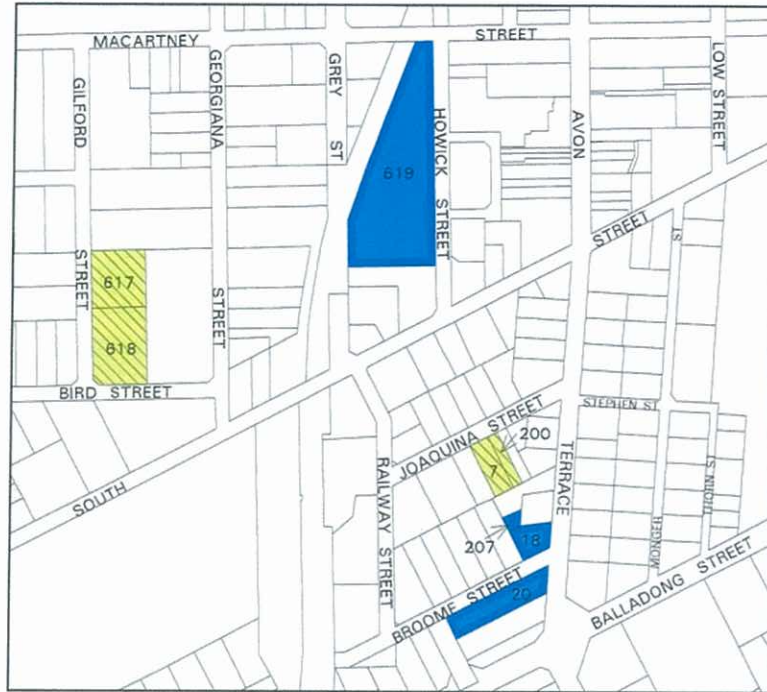


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PROPOSAL 11 - LOTS 593 GEORGIANA STREET AND 607 AND 608 GILFORD STREET, YORK





SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  TOWN CENTRE
-  PUBLIC PURPOSES



Government of Western Australia  
Department of Planning

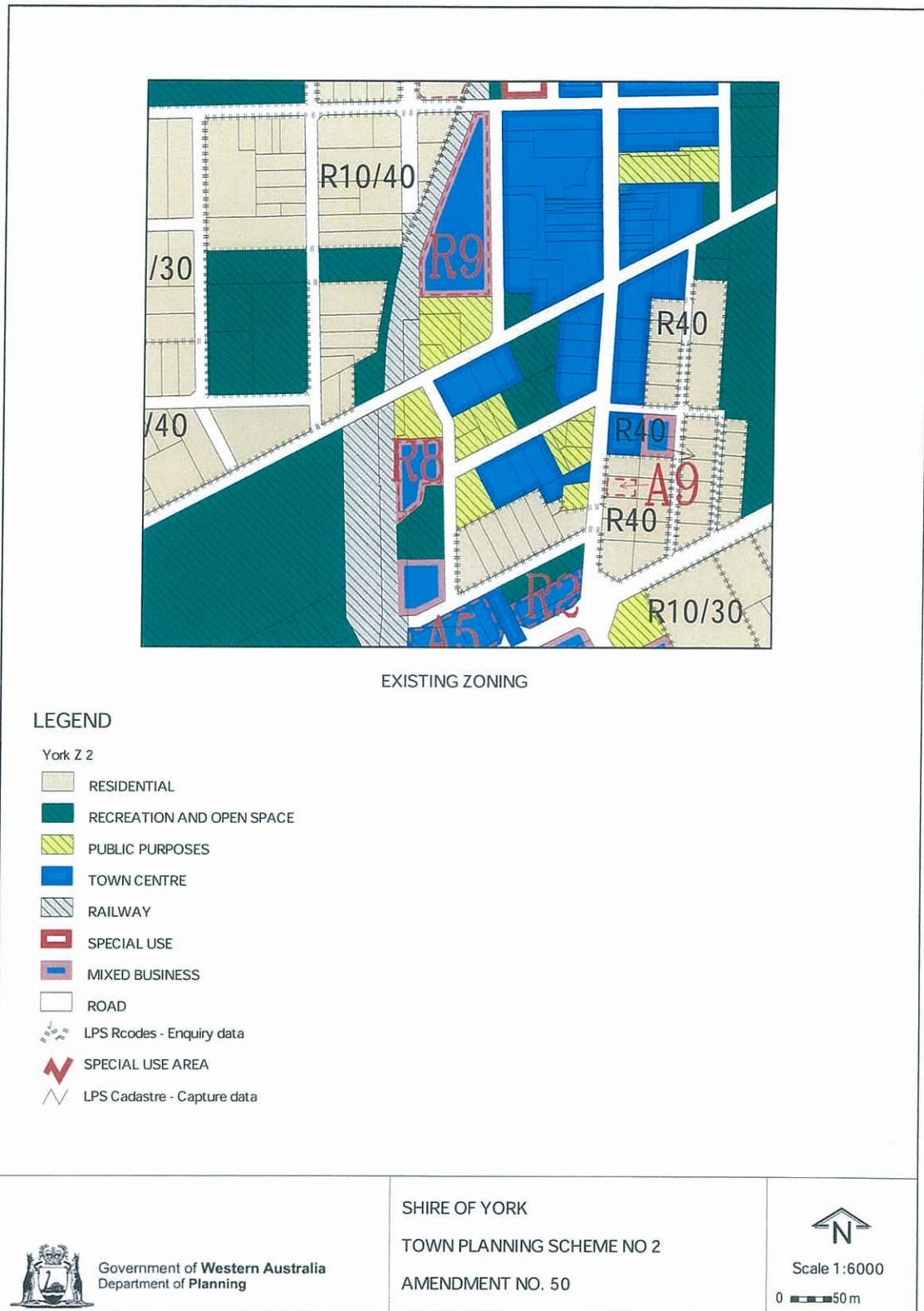
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AMENDMENT NO. 50

