

Updated to Include AMD

# SHIRE OF TOOODYAY

## LOCAL PLANNING SCHEME NO. 5

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LOCAL PLANNING SCHEME GAZETTAL DATE: [INSERT DATE]

# SHIRE OF TOOODYAY

## LOCAL PLANNING SCHEME NO. 5

[INSERT NUMBER] - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED			DETAILS
		DETAILS	WHEN	BY	

DRAFT

# SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO. 5

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

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## PART 1 - PRELIMINARY

### 1. Citation

This local planning scheme is the Shire of Toodyay Local Planning Scheme No 5.

### 2. Commencement

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

### 3. Scheme revoked

The following local planning scheme is revoked –

Shire of Toodyay Local Planning Scheme No. 4 gazetted on the 13<sup>th</sup> day of February 2008.

### 4. Notes do not form part of Scheme

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

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

### 5. Responsibility for Scheme

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

### 6. Scheme area

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

### 7. Contents of Scheme

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

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

There are no additional plans, maps, diagrams, illustrations or materials which form part of this Scheme.

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

## 8. Purposes of Scheme

The purposes of this Scheme are to –

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

## 9. Aims of Scheme

The aims of this Scheme are –

- (a) to provide for the orderly and economic development and optimum use of its land and other resources in the Scheme Area, consistent with the conservation of important natural and man-made features;
- (b) to provide guidance to:
  - (i) the local government in the execution of its planning responsibilities;
  - (ii) public authorities in establishing the likely future needs of the Shire;
  - (iii) the private sector to indicate future development opportunities and planning requirements; and
  - (iv) the community in respect of the manner in which the effects of growth and change are proposed to be managed;
- (c) to provide a rational framework for decisions with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability are an essential facet of the planning process;
- (d) to facilitate the provision of public amenities and community support services consistent with the development and growth of the Shire;
- (e) to ensure that development occurs in a way which preserves existing environmental qualities and minimizes adverse environmental impacts;

- (f) to ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities; and
- (g) to protect and enhance areas within the Shire identified as being of significant environmental value.

## **10. Relationship with local laws**

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

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

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

## **12. Relationship with region planning scheme**

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

## PART 2 – RESERVES

### 13. Regional Reserves

There are no regional reserves in the Scheme area.

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

### 14. Local reserves

(1) In this clause –

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

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

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

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

*Table 1 - Reserve objectives*

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"><li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li><li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li></ul>
Environmental conservation	<ul style="list-style-type: none"><li>To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.</li><li>To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.</li></ul>
State Forest	<ul style="list-style-type: none"><li>To identify areas of State Forest.</li></ul>
Civic and Community	<ul style="list-style-type: none"><li>To provide for a range of community facilities which are compatible with surrounding development.</li><li>To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.</li></ul>
Public Purposes	<ul style="list-style-type: none"><li>To provide for a range of essential physical and community infrastructure.</li></ul>
Public Purposes – Infrastructure Services	<ul style="list-style-type: none"><li>Public Purposes which specifically provide for a range of essential infrastructure services.</li></ul>

Reserve name	Objectives
Public Purposes – Education	<ul style="list-style-type: none"> <li>• Public Purposes which specifically provide for a range of essential education facilities.</li> </ul>
Public Purposes – Government Services	<ul style="list-style-type: none"> <li>• Public Purposes which specifically provide for a range of government services.</li> </ul>
Public Purposes - Cemetery	<ul style="list-style-type: none"> <li>• To set aside land required for a cemetery.</li> </ul>
Public Purposes - Recreational	<ul style="list-style-type: none"> <li>• To set aside land required for recreational purposes.</li> </ul>
Public Purposes - Emergency Services	<ul style="list-style-type: none"> <li>• Public Purposes which specifically provide for a range of essential emergency services.</li> </ul>
Drainage / Waterway	<ul style="list-style-type: none"> <li>• To set aside land required for significant waterways and drainage.</li> </ul>
Railways	<ul style="list-style-type: none"> <li>• To set aside land required for passenger rail and rail freight services.</li> </ul>
Primary Distributor Road	<ul style="list-style-type: none"> <li>• To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.</li> </ul>
Local Distributor Road	<ul style="list-style-type: none"> <li>• To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.</li> </ul>
Local Road	<ul style="list-style-type: none"> <li>• To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>

 R

Recreational

 ES

Emergency Services

## 15. Additional uses for local reserves

(1) Table 2 sets out –

- classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
- the conditions that apply to that additional use.

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

No.	Description of land	Additional use	Conditions
A1	Lot 9508 Murray Walkway, Toodyay	<ol style="list-style-type: none"> <li>1. Club Premises</li> <li>2. Restaurant/Café</li> <li>3. Tourist Development</li> </ol>	<ol style="list-style-type: none"> <li>1. Additional uses are permitted ancillary to the predominant use of the site as the Toodyay Recreation Precinct.</li> <li>2. Due regard shall be given to the provisions of the Foggarthorpe Residential Structure Plan.</li> </ol>

(2) Despite anything contained in clause 14, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

## PART 3 – ZONES AND USE OF LAND

### 16. Zones

(1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.

(2) The objectives of each zone are as follows –

*Table 3 - Zone Objectives*

Zone name	Objectives
Residential	<ul style="list-style-type: none"><li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li><li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li><li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li></ul>
Urban Development	<ul style="list-style-type: none"><li>• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</li><li>• To provide for a range of residential densities to encourage a variety of residential accommodation.</li><li>• To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</li></ul>
Rural	<ul style="list-style-type: none"><li>• To provide for the maintenance or enhancement of specific local rural character.</li><li>• To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li><li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li><li>• To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li><li>• To provide for a range of non-rural land uses, such as tourism, where they have demonstrated benefit and are compatible with surrounding rural uses.</li></ul>
Rural Residential	<ul style="list-style-type: none"><li>• To provide for lot sizes in the range of 1 ha to 4 ha.</li><li>• To provide opportunities for a range of limited rural and related ancillary pursuits, such as tourism, on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li></ul>

Zone name	Objectives
	<ul style="list-style-type: none"> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Rural Smallholdings	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 4 ha to 40 ha.</li> <li>• To provide for a limited range of rural land uses and incidental uses, such as tourism, where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Rural Enterprise	<ul style="list-style-type: none"> <li>• To provide for light industrial and ancillary residential development on one lot.</li> <li>• To provide for lot sizes in the range of 1 ha to 4 ha.</li> <li>• To carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses.</li> <li>• To notify prospective purchasers of potential amenity impacts from light industrial land uses.</li> </ul>
Environmental conservation	<ul style="list-style-type: none"> <li>• To identify land set aside for environmental conservation purposes.</li> <li>• To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.</li> </ul>
Light Industry	<ul style="list-style-type: none"> <li>• To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.</li> <li>• To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.</li> </ul>
Industrial Development	<ul style="list-style-type: none"> <li>• To designate land for future industrial development.</li> <li>• To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> <li>• Provide for a suitable variety of housing opportunities compatible with the locality.</li> </ul>
Mixed Use	<ul style="list-style-type: none"> <li>• To provide a diversity of land use and housing types.</li> <li>• To allow appropriate businesses to locate and develop in close proximity to residential areas.</li> <li>• To allow for services to be provided locally.</li> <li>• To provide high level of amenity.</li> </ul>

Zone name	Objectives
	<ul style="list-style-type: none"> <li>• To accommodate a mixture of residential development with small scale businesses in a primarily residential scale environment with the predominant uses being residential, office, consulting, dining and limited retail uses occupying the street frontage of lots.</li> <li>• To provide an intermediate stage between Residential and Commercial zones.</li> </ul>
Service Commercial	<ul style="list-style-type: none"> <li>• To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.</li> <li>• To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.</li> </ul>
Private Community Purposes	<ul style="list-style-type: none"> <li>• To provide sites for privately owned and operated recreation, institutions and places of worship.</li> <li>• To integrate private recreation areas with public recreation areas wherever possible.</li> <li>• To separate potentially noisy engine sports from incompatible uses.</li> <li>• To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.</li> <li>• To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.</li> </ul>
Special Use	<ul style="list-style-type: none"> <li>• To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> <li>• To enable the Council to impose specific conditions associated with the special use.</li> </ul>

## 17. Zoning table

The zoning table for this Scheme is as follows –

Table 4 – Zoning Table

USE & DEVELOPMENT CLASS	Residential	Urban Development							Industrial Development			
		Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Commercial	Mixed Use	Service Commercial	Private Community Purposes	
Abattoir	X	A	X	X	X	X	X	X	X	X	D	
Aged/Dependent Persons Dwelling(s)	P	X	X	X	X	X	X	X	X	X	A	
Agriculture – Extensive	X	P	X	A	X	X	X	X	X	X	X	
Agriculture – Intensive	X	D	X	A	X	X	X	X	X	X	X	
Amusement Parlour	X	X	X	X	X	X	X	X	X	X	A	
Ancillary Dwelling	I	D	D	D	D	X	X	X	X	X	X	
Animal Establishment	X	D	A	A	D	X	A	X	X	X	X	
Animal Husbandry – Intensive	X	A	X	X	X	X	X	X	X	X	X	
Art Gallery	X	D	A	A	X	A	D	P	D	A	I	
Bed & Breakfast	A	D	D	D	X	A	X	D	D	X	X	
Betting Agency	X	X	X	X	X	X	X	D	D	A	X	
Brewery	X	A	X	A	D	X	D	X	X	D	X	
Bulky Goods Showroom	X	X	X	X	X	X	X	X	X	D	X	
Caravan Park	X	A	X	X	X	X	X	A	X	X	I	
Caretaker's Dwelling	X	X	X	X	X	X	I	X	X	D	X	
Car Park	X	X	X	X	X	X	D	D	D	D	I	
Child Care Premises	A	X	X	X	X	X	X	D	A	X	I	
Cinema/Theatre	X	X	A	X	X	X	X	A	A	X	X	
Civic Use	A	X	A	A	X	A	A	P	A	A	X	
Club Premises	X	X	X	X	X	X	A	P	A	A	D	
Commercial Vehicle Parking	A	A	X	A	X	X	D	D	X	D	X	
Community Purpose	A	A	A	A	X	A	X	P	D	X	D	