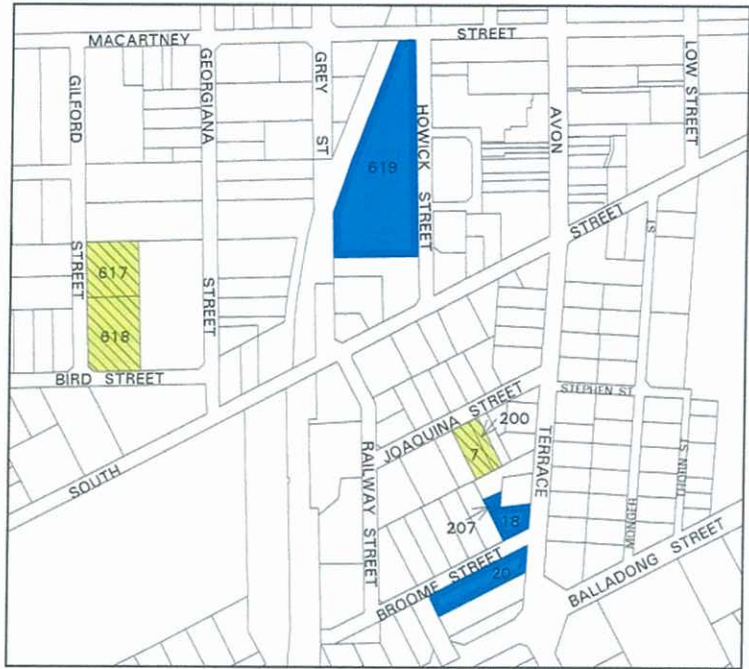


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0 50 m

PROPOSAL 12 - LOTS 7 AND 202 JOAQUINA STREET, YORK





SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  TOWN CENTRE
-  PUBLIC PURPOSES