USE & DEVELOPMENT CLASS		Residential	Urban Development						Development in accordance with an approved Structure Plan.			
			Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	P	D	A	X
Consulting Rooms	X		X	X	X	X	X	X	P	D	A	X
Convenience Store	X		X	X	X	X	X	D	P	D	D	X
Corrective Institution	X		A	X	X	X	X	X	X	X	X	X
Education Establishment	A		X	X	X	X	X	X	D	A	X	D
Exhibition Centre	X		A	X	X	X	X	A	P	D	A	X
Family Day Care	A		X	A	A	X	X	X	D	A	X	D
Fast Food Outlet	X		X	X	X	X	X	D	D	D	D	X
Fuel Depot	X		A	X	X	X	X	A	X	X	D	X
Funeral Parlour	X		X	X	X	X	X	D	D	A	D	X
Garden Centre	X		A	X	X	D	X	D	D	A	D	X
Grouped Dwelling	D		A	X	X	X	X	X	D	D	D	X
Holiday Accommodation	X		A	X	X	X	X	X	D	A	X	I
Holiday House	A		A	A	A	X	X	X	D	A	X	X
Home Business	A		A	A	A	A	A	X	D	D	X	X
Home Occupation	D		D	D	D	D	A	X	D	D	X	X
Home Office	P		P	P	P	P	D	X	P	P	X	X
Home Store	A		X	X	X	I	X	X	A	D	X	X
Hospital	X		X	X	X	X	X	A	D	A	A	D
Hotel	X		X	X	X	X	X	X	D	X	X	X
Industry	X		X	X	X	X	X	X	X	X	X	X
Industry – Cottage	A		P	D	D	P	X	P	X	D	D	X
Industry – Extractive	X		A	X	A	X	X	X	X	X	X	X
Industry – Light	X		X	X	X	A	X	P	X	X	A	X
Industry – Primary Production	X		P	X	A	X	X	X	X	X	X	X
Liquor Store – Large	X		X	X	X	X	X	X	A	X	A	X
Liquor Store – Small	X		X	X	X	X	X	X	A	A	X	X
Lunch Bar	X		X	X	X	X	X	D	D	D	D	X

USE & DEVELOPMENT CLASS		Residential	Urban Development						Industrial Development				Development in accordance with an approved Structure				Development in accordance with an approved Structure			
			Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Commercial	Mixed Use	Service Commercial	Private Community Purposes								
Market	X		X	X	X	X	X	X	A	A	A	X								
Medical Centre	X		X	X	X	X	X	X	D	D	A	X								
Mining Operations	X		A	X	X	X	X	X	X	X	X	X								
Mining Operations on Minerals to Owner land	X		X	X	X	X	X	X	X	X	X	X								
Motel	X		X	X	X	X	X	X	A	A	X	X								
Motor Vehicle, Boat & Caravan Sales	X		X	X	X	X	X	D	A	X	D	X								
Motor Vehicle Repair	X		X	X	X	D	X	D	X	X	D	X								
Motor Vehicle Wash	X		X	X	X	X	X	D	D	X	A	X								
Multiple Dwelling	A		X	X	X	X	X	X	D	D	X	X								
Nature Based Parks	X		A	X	X	X	A	X	X	X	X	X								
Nightclub	X		X	X	X	X	X	X	D	D	A	X	X							
Office	X		X	X	X	I	X	I	P	P	I	I								
Park Home Park	X		X	X	X	X	X	X	A	X	X	X								
Place of Worship	A		X	X	X	X	X	X	A	D	A	D								
Reception Centre	X		X	X	A	X	X	X	D	A	X	X								
Recreation – Private	X		A	X	X	A	X	A	D	A	A	X								
Renewable Energy Facility	X		A	X	X	X	X	X	X	X	X	X								
Re-Purposed Dwelling	D		D	D	D	D	D	D	X	X	X	X								
Residential Building	D		X	X	X	X	X	X	D	D	X	X								
Resource Recovery Centre	X		A	X	X	X	X	X	A	X	X	A								
Restaurant/Café	X		A	X	A	I	X	X	P	D	X	I								
Restricted Premises	X		X	X	X	X	X	X	A	A	A	X								
Roadhouse	X		X	X	X	X	X	X	A	X	A	X								
Rural Home Business	X		A	A	A	A	X	X	X	X	X	X								
Rural Pursuit/Hobby Farm	X		P	D	D	X	X	X	X	X	X	X								

USE & DEVELOPMENT CLASS	Residential	Urban Development						Industrial Development			
		Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Commercial	Mixed Use	Service Commercial	Private Community Purposes
Second-Hand Dwelling	D	D	D	D	D	X		X	X	X	X
Serviced Apartment	X	X	X	X	X	X		A	D	X	X
Service Station	X	X	X	X	X	X		A	D	A	X
Shop	X	X	X	I	X	X		P	D	I	X
Single House	P	P	P	A	D	X		D	D	X	X
Small Bar	X	X	X	X	X	X		D	A	X	X
Tavern	X	X	X	X	X	X		A	A	X	X
Tearooms	X	I	X	I	X	X	X	X	X	X	X
Telecommunications Infrastructure	A	D	A	D	D	X	D	D	D	D	A
Tourist Development	X	A	X	A	D	X	X	X	D	X	X
Trade Display	X	A	X	X	I	X	D	D	X	D	X
Trade Supplies	X	A	X	X	I	X	D	D	X	D	X
Transport Depot	X	A	X	X	A	X	A	X	X	A	X
Tree Farm	X	D	X	D	X	X	X	X	X	X	X
Veterinary Centre	X	A	X	X	D	X	D	A	A	D	X
Warehouse/Storage	X	X	X	D	X	P		X	X	D	X
Waste Disposal Facility	X	X	X	X	X	X	X	X	X	X	X
Waste Storage Facility	X	X	X	X	X	X	A	X	X	X	X
Winery	X	D	X	A	X	X	X	X	X	X	X
Workforce Accommodation	X	I	X	X	X	X	X	D	D	X	X

Development in accordance with an approved Structure Plan.

Development in accordance with an approved Structure Plan.

## 18. Interpreting zoning table

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

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

- P** means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
- I** means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;
- D** means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A** means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
- X** means that the use is not permitted by this Scheme.

Note:

1. *The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.*
2. *In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.*
3. *If a proposed development is identified as a 'P' use in the zoning table, but the proposed development does not comply with all of the development standards and requirements of the scheme, then it is to be treated as a 'D' use.*
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
  - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
  - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless –
  - (a) the development approval application relates to land that is being used for a non-conforming use; and

- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

(7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –

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

## 19. Additional uses

(1) Schedule 1 – Additional uses sets out –

- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that additional use.

## 20. Restricted uses

(1) There are no restricted uses which apply to this Scheme.

*NOTE: a restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.'*

## 21. Special use zones

(1) Schedule 2 – Special use zones sets out –

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
- (b) the classes of special use that are permissible in that zone; and
- (c) the conditions that apply in respect of the special uses.

(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

## 22. Non-conforming uses

(1) Unless specifically provided, this Scheme does not prevent –

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of development on land if –
  - (i) before the commencement of this Scheme, the development was lawfully approved; and
  - (ii) the approval has not expired or been cancelled.

(2) Subclause (1) does not apply if –

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

(3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government –

- (a) purchases the land; or
- (b) pays compensation to the owner of the land in relation to the non-conforming use.

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

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

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

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

## PART 4 – GENERAL DEVELOPMENT REQUIREMENTS

### 25. R-Codes

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

### 26. Modification of R-Codes

- (1) Where a lot has multiple coding numbers for the purpose of clause 25, the lower coding number shall apply, except that the local government may approve development to the higher density coding providing –
  - (a) the development is determined to be consistent with all relevant R-Codes provisions, parts of the Scheme, local planning policies, structure plans, and local development plans to the satisfaction of the local government; and
  - (b) the development is consistent with any provisions of a Special Control Area to the satisfaction of the local government and any other relevant public authority; and
  - (c) the development retains the heritage values of the premises where included on the heritage list in accordance with this Scheme and any relevant local planning policy to the satisfaction of the local government; and
  - (d) the premises can be connected to reticulated sewerage.
- (2) Where a lot has multiple coding numbers, the local government may approve residential development at the higher coding if –
  - (a) the use of the higher coding will enable dedication of a foreshore reserve for lots adjoining the Avon River; or
  - (b) the use of the higher coding facilitates adaptive reuse of a heritage listed building; and
  - (c) the property can be connected to and serviced by reticulated sewerage; and
  - (d) the difference in natural ground levels within the site and adjacent land will not result in impacts on the amenity, such as inappropriate bulk and scale, impacts on visual privacy or require retaining walls higher than 1m; and
  - (e) is consistent with the design criteria contained in any Local Planning Policy relating to the design of higher density residential uses in established residential areas.
- (3) The provisions of clauses 26 (1) and (2) do not apply to any residential development within Special Control Areas, with the exception of the Town Centre Special Control Area.

## Outbuildings

(4) On land coded R12.5 or higher (or are able to utilise the higher coding in accordance with the Scheme provisions) –

- (a) the total area of all outbuildings on the lot shall not exceed 75m<sup>2</sup> or 10% of the area of the lot, whichever is the lesser;
- (b) the maximum wall height is 3.5 metres and the maximum roof height is 4.5 metres;
- (c) the minimum setbacks to side, rear and secondary street boundaries for outbuildings is –
  - (i) Side – 1 metre;
  - (ii) Rear – 1 metre; and
  - (iii) Secondary Street – 2 metres.
- (d) outbuildings shall be located entirely behind the rear of the dwelling on the lot unless constructed in the same materials as and having colours matching those of the dwelling; and
- (e) the external surface of outbuildings, other than roof cladding, shall not include metallic silver, except where the total area of all outbuildings on the lot does not exceed 20m<sup>2</sup>.

(5) On land coded R10 (or are able to utilise the higher coding in accordance with the Scheme provisions) –

- (a) the total area of all outbuildings on the lot shall not exceed 90m<sup>2</sup>;
- (b) the maximum wall height is 3.5 metres and the maximum roof height is 4.5 metres;
- (c) the minimum setbacks to side, rear and secondary street boundaries for outbuildings is –
  - (i) Side – 1 metre;
  - (ii) Rear – 1 metre; and
  - (iii) Secondary Street – 3 metres.
- (d) outbuildings shall be located entirely behind the rear of the dwelling on the lot unless constructed in the same materials as and having colours matching those of the dwelling; and
- (e) the external surface of outbuildings, other than roof cladding, shall not include metallic silver, except where the total area of all outbuildings on the lot does not exceed 20m<sup>2</sup>.