Government of Western Australia  
Department of Planning

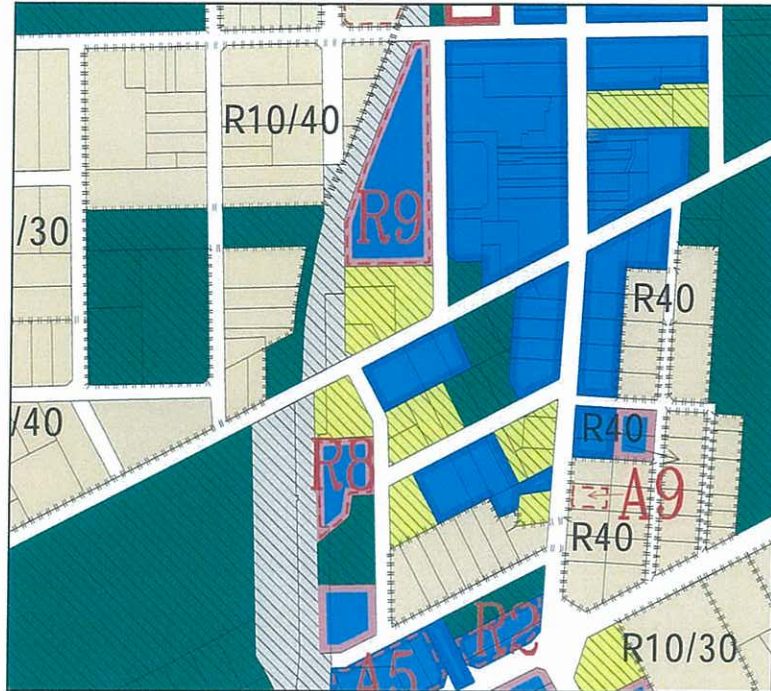
SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



Scale 1:6000



PROPOSAL 13 - LOT 20 AVON TERRACE, YORK



EXISTING ZONING

LEGEND

- York Z 2
-  RESIDENTIAL
  -  RECREATION AND OPEN SPACE
  -  PUBLIC PURPOSES
  -  TOWN CENTRE
  -  RAILWAY
  -  SPECIAL USE
  -  MIXED BUSINESS
  -  ROAD
  -  LPS Rcodes - Enquiry data
  -  SPECIAL USE AREA
  -  LPS Cadastre - Capture data



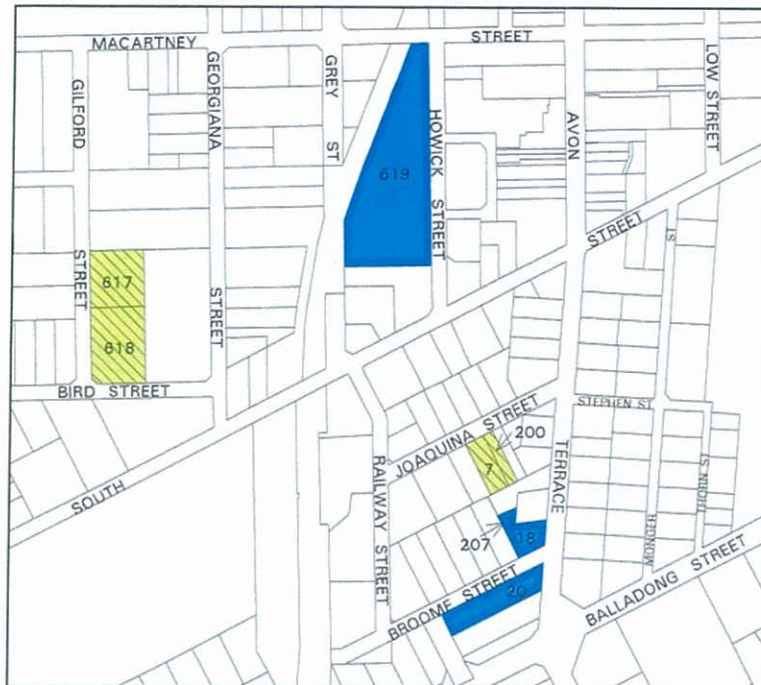
Government of Western Australia  
Department of Planning

SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



Scale 1:6000

0 50 m



SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  TOWN CENTRE
-  PUBLIC PURPOSES