(6) On land coded R2.5 and R5 –

- (a) the total area of all outbuildings on the lot shall not exceed 100m<sup>2</sup>;
- (b) the maximum wall height is 3.5 metres and the maximum roof height is 4.5 metres;
- (c) the minimum setbacks to side, rear and secondary street boundaries for outbuildings is –
  - (i) Side – 1.5 metres;
  - (ii) Rear – 1.5 metres; and
  - (iii) Secondary street – 5 metres.
- (d) outbuildings shall be located entirely behind the rear of the dwelling on the lot unless constructed in the same materials as and having colours matching those of the dwelling; and
- (e) the external surface of outbuildings, other than roof cladding, shall not include metallic silver, except where the total area of all outbuildings on the lot does not exceed 20m<sup>2</sup>.

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

(1) State Planning Policy 3.6 – Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.

(2) The local government –

- (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

## 28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

## 29. Other State planning policies to be read as part of Scheme

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

*Table 5 – State Planning Policies*

State planning policies to be read as part of Scheme	
1.	State Planning Policy 3.7 – Planning in Bushfire Prone Areas

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

## 30. Modification of State planning policies

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

## 31. Environmental conditions

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

## 32. General development standards and requirements

### Setbacks

- (1) Table 6 sets out the site and development requirements for each of the zones which may be varied and/or supplemented by the local government at its discretion to suit any specific requirements.
- (2) The local government in determining applications for any development may require such development to comply generally with the standards required for the relevant zone as stipulated in Table 6 to ensure that the scale, nature, design, general appearance and impact of any proposed use/s is compatible with the objectives of the zone in which the development is proposed and the general purposes and aims of the Scheme.

(3) Development shall be setback in accordance with Table 6, except where the building is located within a building envelope identified on an approved structure plan.

*Table 6 – Site and Development Requirements*

ZONE	CONTROLS			Maximum Plot Ratio %	Minimum Landscaping Area %
	Street	Rear	Sides		
<b>Residential</b>	In accordance with the Residential Design Codes unless varied by the Scheme Provisions.				
Rural	50*	50	50	n/a	n/a
Rural Residential	30	30	30	n/a	n/a
Rural Smallholding	30*	30	30	n/a	n/a
Rural Enterprise	20	20	20	n/a	n/a
<b>Environmental Conservation</b>	As per building envelope			n/a	n/a
<b>Light Industry</b>	5	5	4m one side	60%	10%
<b>Commercial, Service Commercial and Mixed Use</b>	Residential development/components are in accordance with the Residential Design Codes unless varied by the Scheme provisions.				
	Otherwise, to be determined by the local government in each particular case.				
<b>Private Clubs, Institutions &amp; Places of Worship</b>	To be determined by the local government in each particular case.				

**NOTES:** \*50 metres from State or major road.

(4) The Shire shall establish and maintain a Register of Building Envelopes, which shall comprise –

- building envelopes identified by the Shire and operative under Local Planning Scheme No. 4 immediately prior to the gazettal of this Scheme;
- building envelopes shown on a Structure Plan approved by the Western Australian Planning Commission;
- building envelopes required by the Shire as a condition of development approval issued under this Scheme; and
- building envelopes required by the Western Australian Planning Commission as a condition of subdivision or strata subdivision approval.

(5) The Shire shall keep a copy of the Register of Building Envelopes with the Scheme documents for public inspection.

(6) Where lots have more than one street frontage the following setbacks shall apply –

- In all zones, other than the Residential zone, where a lot has a frontage to more than one street, the local government may determine which street frontage shall be regarded as the front for the purpose of the setback prescribed in the Scheme.

- (b) With the exception of State/Regional and District roads, the local government may, at its discretion, permit the setback to the secondary street to be reduced to half the specified setback.
- (7) The minimum front setback to any new development on a road proposed to be widened under this Scheme shall be the minimum setback as if the proposed widening had taken place.

#### **Parking of commercial vehicles in residential zones**

- (8) No person shall, within residential zones, park –
  - (a) more than one commercial or industrial vehicle on a Residential zoned lot;
  - (b) a commercial or industrial vehicle, boat trailer, boat, caravan, or recreational vehicle unless it is parked in a domestic garage or outbuilding, or such vehicle is parked entirely on the lot in a position which is not unduly obtrusive;
  - (c) any vehicle which, due to size or load, is not capable of being completely parked within a domestic garage or outbuilding having a maximum floor area of 60m<sup>2</sup> in which no horizontal dimension is more than 15 metres;
  - (d) a vehicle which, together with its load, exceeds three metres in height or longer or wider than permitted on roads without requiring special warning signs, unless the vehicle is being used in connection with building or construction works.

#### **Development in the Urban Development zone**

- (9) Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.
- (10) No land owner shall carry out subdivision or development (other than the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house) other than in accordance with the Structure Plan.
- (11) If a provision in any applicable Schedule conflicts with any other provision of the Scheme, the provision in the Schedule shall prevail.

#### **Development in the Rural zone**

- (12) In the Rural zone, the local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot provided that –
  - (a) the total number of dwellings on the lot will not exceed two (2) dwellings;
  - (b) the lot has an area of not less than 40 hectares;
  - (c) it can be demonstrated that the additional dwelling is for workers or family members employed for agricultural activities on that lot;
  - (d) adequate provision of a sustainable water supply and disposal of sewage from the additional dwelling can be demonstrated;
  - (e) the additional dwelling will not adversely detract from the rural character and amenity of the area or conflict with agricultural production on the subject lot or adjoining land;
  - (f) access to the existing road network is to be provided for any additional dwelling and shared with any existing dwelling where practicable;

- (g) the existence of more than one dwelling on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.
- (13) No person shall use the land between the building setback line and the road for any purpose other than a means of access, landscaping or a rural activity permitted in the zone.
- (14) Notwithstanding anything contained in the subclauses above, the local government may permit a building to be located within the setback area when –
  - (a) in the opinion of the local government, a physical obstruction precludes compliance with this clause;
  - (b) the location of the building within the setback area will not adversely affect the amenity of an adjoining owner or the area generally;
  - (c) as a result of topography or lot configuration, the prescribed setback cannot be adhered to or would be unnecessarily disadvantageous.

### **Development in the Rural Residential and Rural Smallholdings zones**

- (15) The provisions applicable to a specific area of Rural Residential or Rural Smallholdings zoned land in Schedule 4 – Rural Residential areas and Schedule 5 – Rural Smallholdings shall specify any additional provisions considered appropriate to the particular site to achieve the objectives of the Scheme and the relevant zone. If a provision in the Schedules conflicts with any other provision of the Scheme, the provision in the Schedules shall prevail.
- (16) No person shall use the land between the building setback line and the road for any purpose other than a means of access, landscaping or a rural activity permitted in the zone.
- (17) Notwithstanding anything contained in the subclauses above, the local government may permit a building to be located within the setback area when –
  - (a) in the opinion of the local government, a physical obstruction precludes compliance with this clause;
  - (b) the location of the building within the setback area will not adversely affect the amenity of an adjoining owner or the area generally;
  - (c) as a result of topography or lot configuration, the prescribed setback cannot be adhered to or would be unnecessarily disadvantageous.
- (18) In the Rural Residential and Rural Smallholdings zones, a demonstrated and sustainable water supply is to be provided in accordance with Western Australian Planning Commission Policy.
- (19) Where connection to reticulated sewer is not available, domestic sewerage shall be disposed of by means of an alternative effluent disposal system to the satisfaction of the local government and the Department of Health.
- (20) The local government or the Western Australian Planning Commission may require the provision of building envelopes or building exclusion areas for any land proposed to be subdivided in the Rural Residential or Rural Smallholdings zone. These shall be –
  - (a) shown on the approved structure plan, or separate detailed plan required as a condition of subdivision approval;
  - (b) at a size to be determined by the local government;

- (c) located to avoid any native vegetation or any area recognised for protection or rehabilitation as shown on the approved structure plan and/or environmental management plan;
- (d) located to ensure on site effluent disposal meets the minimum setback requirements from drainage lines, watercourses, wetlands and other areas as determined by the local government;
- (e) located outside of any identified and/or designated buffer areas; and
- (f) located in accordance with any fire management plan approved for the land.

(21) The local government may permit a variation to a previously approved building envelope, prior to the construction of any building, if it can be demonstrated to the satisfaction of the local government that the location of the proposed new building envelope will not be detrimental to the residential amenity and landscape and/or environmental qualities of the land and other adjoining properties.

(22) Unless otherwise approved by the local government, all buildings and on-site effluent disposal systems shall be confined to the approved building envelope.

(23) The local government may require tree preservation areas to be identified on the plan of subdivision so as to –

- (a) protect and preserve areas of landscape significance, ridge lines, and stream lines;
- (b) protect areas of land management importance including areas of actual or potential erosion or land degradation;
- (c) generally provide for visual screening of buildings and development; and
- (d) protect recognised vegetation corridors.

(24) Within areas designated as a natural vegetation preservation and/or remnant vegetation areas, no indigenous trees or vegetation may be felled or removed except for –

- (a) trees which are dead, diseased or dangerous;
- (b) establishment of a firebreak required under a regulation or bylaw;
- (c) access to a building site;
- (d) an area up to two metres in width for the purpose of a fence line;
- (e) vegetation being removed or disturbed as part of a verge/native tree replanting programme carried out with local government's knowledge and approval.

(25) Nothing in this subclause shall be construed to mean that any person can clear a portion of a road reserve.

(26) In considering granting development approval for a building, local government may where it considers an area to be deficient in tree cover, or additional tree cover to be desirable in the interests of landscape protection or enhancement, require tree planting located so as to provide adequate visual screening of the building.

(27) Any application for a rural pursuit or equestrian activity that involves the stabling and keeping of livestock (including horses) will be conditional upon compliance with the terms and conditions of an approved Environmental Management Plan.

(28) The siting and design of dwellings in the Rural Residential and Rural Smallholdings zones shall be in accordance with any local planning policy adopted by the local government.

## Development in the Rural Enterprise zone

(29) prior to subdivision and development in the Rural Enterprise zone a structure plan shall be prepared and approved, demonstrating the ability to:

- (a) separate light industrial and residential uses via the use of building envelopes and/or dual frontages; and
- (b) achieve a clear delineation between light industrial and residential vehicles in access arrangements to the lots.

(30) In the Rural Enterprise zone -

- (a) dwellings must be incidental to the predominant use of the site for light industry;
- (b) unless otherwise provided in the Scheme, the development of dwellings shall be in accordance with the R2 density code provisions of the R-Codes, with the exception of the minimum lot size area, which is not applicable;
- (c) no more than one dwelling will be permitted on each lot;
- (d) the local government shall not grant development approval for a dwelling prior to the predominant use being either approved or constructed;
- (e) where a dwelling has been granted development approval, it shall not be occupied until the predominant use has been established and is operational on site;
- (f) lots shall be connected to a network electricity supply and reticulated potable water supply provided by a licensed service provider; and
- (g) notifications on title may be used to advise prospective purchasers of potential noise, dust, odour or other amenity impacts that may arise from light industrial uses.

## Development in the Environmental Conservation zone

(31) Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.

(32) No land owner shall carry out subdivision or development (other than the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house) other than in accordance with the Structure Plan.

(33) Any additional provisions applicable to a specific area of Environmental Conservation zoned land in a Schedule shall prevail in the event of any inconsistencies with other relevant Scheme provisions.

(34) The local government will not support further subdivision of lots in the Environmental Conservation zone.

(35) In the Environmental Conservation zone, a demonstrated and sustainable water supply is to be provided in accordance with Western Australian Planning Commission Policy.

(36) Where connection to reticulated sewer is not available, domestic sewerage shall be disposed of by means of alternative effluent disposal system to the satisfaction of the local government and the Department of Health.

(37) The local government or the Western Australian Planning Commission will require the provision of building envelopes or building exclusion areas for all land in the Environmental Conservation zone, which shall be –

- (a) shown on the approved structure plan, or separate detailed plan required as a condition of subdivision approval;
- (b) at a size to be determined by the local government;
- (c) located to avoid any native vegetation or any area recognised for protection or rehabilitation as shown on the approved structure plan and/or environmental management plan;
- (d) located to ensure on site effluent disposal meets the minimum setback requirements from drainage lines, watercourses, wetlands and other areas as determined by the local government;
- (e) located outside of any identified and/or designated buffer areas; and
- (f) located in accordance with any fire management plan approved for the land.

(38) The local government may permit a variation to a previously approved building envelope, prior to the construction of any building, if it can be demonstrated to the satisfaction of the local government that the location of the proposed new building envelope will not be detrimental to the environmental qualities of the land and other adjoining properties.

(39) All buildings and on-site effluent disposal systems shall be confined to the building envelope indicated on the approved structure plan.

(40) Within areas designated as a natural vegetation preservation and/or remnant vegetation areas, no indigenous trees or vegetation may be felled or removed except for –

- (a) trees which are dead, diseased or dangerous;
- (b) establishment of a firebreak required under a regulation or bylaw;
- (c) access to a building site;
- (d) an area up to two metres in width for the purpose of a fence line;
- (e) vegetation being removed or disturbed as part of a verge/native tree replanting programme carried out with local government's knowledge and approval.

(41) Nothing in the above subclause shall be construed to mean that any person can clear a portion of a road reserve.

(42) In considering granting development approval for a building, local government may where it considers an area to be deficient in tree cover, or additional tree cover to be desirable in the interests of landscape protection or enhancement, require tree planting located so as to provide adequate visual screening of the building.

### Development in the Light Industry zone

(43) No person shall use the setback area between the building line and the street alignment for any purpose other than one or more of the following –

- (a) a means of access;
- (b) the daily parking of vehicles;
- (c) loading and unloading of vehicles;
- (d) trade display only with the approval of the local government; and,

- (e) landscaping.

(44) Setback areas shall not be used for the storing of vehicles which are being repaired or wrecked, the storage of materials, products, by-products or wastes, or the storage of fuel, except in underground tanks.

(45) Outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed, paved or landscaped to the satisfaction of local government and maintained in good condition.

(46) In considering development applications, the local government shall have regard for the –

- (a) compatibility of the proposed uses with other surrounding uses;
- (b) potential impact of the proposal on the efficient and effective operations of existing and planned industry, infrastructure or public purposes; and,
- (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.

(47) Factory unit developments may be permitted provided that –

- (a) there is no more than one occupancy for each factory unit; and
- (b) no unit is used for machinery or automotive wrecking or for the sale of motor vehicles or caravans.

### **Development in the Industrial Development zone**

(48) Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.

(49) No land owner shall carry out subdivision or development (other than the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house) other than in accordance with the Structure Plan.

(50) Detailed land capability analysis will be required for land prior to subdivision which must consider –

- (a) The siting of building and effluent disposal envelopes to avoid remnant bushland, minor rock outcropping and seasonally wet areas;
- (b) Drainage management and provision of nutrient stripping basins to avoid adverse impacts on water courses;
- (c) Retention of remnant vegetation to reduce erosion, provide fauna habitat, retain visual amenity and conserve vegetation;
- (d) Additional tree planting to improve environmental functions and provide screening for privacy and landscape amenity;
- (e) The use of alternative on-site effluent disposal systems where desirable; and
- (f) The placement of fence lines and fire breaks, and the use of control measures to minimise erosion potential.

(51) If a provision in any applicable Schedule conflicts with any other provision of the Scheme, the provision in the Schedule shall prevail.

## Development in the Commercial and Service Commercial zones

- (52) Unless otherwise specified on the Scheme map, residential development in the Commercial zone shall be in accordance with the R40 Code and shall satisfy the mixed use requirements of the Residential Design Codes.
- (53) The local government will only permit development to occur at the R40 density coding if the land can be connected to reticulated sewer services.
- (54) In the Service Commercial zone, outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed, paved or landscaped to the satisfaction of local government and maintained in good condition.

## Development in the Mixed Use zone

- (55) Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.
- (56) The preparation, submission and approval of a Local Development Plan for development in the mixed use zone may be required for –
  - (a) development or redevelopment of a lot greater than 3,000m<sup>2</sup> in area; or
  - (b) extension or expansion of an existing development (other than the refurbishment of an existing building) on a lot, where the proposed development is greater than 2,000 m<sup>2</sup> nla.
- (57) All subdivision and development shall be generally in accordance with the approved Structure or Local Development Plan.
- (58) Unless otherwise specified on the Scheme map, residential development in the Mixed Use zone shall be in accordance with the approved Structure or Local Development Plan and shall satisfy the mixed use requirements of the Residential Design Codes.

## Car parking requirements

- (59) A person shall not develop or use any land or erect, use or adapt any building unless a suitable number of car parking spaces are provided on site and in accordance with the car parking requirements for particular developments and land uses as listed in Schedule 6 – Car parking requirements.
- (60) The dimensions of parking spaces required under the provisions of the Scheme, shall be as per Australian Standard 2890 Parking Facilities.
- (61) For open car parking facilities with 20 or more parking spaces, a minimum area equivalent to one parking space shall be provided in suitable locations for every 20 parking spaces for garden and planting of native plants and trees to provide visual relief and, so long as these garden and planting areas are maintained in good order, those areas provided for this purpose shall be included in calculations as landscaping and not as car parking.
- (62) The car parking layouts on any lot within the Commercial, Service Commercial or Mixed Use zones shall be designed in conjunction with layouts on adjoining lots so that the total area may ultimately function as an integrated car parking area.

(63) Where an applicant for development approval can demonstrate that other off-street parking facilities are available to be shared with other land uses operating at different times, the local government may approve a development with less than the required number of on-site car bays provided –

- (a) the local government is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
- (b) landowners' who request sharing of parking facilities enter into a legal agreement to the local government's satisfaction for reciprocal access to parking facilities.

(64) In the Commercial and Mixed Use zones, where a developer can satisfy the local government that the minimum car parking requirements cannot be provided on the site, the local government may accept a cash payment in lieu of the provision of car parking spaces, subject to the requirements of this clause –

- (a) a "cash-in lieu" payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the scheme, plus the value as estimated by the Valuer General, or by a licensed valuer appointed by local government of that area of the applicant's land which would have been occupied by the parking spaces.
- (b) before the local government agrees to accept a cash payment "in lieu" of the provision of parking spaces, the local government must either have already provided public car parking nearby, or must have firm proposals to provide public car parking nearby within a period of not more than 18 months from the time of agreeing to accept the cash payment.
- (c) payments made under this clause shall be paid into a special fund to be used to provide public car parks and the local government may use this fund to provide public car parking anywhere in the immediate vicinity.

### Height and appearance of buildings

(65) Within the Scheme Area, no building shall exceed 9 metres in overall height above natural ground level unless otherwise specified in an approved Structure Plan.

(66) Notwithstanding the provisions of the above clause, after following the procedures set out in clause 64 of the deemed provisions, the local government may grant approval for the construction of a building higher than the maximum specified. Before granting its approval the local government shall satisfy itself that the proposed building –

- (a) will be in harmony with buildings within the locality;
- (b) will not be detrimental to the amenity or character of the locality or to the town or district in general; and,
- (c) will not affect the development potential of adjoining lots by affecting design, aspect, outlook, views and privacy.

### Re-purposed and second-hand buildings

(67) Re-purposed and second-hand buildings shall not be permitted on any lot within the Scheme area unless –

- (a) In the opinion of the local government such a dwelling is in a satisfactory condition and will not detrimentally affect the amenity of the area; and

(b) An Applicant enters into an agreement, including payment of a bond, to the satisfaction of the local government to reinstate the dwelling to an acceptable standard of presentation as determined by the local government within 24 months of commencement of works.

#### Lots without frontage to a constructed gazetted road or permanent legal access to a constructed gazetted road

(68) Notwithstanding any other Scheme provisions, development approval is required for the development of land abutting an unconstructed road or a lot which does not have permanent legal vehicular access to a gazetted and constructed road. In considering an application for development approval in these circumstances the local government shall either –

- (a) refuse the application until a road has been gazetted and constructed;
- (b) grant the application subject to a condition requiring the application to contribute to or construct a gazetted road; or
- (c) require that such other arrangements are made for the permanent access to the satisfaction of the local government.

#### Landscaping

(69) In all zones except the Rural zones there will be a landscaping requirement for all developments.

(70) The landscaping requirement referred to in Table 6 means an open area designed, developed and maintained as a landscaped garden and pedestrian area. At the discretion of the local government it may include natural bushland, swimming pools, areas under covered ways or a children's playground.