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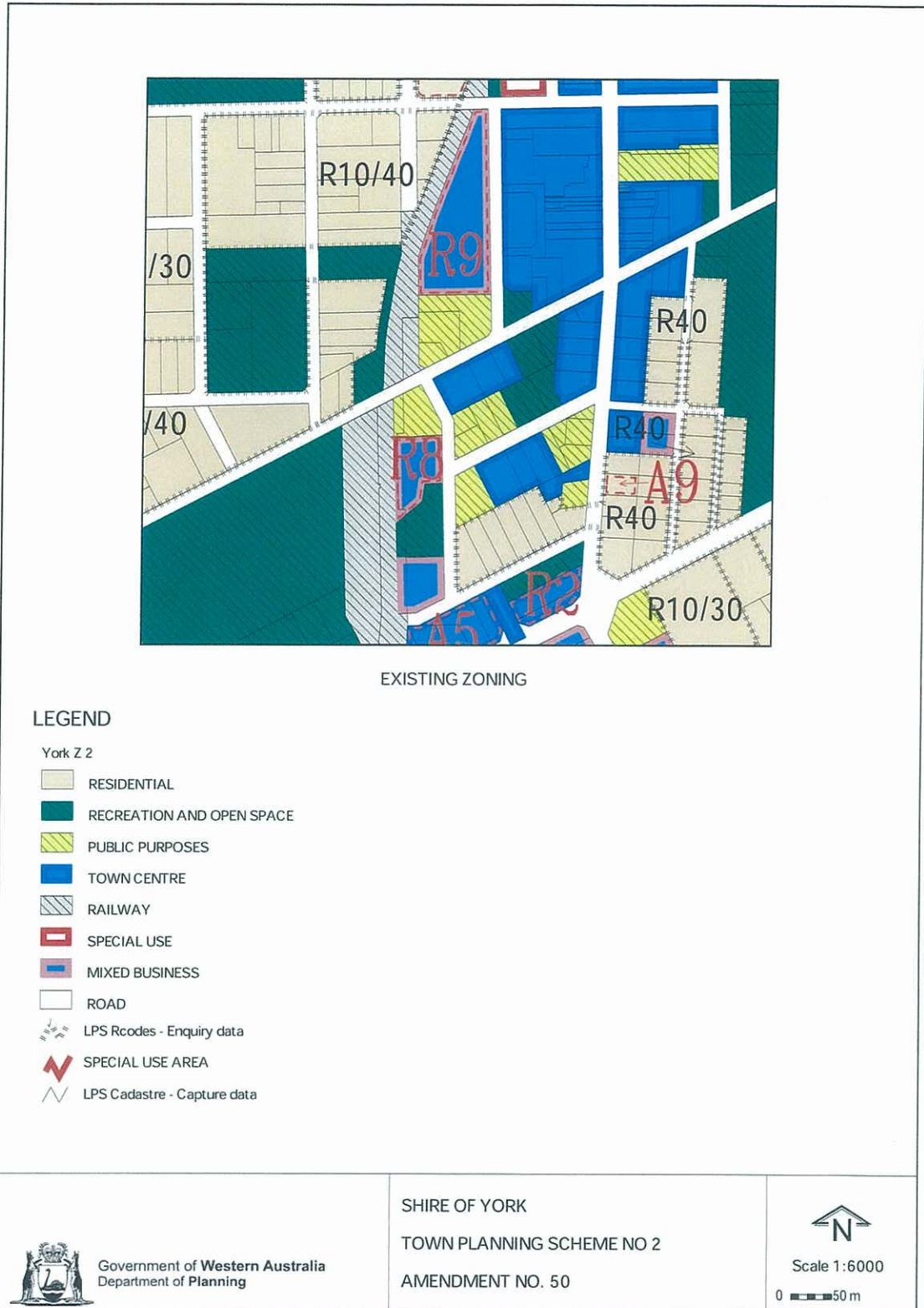
SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



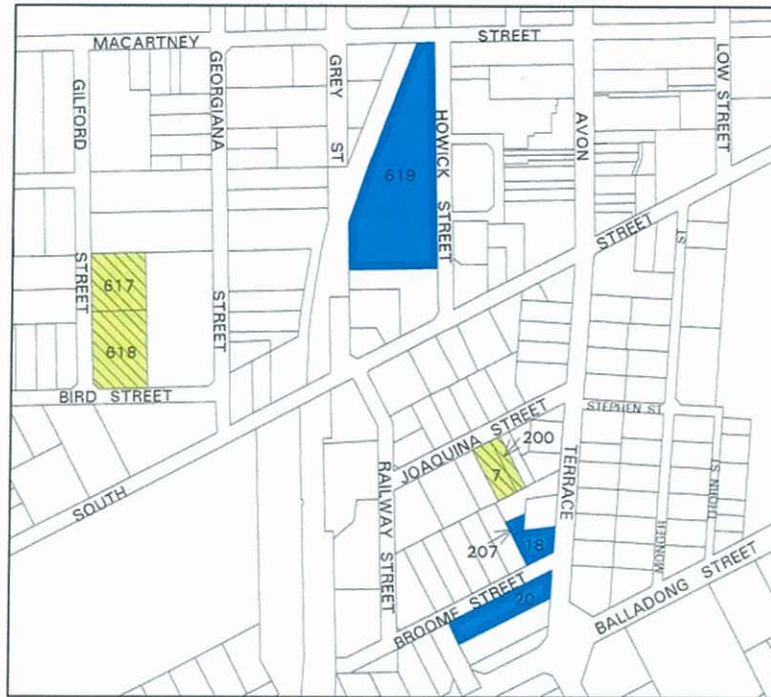
Scale 1:6000



PROPOSAL 14 - LOTS 18 AND 207 BROOME STREET, YORK







SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  TOWN CENTRE
-  PUBLIC PURPOSES



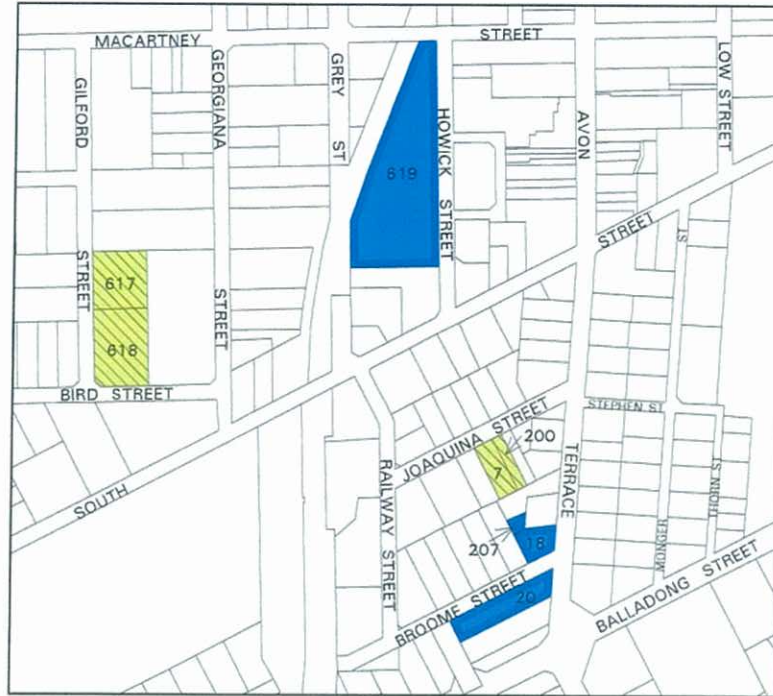
Government of Western Australia  
Department of Planning

SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



PROPOSAL 15 - LOT 619 HOWICK STREET, YORK





SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  TOWN CENTRE
-  PUBLIC PURPOSES