(71) All applications for development approval, except those for residential development involving two dwellings or less shall indicate the landscaping elements of the proposal and in particular a plan showing –

- (a) the percentage of the site devoted to landscaping;
- (b) the areas subject to landscaping works;
- (c) the percentage and condition of remnant vegetation to be retained;
- (d) location and species of plants, including shade trees planted within and adjacent to car parking areas at the rate of one tree per two car bays;
- (e) other materials imported, arranged and/or constructed on the site;
- (f) areas to be irrigated and the systems to be used; and
- (g) the proposed staging, if any, and timing of the works.

#### Landscape protection

(72) The following provisions shall apply to all land included within the landscape protection area, depicted on Map 8 in the Local Planning Strategy.

(73) The objectives for the landscape protection area are –

- (a) to maintain the integrity of landscapes, particularly:
  - (i) along the Avon River waterway and adjoining recreation sites;
  - (ii) along the railway line; and

- (iii) along identified tourist routes, including, but not limited to, Beach Road, Plunkett Road, Cobbler Pool Road, Morangup Road, Lovers Lane, River Road, Toodyay Road, Salt Valley Road, Fernie Road, Hoddy Well Road, Sandplain Road, Folewood Road, Clackline-Toodyay Road, Northam-Toodyay Road, Goomalling-Toodyay Road, Bindi Bindi-Toodyay Road south of Culham, Bindoon Dewar's Pool Road, Julimar Road and Pelham Reserve;
- (b) to protect and enhance the landscape and scenic values through control over location, design, and siting of development.

(74) In considering any rezoning request, subdivision or development proposal within the landscape protection area, the local government will have due regard to the following –

- (a) there is a general presumption against development being located within sensitive sites/ visually prominent locations in the landscape. Sensitive sites include horizon lines, focal points, elevated landforms and areas within important views, such as from key riverside vantage points along the Avon River, or anywhere in the landscape within the viewshed of the Avon River waterway, railway line or Cobbler Pool Road.
- (b) proposals will only be supported by the local government when the location, siting and design of buildings and other structures, including power lines and telecommunications towers, or works will not have an adverse impact on the scenic value of the Avon River, or the landscape quality and scenic values of the locality.

(75) A visual impact assessment (undertaken in accordance with section 2.3 of the WAPC's Visual Landscape Planning in WA manual) is to accompany all rezoning requests, structure plans and subdivision proposals within the landscape protection area, to assess any potential impacts of the proposal. The statement should address –

- (a) visibility of the proposed development, using viewshed mapping and estimating the height of proposed structures, where the proposal may be visible from the Avon River waterway and adjoining recreation sites, the railway, and tourist routes identified in clause 74 2(a) (iii);
- (b) capacity of the proposed development to avoid visually prominent locations comprising horizon lines, focal points, elevated landform and areas within important views, such as from key riverside vantage points along the Avon River;
- (c) effects of clearing for development requirements, including for roads, services, driveways and bushfire mitigation;
- (d) whether the proposal is compatible with the existing rural and natural character of its immediate setting and broader locality within the Shire of Toodyay;
- (e) the cumulative impacts of the proposed development and other development in the locality; and
- (f) where required, the capacity of the proposed development to be screened from view by existing or planted vegetation.

(76) The local government may require vegetation screening as a condition of subdivision or development approval to minimise visual impacts or obscure development from view from key tourist routes and other locations.

## Extractive Industries

(77) The development of extractive industries in the Scheme area will only be supported by the local government under the following circumstances –

- (a) where the extraction of minerals or basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after excavation;
- (b) where due consideration is given to the rehabilitation and sequential use of extraction areas early in the planning process; and
- (c) where proposals comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time, including the Shire of Toodyay Extractive Industries Local Law.

(78) All applications for development approval for the establishment of extractive industry operations in the Scheme area are to be accompanied by a management plan and report which –

- (a) describes the physical characteristics of the excavation site including significant environmental features;
- (b) demonstrates that sensitive land uses within 1,000 metres of the proposal will not be adversely affected by the extractive industry operations;
- (c) identifies appropriate buffer distances required for extraction that are needed to buffer the impact of operations to adjacent land uses;
- (d) provides details of the proposed use, development and management of the site including the nature and estimated duration of excavation works, environmental and water resource management standards, excavation areas, stock piles, machinery maintenance areas, processing plants, fuel storage and on-site access roads, parking for cars and other vehicles used on the site, and proposals for landscaping to screen activities on the site from public view;
- (e) describes arrangements for access to the site, including the roads which are proposed to be used to provide the main vehicular access and likely traffic volumes;
- (f) provides details of proposed decommissioning and rehabilitation works;
- (g) describes future land use and development proposals following completion of decommissioning and rehabilitation works; and
- (h) any other information the local government considers relevant

(79) In determining applications for development approval for the establishment of extractive industry operations in the Scheme area the local government may impose conditions relating but not limited to the following matters –

- (a) hours and methods of operation;
- (b) siting of internal access thoroughfares, buildings and plant;
- (c) vehicle access arrangements including road upgrade and maintenance contributions;
- (d) measures to minimise air, water, noise and visual pollution;
- (e) location and depth of extraction areas;
- (f) stabilisation of extraction areas, stock piles and overburden dumps;
- (g) drainage;
- (h) protection of the amenity of adjoining land uses including visual screening and buffer requirements;
- (i) restoration and rehabilitation of excavation areas; and
- (j) rehabilitation to ensure consistency with long term planning objectives including sequential land use proposals.

## Mining Operations

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

## 'Mineral to Owner' Mining Operations

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

## Nature Based Parks

(82) Nature based park proposals shall be accompanied by information that –

- (a) outlines the scale of the proposal, including but not limited to, the number of camps, maximum number of campers, access arrangements to the site and any proposed structures;
- (b) identifies environmental values and sets out measures for protection and rehabilitation;
- (c) demonstrates waste disposal is in accordance with Government policy, or is otherwise removed from and disposed offsite;
- (d) demonstrates adequate separation distances and/or buffers from incompatible land uses on adjacent or nearby locations; and
- (e) any other information the decision maker considers relevant.

(83) In considering a proposal for the development of a Nature based park the decision maker shall refer any application which propose:

- (a) clearing of native vegetation to the government department/s responsible for the environment; and
- (b) the installation of an on-site effluent disposal system to the government department/s responsible for human and environmental health.

(84) Nature based park proposals will not be supported where in the opinion of the decision maker, the proposal detrimentally impact or undermines surrounding land uses, and in particular, where the proposal undermines the ability for continued agricultural use of Rural land.

(85) No clearing of native vegetation is permitted to occur.

*Note: Nature Based Park applications are required to be in accordance with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.*

## 33. Specific development standards and requirements

There are no additional requirements that apply to this Scheme.

#### 34. Variations to site and development requirements

- (1) In this clause, additional site and development requirements means requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –
  - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –
  - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

#### 35. Restrictive covenants

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

## PART 5 – SPECIAL CONTROL AREAS

### 36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives, application requirements and additional provisions that apply to each special control area are set out in Schedule 3 – Special control areas.

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## PART 6 – TERMS REFERRED TO IN SCHEME

### Division 1 – General definitions used in Scheme

#### 37. Terms used

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

Land Use	Definition
<b>building envelope</b>	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
<b>building height</b>	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.
<b>cabin</b>	means a dwelling forming part of a tourist development or caravan park that is – (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests;
<b>chalet</b>	means a dwelling forming part of a tourist development or caravan park that is – (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests.
<b>commencement day</b>	means the day this Scheme comes into effect under section 87(4) of the Act.
<b>commercial vehicle</b>	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (d) a utility, van, truck, tractor, bus or earthmoving equipment; and (e) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
<b>floor area</b>	has meaning given in the Building Code.
<b>frontage</b>	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the 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.

Land Use	Definition
<b>incidental use</b>	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.
<b>minerals</b>	has the meaning given in the <i>Mining Act 1978</i> section 8(1).
<b>net lettable area or nla</b>	<p>means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas –</p> <ul style="list-style-type: none"> <li>(a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;</li> <li>(b) lobbies between lifts facing other lifts serving the same floor;</li> <li>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;</li> <li>(d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building.</li> </ul>
<b>non-conforming use</b>	has the meaning given in the <i>Planning and Development Act 2005</i> section 172.
<b>plot ratio</b>	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
<b>precinct</b>	means a definable area where particular planning policies, guidelines or standards apply.
<b>predominant use</b>	means the primary use of premises to which all other uses carried out on the premises are incidental.
<b>retail</b>	means the sale or hire of goods or services to the public.
<b>short-term accommodation</b>	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.
<b>wall height</b>	<p>in relation to a wall of a building –</p> <ul style="list-style-type: none"> <li>(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or</li> <li>(b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.</li> </ul>
<b>wholesale</b>	means the sale of goods or materials to be sold by others.

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

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

## Division 2 – Land use terms used in Scheme

### 38. Land use terms used

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

Land Use	Definition
<b>abattoir</b>	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
<b>agriculture – extensive</b>	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture – intensive or animal husbandry – intensive.
<b>agriculture – intensive</b>	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following – (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture.
<b>amusement parlour</b>	means premises – (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines.
<b>animal establishment</b>	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.
<b>animal husbandry – intensive</b>	Premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens. This use excludes 'agriculture – extensive'.
<b>art gallery</b>	means premises – (a) that are open to the public; and (b) where artworks are displayed for viewing or sale.
<b>bed and breakfast</b>	means a dwelling – (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms.
<b>betting agency</b>	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .

Land Use	Definition
<b>brewery</b>	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .
<b>bulky goods showroom</b>	<p>means premises –</p> <p class="list-item-l1">(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes –</p> <p class="list-item-l2">(i) automotive parts and accessories;</p> <p class="list-item-l2">(ii) camping, outdoor and recreation goods;</p> <p class="list-item-l2">(iii) electric light fittings;</p> <p class="list-item-l2">(iv) animal supplies including equestrian and pet goods;</p> <p class="list-item-l2">(v) floor and window coverings;</p> <p class="list-item-l2">(vi) furniture, bedding, furnishings, fabrics, manchester and homewares;</p> <p class="list-item-l2">(vii) household appliances, electrical goods and home entertainment goods;</p> <p class="list-item-l2">(viii) party supplies;</p> <p class="list-item-l2">(ix) office equipment and supplies;</p> <p class="list-item-l2">(x) babies' and children's goods, including play equipment and accessories;</p> <p class="list-item-l2">(xi) sporting, cycling, leisure, fitness goods and accessories;</p> <p class="list-item-l2">(xii) swimming pools; and</p> <p class="list-item-l1">(b) used to sell goods and accessories by retail if –</p> <p class="list-item-l2">(i) a large area is required for the handling, display or storage of the goods; or</p> <p class="list-item-l2">(ii) vehicular access is required to the premises for the purpose of collection of purchased goods.</p>
<b>caravan park</b>	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1).
<b>caretaker's dwelling</b>	means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
<b>car park</b>	<p>means premises used primarily for parking vehicles whether open to the public or not but does not include –</p> <p class="list-item-l1">(a) any part of a public road used for parking or for a taxi rank; or</p> <p class="list-item-l1">(b) any premises in which cars are displayed for sale.</p>
<b>child care premises</b>	<p>means premises where –</p> <p class="list-item-l1">(a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> Section 5(1), other than a family day care service as defined in that section, is provided; or</p> <p class="list-item-l1">(b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.</p>
<b>cinema/theatre</b>	means premises where the public may view a motion picture or theatrical production.

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

<b>Land Use</b>	<b>Definition</b>
	(b) to conduct funeral services.
<b>garden centre</b>	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
<b>holiday accommodation</b>	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
<b>holiday house</b>	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
<b>home business</b>	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –</p> <ul style="list-style-type: none"> <li data-bbox="573 714 1426 788">(a) does not involve employing more than 2 people who are not members of the occupier's household; and</li> <li data-bbox="573 788 1426 862">(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li data-bbox="573 862 1426 936">(c) does not occupy an area greater than 50m<sup>2</sup>; and</li> <li data-bbox="573 936 1426 1010">(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and</li> <li data-bbox="573 1010 1426 1107">(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and</li> <li data-bbox="573 1107 1426 1181">(f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and</li> <li data-bbox="573 1181 1426 1282">(g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.</li> </ul>
<b>home occupation</b>	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –</p> <ul style="list-style-type: none"> <li data-bbox="573 1419 1426 1493">(a) does not involve employing a person who is not a member of the occupier's household; and</li> <li data-bbox="573 1493 1426 1567">(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li data-bbox="573 1567 1426 1641">(c) does not occupy an area greater than 20m<sup>2</sup>; and</li> <li data-bbox="573 1641 1426 1715">(d) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>; and</li> <li data-bbox="573 1715 1426 1812">(e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and</li> <li data-bbox="573 1812 1426 1980">(f) does not – <ul style="list-style-type: none"> <li data-bbox="636 1837 1426 1911">(i) require a greater number of parking spaces than normally required for a single dwelling; or</li> <li data-bbox="636 1911 1426 1980">(ii) result in an increase in traffic volume in the neighbourhood; and</li> </ul> </li> </ul>

Land Use	Definition
	<ul style="list-style-type: none"> <li>(g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and</li> <li>(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and</li> <li>(i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.</li> </ul>
<b>home office</b>	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –</p> <ul style="list-style-type: none"> <li>(a) is solely within the dwelling; and</li> <li>(b) does not entail clients or customers travelling to and from the dwelling; and</li> <li>(c) does not involve the display of a sign on the premises; and</li> <li>(d) does not require any change to the external appearance of the dwelling.</li> </ul>
<b>home store</b>	<p>means a shop attached to a dwelling that –</p> <ul style="list-style-type: none"> <li>(a) has a net lettable area not exceeding 100m<sup>2</sup>; and</li> <li>(b) is operated by a person residing in the dwelling.</li> </ul>
<b>hospital</b>	<p>means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1).</p>
<b>hotel</b>	<p>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.</p>
<b>industry</b>	<p>means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –</p> <ul style="list-style-type: none"> <li>(a) the storage of goods;</li> <li>(b) the work of administration or accounting;</li> <li>(c) the selling of goods by wholesale or retail;</li> <li>(d) the provision of amenities for employees;</li> <li>(e) incidental purposes.</li> </ul>
<b>Industry – cottage</b>	<p>means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which –</p> <ul style="list-style-type: none"> <li>(a) does not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;</li> <li>(c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;</li> <li>(d) does not occupy an area in excess of 50m<sup>2</sup>, or if located in the Rural Small Holding zone or the General Agriculture zone, an area in excess of 100m<sup>2</sup>; and</li> <li>(e) does not display a sign exceeding 0.2m<sup>2</sup> in area.</li> </ul>

Land Use	Definition
<b>industry – extractive</b>	<p>means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes –</p> <ul style="list-style-type: none"> <li data-bbox="573 399 1378 467">(a) the processing of raw materials including crushing, screening, washing, blending or grading;</li> <li data-bbox="573 478 1414 586">(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.</li> </ul>
<b>industry – light</b>	<p>means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.</p>
<b>industry – primary production</b>	<p>means premises used –</p> <ul style="list-style-type: none"> <li data-bbox="573 765 1414 873">(a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997 (Commonwealth)</i> section 995-1; or</li> <li data-bbox="573 884 1362 945">(b) for a workshop servicing plant or equipment used in primary production businesses.</li> </ul>
<b>liquor store – large</b>	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m<sup>2</sup>.</p>
<b>liquor store – small</b>	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m<sup>2</sup>.</p>
<b>Lunch bar</b>	<p>means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.</p>
<b>market</b>	<p>means premises used for the display and sale of goods from stalls by independent vendors.</p>
<b>medical centre</b>	<p>means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.</p>
<b>mining operations</b>	<p>means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1), is carried out.</p>
<b>motel</b>	<p>means premises, which may be licensed under the <i>Liquor Control Act 1988</i> –</p> <ul style="list-style-type: none"> <li data-bbox="573 1686 1410 1724">(a) used to accommodate guests in a manner similar to a hotel; and</li> <li data-bbox="573 1736 1410 1796">(b) with specific provision for the accommodation of guests with motor vehicles.</li> </ul>
<b>motor vehicle, boat or caravan sales</b>	<p>means premises used to sell or hire motor vehicles, boats or caravans.</p>
<b>motor vehicle repair</b>	<p>means premises used for or in connection with –</p>

<b>Land Use</b>	<b>Definition</b>
	<p>(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or</p> <p>(b) repairs to tyres other than recapping or retreading of tyres.</p>
<b>motor vehicle wash</b>	means premises primarily used to wash motor vehicles.
<b>nature based parks</b>	<p>means a facility in an area that:</p> <ol style="list-style-type: none"> <li>1. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and</li> <li>2. has been predominately formed by nature; and</li> <li>3. has limited or controlled artificial light and noise intrusion.</li> </ol>
<b>nightclub</b>	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
<b>office</b>	means premises used for administration, clerical, technical, professional or similar business activities.
<b>park home park</b>	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.
<b>place of worship</b>	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
<b>reception centre</b>	means premises used for hosted functions on formal or ceremonial occasions.
<b>recreation – private</b>	<p>means premises that are –</p> <p>(a) used for indoor or outdoor leisure, recreation or sport; and</p> <p>(b) not usually open to the public without charge.</p>
<b>renewable energy facility</b>	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced for commercial gain (i.e. solar farms as opposed to solar panels).
<b>repurposed dwelling</b>	means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.
<b>resource recovery centre</b>	means premises other than a waste disposal facility used for the recovery of resources from waste.
<b>restaurant/cafe</b>	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
<b>restricted premises</b>	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of –

Land Use	Definition
	<ul style="list-style-type: none"> <li>(a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i>; and</li> <li>(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or</li> <li>(c) smoking-related implements.</li> </ul>
<b>roadhouse</b>	<p>means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –</p> <ul style="list-style-type: none"> <li>(a) a full range of automotive repair services;</li> <li>(b) wrecking, panel beating and spray painting services;</li> <li>(c) transport depot facilities;</li> <li>(d) short-term accommodation for guests;</li> <li>(e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and</li> <li>(f) dump points for the disposal of black and/or grey water from recreational vehicles.'</li> </ul>
<b>rural home business</b>	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation –</p> <ul style="list-style-type: none"> <li>(a) does not involve employing more than 2 people who are not members of the occupier's household; and</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(c) does not occupy an area greater than 200m<sup>2</sup>; and</li> <li>(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and</li> <li>(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and</li> <li>(f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.</li> </ul>
<b>rural pursuit/ hobby farm</b>	<p>means any premises, other than premises used for agriculture – extensive or agriculture – intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household –</p> <ul style="list-style-type: none"> <li>(a) the rearing, agistment, stabling or training of animals;</li> <li>(b) the keeping of bees;</li> <li>(c) the sale of produce grown solely on the premises.</li> </ul>

<b>Land Use</b>	<b>Definition</b>
<b>second-hand dwelling</b>	means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.
<b>serviced apartment</b>	means a group of units or apartments providing – (a) self-contained short-stay accommodation for guests; and (b) any associated reception or recreational facilities.
<b>service station</b>	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for – (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
<b>shop</b>	means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
<b>small bar</b>	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
<b>tavern</b>	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
<b>tearooms</b>	means a food business that may operate from residential premises, where the local government is satisfied that the premises are suitable for the use, and the proprietors are generally engaged in low risk food production.
<b>telecommunications infrastructure</b>	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
<b>tourist development</b>	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.
<b>trade display</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement.
<b>trade supplies</b>	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises – (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening;

Land Use	Definition
	<ul style="list-style-type: none"> <li>(e) provision of medical services;</li> <li>(f) primary production;</li> <li>(g) use by government departments or agencies, including local government.</li> </ul>
<b>transport depot</b>	<p>means premises used primarily for the parking or garaging of 3 or more commercial vehicles including –</p> <ul style="list-style-type: none"> <li>(a) any ancillary maintenance or refuelling of those vehicles; and</li> <li>(b) any ancillary storage of goods brought to the premises by those vehicles; and</li> <li>(c) the transfer of goods or persons from one vehicle to another.</li> </ul>
<b>tree farm</b>	<p>means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5.</p>
<b>veterinary centre</b>	<p>means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.</p>
<b>warehouse/ storage</b>	<p>means premises including indoor or outdoor facilities used for –</p> <ul style="list-style-type: none"> <li>(a) the storage of goods, equipment, plant or materials; or</li> <li>(b) the display or the sale by wholesale of goods.</li> </ul>
<b>waste disposal facility</b>	<p>means premises used –</p> <ul style="list-style-type: none"> <li>(a) for the disposal of waste by landfill; or</li> <li>(b) the incineration of hazardous, clinical or biomedical waste.</li> </ul>
<b>waste storage facility</b>	<p>means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.</p>
<b>winery</b>	<p>means premises used for the production of viticultural produce and associated sale of the produce.</p>
<b>workforce accommodation</b>	<p>means premises, which may include modular or relocatable buildings, used –</p> <ul style="list-style-type: none"> <li>(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and</li> <li>(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.</li> </ul>