Government of Western Australia  
Department of Planning

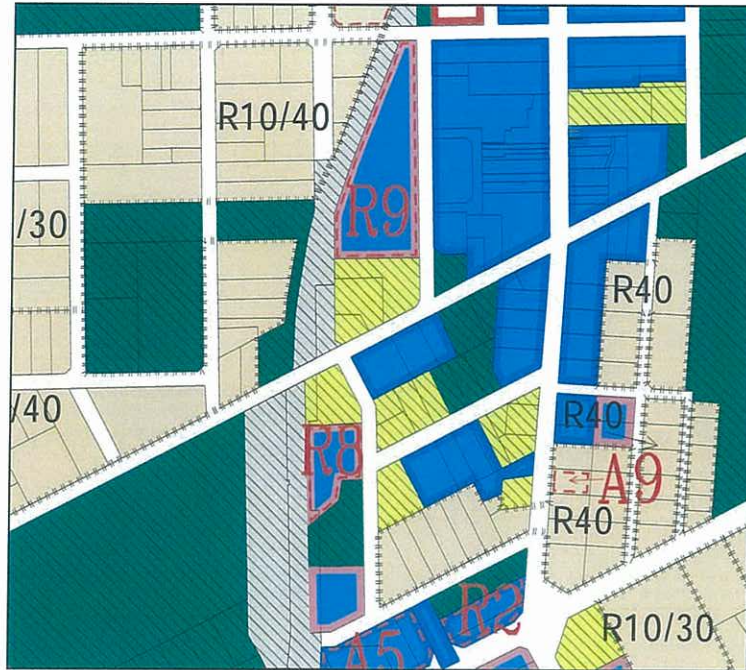
SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



Scale 1:6000



PROPOSAL 16 - LOT 100 AVON TERRACE AND LOT 15 BALLADONG ROAD, YORK



EXISTING ZONING

LEGEND

York Z 2

-  RESIDENTIAL
-  RECREATION AND OPEN SPACE
-  PUBLIC PURPOSES
-  TOWN CENTRE
-  RAILWAY
-  SPECIAL USE
-  MIXED BUSINESS
-  ROAD
-  LPS Rcodes - Enquiry data
-  SPECIAL USE AREA
-  LPS Cadastre - Capture data

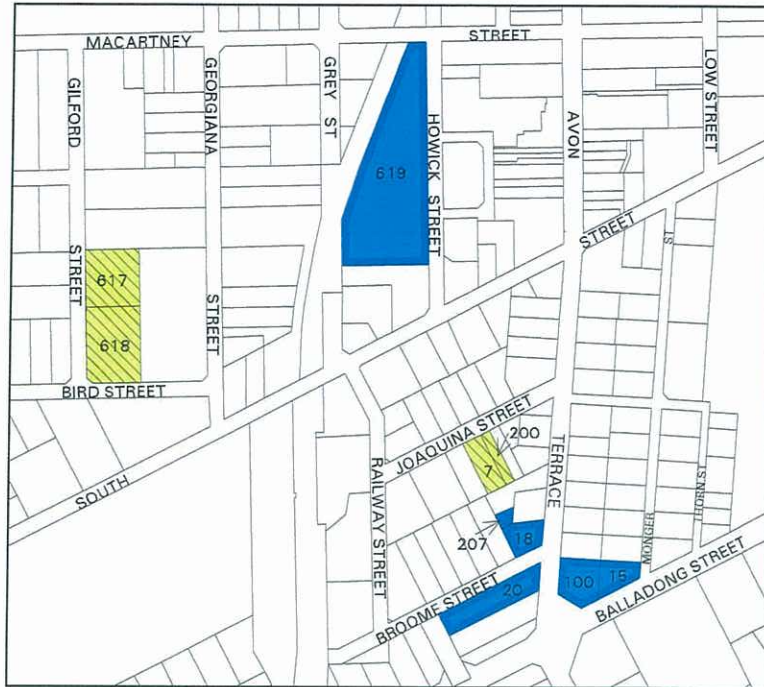


Government of Western Australia  
Department of Planning

SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



Scale 1:6000  
0 50 m



SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  TOWN CENTRE
-  PUBLIC PURPOSES