## SCHEDULES

DRAFT

## Schedule A – Supplemental provisions to the deemed provisions

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

### Clause 61(1)

- (a) the erection or installation of a sign or advertisement of a class specified in Schedule 7 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed –
  - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
  - (ii) on land located within an area designated under this Scheme as a heritage area.
- (l) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
  - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
  - (vi) in the Rural Enterprise, Rural Residential and Rural Smallholdings Zones, where the proposed development is not in accordance with the designated building envelope contained in an endorsed structure plan; or
  - (vii) on a lot which does not have permanent legal vehicular access to a constructed and gazetted road.
- (m) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
  - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
  - (vi) in the Rural Residential and Rural Smallholdings Zone, where the proposed development is not in accordance with the designated building envelope contained in an endorsed structure plan; or
  - (vii) in the Rural Residential zone where a reticulated water supply is not available (for habitable buildings only); or
  - (viii) on a lot which does not have permanent legal vehicular access to a constructed and gazetted road.
- (n) the painting or application of render on external surfaces on any building or structure, except where the building or structure is:

- (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage Act of Western Australia 1990*; or
- (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (iii) included on the heritage list prepared in accordance with this Scheme; or
- (iv) located within an area designated under the Scheme as a heritage area.

(o) the following works on a place that is included on the heritage list prepared in accordance with this Scheme or located within an area designated under the Scheme as a heritage area:

- (i) building maintenance that does not involve the removal of, or damage to, the existing fabric of the building or the use of new materials.
- (ii) repairs, including replacing missing or deteriorated fabric with like-for-like fabric, that does not involve the removal of, or damage to, the significant fabric of the building.
- (iii) repainting of the surface of a building in the same colour scheme and paint type if they are appropriate to the substrate and do not endanger the survival of earlier paint layers and without disturbing or removing an earlier paint layer unless it is chalking, flaking or peeling.

(p) the demolition of any building or structure except where the building or structure is:

- (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under Part 6 the *Heritage of Western Australia Act 1990*; or
- (iii) included on the heritage list prepared in accordance with this Scheme; or
- (iv) located within an area designated under the Scheme as a heritage area.

#### **Clause 61(2)**

(g) the carrying out of a Rural Pursuit in the Rural Residential and Rural Smallholdings zones is exempt from development approval where the Rural Pursuit:

- (i) is not used for trade or commercial purposes;
- (ii) complies with the recommended stocking rates and environmental protection requirements of the relevant State Government departments; and
- (iii) can demonstrate a sustainable water supply.

#### **Clause 85A**

##### Transitional arrangements for local planning policies

Where a local planning policy has been prepared in accordance with the requirements of Local Planning Scheme No. 4, it shall continue to have effect, and may be amended or revoked as if it were a local planning policy adopted under Local Planning Scheme No. 5.

## Schedule 1 – Additional uses

No.	Description of land	Additional use	Conditions
1.	14 Morangup Road, Toodyay	Garden Centre; Plant Nursery; Shop	<ol style="list-style-type: none"> <li>1. Development shall be in accordance with site plans approved by local government and will require the issue of development approval.</li> <li>2. Car parking requirements will be determined by local government as a condition of development approval, taking into account the number of spaces estimated to be necessary.</li> <li>3. The additional use of shop shall not exceed a maximum gross leasable area of 100m<sup>2</sup>.</li> </ol>
2.	Lot 36 Toodyay Bindi-Bindi Road, Bejoording	Dog kennels	Nil.
3.	Lot 7 Avon Loc. 1953 Morangup Road, Toodyay	Dumping of tyres	<ol style="list-style-type: none"> <li>1. Tyre dumping only permitted in an area approved and defined on a plan adopted by local government.</li> <li>2. Subject to environmental clearance and monitoring.</li> <li>3. A memorial shall be placed on the Certificate of Title advising successors in title to the land that part of the land has been used for tyre disposal.</li> </ol>
4.	Lot 47 Clarkson St, West Toodyay	Theme Park (Private Recreation Shop)	<ol style="list-style-type: none"> <li>1. Development to be in accordance with plans approved by local government.</li> <li>2. Use of a shop will be restricted to the sale of craft goods and souvenirs.</li> <li>3. The size of the shop to be no larger than 100m<sup>2</sup>; and</li> <li>4. Landscaping and a vegetation buffer to be established in accordance with plans approved by local government.</li> </ol>
5.	Lot 18 Racecourse Road, Toodyay	Caravan park, including Backpacker's Accommodation, Men's shed, shop, office and manager's residence	<ol style="list-style-type: none"> <li>1. Permanent accommodation within the caravan park shall be limited to a maximum of 9 caravans or park homes.</li> <li>2. Development of the land shall be subject to a development application, and shall generally comply with a Structure Plan for the site that has been approved by the local government.</li> <li>3. A Structure Plan shall be prepared and implemented for the site and shall include—</li> </ol>

No.	Description of land	Additional use	Conditions
			<ul style="list-style-type: none"> <li>(a) Bushfire Management Plan;</li> <li>(b) Landscaping plan, including details of any vegetation to be protected in accordance with the requirements of the Department Biodiversity Conservation and Attractions and the provision of a landscape screen adjacent to the development in the vicinity of Hatfield Place (excluding firebreaks);</li> <li>(c) Site plan, including any upgraded facilities, site access and staging details;</li> <li>(d) Effluent treatment and water supply details.</li> </ul> <p>4. Any access to Hatfield Place and Broadgrounds Place is to be for emergency access only and shall be appropriately restricted to the satisfaction of the local government.</p> <p>5. Vegetation is only to be removed from the site in accordance with the Bushfire Management and Landscaping plans.</p> <p>6. Development shall comply in all respects with the provisions of the <i>Caravan Parks and Camping Grounds Act 1995</i> and associated regulations.</p> <p>7. The development is to be serviced by an appropriate water supply and effluent disposal systems, as determined by the local government.</p> <p>8. Use of on-site communal facilities shall be restricted to occupiers of the caravan park and their guests.</p> <p>9. The use of reflective roofing and external materials on new buildings is not permitted.</p> <p>10. The additional use shall apply to the entirety of Lot 18 Racecourse Road. Should the lot be subdivided, appropriate consideration should be given to whether it is appropriate to apply additional uses to the proposed lots.</p>
6.	Lot 59 Beaufort Street, West Toodyay	Restaurant Reception Centre	<p>1. Notwithstanding anything else in the Scheme, development on the site shall be subject to application to the local government for approval to commence development.</p> <p>2. The local government may require development applications to be advertised in accordance with Clause 64 of the deemed provisions.</p>

No.	Description of land	Additional use	Conditions
			3. In considering a development application, the local government may require the preparation of a site management plan to ensure the design, character and scale of the development is in keeping with the objectives of the Special Residential Zone.
7.	Lot 45 (381) Julimar Road, Toodyay	Motel Reception Centre Restaurant/Café	1. Development approval is required for the additional uses. 2. Accommodation is to be short-term accommodation. 3. Reception centre, restaurant/café are incidental uses to the Motel use.
8.	Lot 228 (439) Parkland Drive, Toodyay	Restaurant/Cafe	1. Development approval is required for the additional use. 2. Restaurant is to be an incidental use to the rural pursuit undertaken on the site. 3. When considering an application for development approval the local government may impose conditions in regard to: <ul style="list-style-type: none"><li>• Hours of operation</li><li>• Number of seats</li></ul>
9.	Lot 66 (163) Howard Road, Toodyay	Private Recreation Restaurant/Café	1. The private recreation shall only consist of gardens. 2. Development approval is required for the additional uses. 3. Restaurant is to be an incidental use to the private recreation use undertaken on the site. 4. When considering an application for development approval the local government may impose conditions in regard to: <ul style="list-style-type: none"><li>• Hours of operation</li><li>• Number of seats</li></ul>
10.	Lots 57 (81) and 97 (65) Beaufort St West, Toodyay	Tourist Development Shop	1. Development approval is required for the additional uses. 2. Shop is to be an incidental use to the rural pursuit undertaken on the site, and only produce grown and produced on the site maybe sold from the shop.
11.	Pt Lots 54 & 55 and Lot 56 Railway Road, Toodyay	Industry – Light	1. The approval additional use is for the sales and servicing of pumps. 2. The use may not be altered, extended or expanded without the approval of the local government.

No.	Description of land	Additional use	Conditions
			<ul style="list-style-type: none"> <li>3. The hours of operation are restricted to 7am to 5pm, Monday to Friday, except in emergency situations.</li> <li>4. The business shall not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight.</li> </ul>
12.	Lot 1 (480) Julimar Road, West Toodyay	Holiday Accommodation	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.
13.	Lots 20, 23 & 24 (122) Railway Road, Toodyay	Caravan Park	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.
14.			