Government of Western Australia  
Department of Planning

SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



Scale 1:6000



PROPOSAL 17 - LOTS 1 & 2 PANMURE ROAD, YORK




PROPOSAL 17 - LOTS 1 & 2 PANMURE ROAD, YORK



EXISTING ZONING

LEGEND

York Z 2

-  RESIDENTIAL
-  RECREATION AND OPEN SPACE
-  PUBLIC PURPOSES
-  ROAD
-  LPS Rcodes - Enquiry data
-  LPS Cadastre - Capture data



Government of Western Australia  
Department of Planning

SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 50



Scale 1:3000







SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  SPECIAL USE
-  SPECIAL USE AREA

 <p>Government of Western Australia Department of Planning</p>	<p>SHIRE OF YORK TOWN PLANNING SCHEME NO 2 AMENDMENT NO. 50</p>	 <p>Scale 1:3000 0 50 m</p>
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## PLANNING AND DEVELOPMENT ACT 2005

### SHIRE OF YORK

#### TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 50

The Shire of York Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Amending Schedule 1 - Interpretations;
2. Replacing the Zoning Table;
3. Amending Clause 4.7 relating to provisions for operating home businesses and home occupations;
4. Amending Clause 4.14.4 by deleting sub-clause (a) requiring a planning consent for all development including a single house, which is contradictory to the Zoning Table and to amend the numbering of sub-clause 4.14.4 and references to number subsequently; Amending Clause 5.3 and Schedule 8 relating to the control of advertisements to update provisions following the rescission of the relative local laws;
5. Amending Clause 5.8 relating to the control of transported dwellings to extend the application of the clause Shire-wide;
6. Amending Clause 6.1 and to create Clause 5.11 to correct an administrative error to the provisions relating to developer contributions and inserting mapping into Schedule 13 as proposed by Amendment 26;
7. Rezoning Lot 123 Horley Road from Road Reserve to Industrial to enable sale of the freehold land that was thought to be a portion of Horley Road;
8. Rezoning Lot R46915 Henrietta Street, York from Mixed Business to Reserve - Public Purposes to reflect the use for emergency services;
9. Rezoning portion of Sees Road, Malebelling from Reserve - Road to Reserve - Public Purposes to reflect the use for emergency services;
10. Rezoning Lots 593 Georgiana Street and 607 and 608 Gilford Street, York from Reserve - Recreation and Open Space to Reserve - Public Purposes to reflect the use by the York Scout Group, York Youth Centre and State-owned Respite Centre;
11. Rezoning Lots 7 and 202 Joaquina Street, York from Town Centre to Reserve - Public Purposes to reflect the use for civic and community purposes by the Shire of York and York Masonic Lodge;



12. Rezoning Lot 20 Avon Terrace, York from Reserve - Recreation and Open Space to Town Centre to reflect the private ownership and use in conjunction with the service station;
13. Rezoning Lots 18 and 207 Broome Street, York from Residential (R40) to Town Centre to enable appropriate development of the site for a mix of commercial, tourism and residential uses;
14. Rezoning Lot 619 Howick Street, York from Mixed Business (R9) to Town Centre and deleting the Restricted Use (R9) to enable appropriate development of a site within the town centre;
15. Rezoning Lots 100 (58) Avon Terrace and Lot 15 (44) Balladong Road, York from Residential R40 to Town Centre to enable appropriate development of a site within the town centre; and
16. Inserting 'Special Use Zones 6', as follows, to Schedule 3 to enable appropriate development of the site:

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lots 1 & 2 (18) Panmure Road (Laurelville)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Education Establishment, Residential, Short Term Accommodation	All development (including change of use) shall be subject to application for approval by the Heritage Council of Western Australia and in accordance with an approved conservation plan. All development (including change of use) shall be subject to application for the local government's planning consent and in accordance with the Shire of York Local Planning Policy Heritage Places and Precincts (as amended).

**ADOPTION**

Adopted by resolution of the Council of the Shire of York at the Ordinary/Special Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_.

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

**FINAL APPROVAL**

Adopted for final approval by resolution of the Shire of York at the Ordinary/Special Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_ and the Common Seal of the Shire of York was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....  
DELEGATED UNDER S.16 OF THE PD ACT 2005  
DATE.....

Final Approval Granted

.....  
MINISTER FOR PLANNING  
DATE.....