## Schedule 2 – Special use zones

No.	Description of land	Special use	Conditions
1.	Lot 104 Sandplain Road, Toodyay	Health care resort, including residential buildings, conference facilities, dwelling and other buildings and uses approved by local government as being consistent with the primary intent of the zone.	Site development subject to local government development approval in accordance with approved site plans and any conditions imposed under development approval, including controls on building design and construction and landscaping.
2.	Pt. Avon Loc 27620	Private Recreation and Caravan Park	Development for a Caravan Park shall comply in all respects with the provisions of the <i>Caravan Parks and Camping Grounds Act 1995</i> .
3.			
3.	Avon Location 27443 Toodyay Road	Trout farm/fish out and associated facilities, restaurant, picnic area and holiday resort.	In accordance with a concept plan approved by local government with all required septic tanks, leach drains or other such installations for on-site disposal of sewerage effluent or wastes not being constructed closer than thirty (30) metres from a watercourse or stream and not within land subject to flooding.
4.	<del>Lots 111, 115, 117 &amp; 118 Clackline Toodyay Road</del> DELETED _____ 2018	<del>Emu farm, tannery and workshop showroom.</del> <del>Rural Use.</del>	<del>1. Art &amp; Craft Gallery, eating facility, and accommodation units. 2. Tannery use subject to approval of the EPA.</del>
5.	Lots 340, 641, Avon Loc 1677 Julimar Road Tannahil Tourism and Holiday Complex.	Uses permitted subject to local government approval: <ul style="list-style-type: none"> <li>• Rural Pursuit</li> <li>• Equestrian Centre</li> <li>• Holiday Accommodation</li> <li>• Restaurant</li> <li>• Private recreation</li> <li>• Seminary facilities</li> <li>• Wildlife Park</li> </ul>	Uses subject to conformity with an approved site structure plan, and prior to determination of development applications for the abovementioned uses, local government shall consider the following issues – <ol style="list-style-type: none"> <li>1. Provision of a suitable water supply for firefighting purposes;</li> <li>2. Provision of a low fuel area in the vicinity of buildings or areas requiring protection from fire;</li> <li>3. Provision of a strategic firebreak on the subject land;</li> <li>4. Provision of a Foreshore Management Deed of Agreement covering an area of approximately 15 metres in width from the top of the bank either side of the Phillips Brook;</li> </ol>

No.	Description of land	Special use	Conditions
			5. The disposal of domestic sewerage and any related requirements of the Department of Health of WA.
6.	Pt Avon Loc V, Northam Toodyay Road	Toodyay Baptist Church for Religious Purposes, Church Dwelling and ancillary uses.	In accordance with the Concept Plan approved by local government.
7.	Lots 16, 802 and 803, Wattening Spring Road, Wattening	As a discretionary ('D') use: <ul style="list-style-type: none"> <li>• Tourist Development</li> <li>• Cabin</li> <li>• Caretaker's dwelling</li> <li>• Chalet</li> <li>• Holiday accommodation</li> <li>• Holiday house</li> </ul> and any other land uses that the local government considers consistent with the intent of this zone.	<p>The purpose and intent of this zone is to provide for tourist accommodation and incidental shared facilities and services.</p> <ol style="list-style-type: none"> <li>1. Development and use is not permitted unless the local government has exercised its discretion by granting development approval.</li> <li>2. Development is address, but not limited to, the following matters:               <ol style="list-style-type: none"> <li>(a) Setbacks, as determined by local government; and</li> <li>(b) The location of on-site tourism and management facilities across the site; and</li> <li>(c) Access and traffic management for the site, including:                   <ul style="list-style-type: none"> <li>• providing safe legal ingress and egress to the development site from a constructed public road;</li> <li>• provision of any required road upgrades and/or construction to the satisfaction of the local government;</li> <li>• provision of car parking;</li> <li>• internal vehicle access and circulation; and</li> <li>• pedestrian access across the site.</li> </ul> </li> <li>(d) A Bushfire Management Plan (BMP) and emergency evacuation plan shall be prepared; and</li> <li>(e) Any other relevant matter, which the State or local government considers to be warranted to ensure orderly and proper planning of the site.</li> </ol> </li> <li>3. Development is to be provided with the following servicing arrangements:               <ol style="list-style-type: none"> <li>(a) A sustainable water supply that is sufficient for the intended use; and</li> <li>(b) A reticulated electricity supply and/or a renewable energy system commensurate with the intended use;</li> </ol> </li> </ol>

No.	Description of land	Special use	Conditions
			<ul style="list-style-type: none"> <li>(c) On-site effluent disposal in accordance with relevant State policy and health requirements;</li> <li>(d) Provision for waste management.</li> </ul> <p>4. No permanent residential accommodation is permitted in the Special Use zone, except for a caretaker's dwelling.</p> <p>5. The above development conditions (2-4) may be varied at the discretion of the local government and on the advice of any relevant referral agency.</p>
8.	Reserve 46058, Lot 298 Folwood Road, Toodyay.	Religious Purposes and Ancillary Purposes (Toodyay Congregation of Jehovah's Witnesses)	Development shall be generally compatible with the objectives of the adjoining zones.
9.	Avon Loc 463 Julimar Road	Boutique microbrewery and chalets	Site development subject to local government's development approval in accordance with approved site plans and any conditions imposed under the development approval, including controls on building design and construction, and landscaping.
10.	Lot 525 Nerramine Drive, Julimar	Restaurant, winery, chalets, single dwelling and rural use	<p>Uses may be approved at discretion of Council, following, if deemed necessary by Council, an advertising period of not less than 21 days. Consideration will be given to the following when determining a development application for the site, to ensure the proposal is in keeping with the rural nature of the area –</p> <ul style="list-style-type: none"> <li>1. Building design and location</li> <li>2. Construction materials</li> <li>3. Landscaping</li> <li>4. Floor area, opening hours and capacity of the restaurant</li> <li>5. Number of chalets</li> <li>6. Traffic movements</li> <li>7. Offsite impacts.</li> </ul>
11.	Lot 1 Salt Valley Road, Hoddys Well	Landfill – Class 1 Waste Only	<p>1. Operation of landfill on Lot 1 is to be in accordance with the management plans contained in <i>Rehabilitation of Clay Pit Lot 1 Salt Valley Road, Toodyay</i> prepared by Landform Research, July 2004.</p>

No.	Description of land	Special use	Conditions
			<ul style="list-style-type: none"> <li>2. The landfill is to be confined to that part of Lot 1 that has been used for an extractive industry and such adjacent land as is required for operation of landfill as identified in the management plans referred to in paragraph (1).</li> <li>3. Unless otherwise in accordance with the management plan referred to in paragraph (1), existing vegetation is not to be removed from the operation of landfill.</li> <li>4. Tyres, asbestos and putrescible waste may not be disposed of at the landfill facility.</li> </ul>
12.	Lot 5 Dumbarton Road, Toodyay	Chalet Development, shop, restaurant and seminar facilities.	<p>Uses are permitted subject to the following conditions –</p> <ul style="list-style-type: none"> <li>1. Subject to a structure plan being adopted by the Western Australian Planning Commission prior to consideration of development approval. The design, character and scale of development shall be in keeping with the objectives of the Rural zone. In considering an application for development approval, the local government will have particular regard to landscaping, servicing and amenity.</li> <li>2. Each additional use requires development approval of the local government.</li> <li>3. No more than six (6) chalets being developed on site.</li> <li>4. The additional use of 'shop' shall not exceed a maximum gross leasable area of 100m<sup>2</sup>, and will be restricted to the sale of craft goods, souvenirs and other tourism related products.</li> <li>5. The seminar facility is to be developed for no more than 50 persons. Licensing of this development would ensure this could be regulated.</li> </ul>
13.	Lot 11 Chitty Road, Toodyay	To provide for – <ul style="list-style-type: none"> <li>1. Waste Disposal and treatment</li> <li>2. Rural Uses</li> </ul>	<ul style="list-style-type: none"> <li>1. Development of the site is to be in accordance with SAT Decision [2013] WASAT88 in regard to Matter Number DR292 2012, approval date 13 June 2013. The approval is personal to Opal Vale Pty Ltd and includes 28 conditions that apply to the 20ha Class II landfill, with the balance 599ha to be used for rural purposes; and</li> <li>2. As per the requirements for the "Rural" zone.</li> </ul>
14.			1.

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### Schedule 3 – Special control areas

Name of area	Purpose/ Objectives	Application Requirements	Relevant Considerations
SCA1 – Infrastructure Toodyay Bypass Special Control Area	To protect future residential development from traffic noise impacts associated with the Bypass.	<ol style="list-style-type: none"> <li>1. Development approval is required to construct or extend a single house and ancillary outbuilding.</li> <li>2. The local government will require an assessment of traffic noise levels from the Toodyay Bypass to be undertaken and suitable noise mitigation measures to be investigated and proposed as part of rezoning, development and subdivision applications.</li> </ol>	In considering rezoning, development or subdivision applications, the local government will have regard to the potential impact of the Bypass on future residential amenity.
SCA2 – Flood & Landscape Avon River Special Control Area	<ol style="list-style-type: none"> <li>1. To preserve the ecological values of the Avon River as a significant drought refuge for freshwater fishes and water birds.</li> <li>2. To avoid development that would negatively impact upon the ecological values of the area.</li> <li>3. To protect the natural and rural landscape character of the area, as integral to the river's value for recreation and tourism.</li> </ol>	Development approval is required to construct or extend a single house and ancillary outbuilding.	<ol style="list-style-type: none"> <li>1. In considering any rezoning request, subdivision or development application, the local government will have due regard for the following – <ol style="list-style-type: none"> <li>(a) There is a general presumption against rezoning of land within the area for more intensive land uses.</li> <li>(b) The local government may consider supporting subdivision applications within the area if – <ol style="list-style-type: none"> <li>(i) the subdivision is consistent with an approved Structure Plan and/or policies of the Western Australian Planning Commission;</li> <li>(ii) subdivision is for boundary realignment, amalgamation or creation of a reserve for conservation purposes that will not create the potential for additional development within the floodplain area;</li> </ol> </li> </ol> </li> </ol>

Name of area	Purpose/ Objectives	Application Requirements	Relevant Considerations
	<p>4. To ensure that land use in the area, including grazing, cultivation and recreational activities does not degrade the area.</p> <p>5. To ensure that any development takes place in a manner that safeguards the welfare of people in the area. To ensure that future infrastructure development does not impact the environment.</p>		<p>(iii) a visual landscape impact assessment indicates that natural and rural landscape character can be maintained and there will be no impact on the recreation experience for valley users;</p> <p>(c) There is general presumption against new development that would be visible to the public west of the intersection of River Road and Cobbler Pool Road, as seen from Cobbler Pool Road, passenger trains, watercraft and riverside recreation areas.</p> <p>2. Development applications for land within the area will not be supported where the development may result in an obstruction to major river flows and increase flood levels upstream.</p> <p>3. Development applications for intensive agricultural activities will be referred to relevant authorities to assess the potential impacts on the environment and/or river flows.</p> <p>4. Development applications within the floodplain will be subject to a minimum habitable floor level of 0.50 metres above the predicted 1 in 100 year flood level as determined by the Department of Water and Environmental Regulation to provide adequate protection from major flooding events.</p> <p>5. Community facilities may be permitted within the floodplain subject to advice from any relevant authority that such public works or development can be designed and located in a manner so as to minimise flood risks, property damage and obstruction to the river flow.</p>

Name of area	Purpose/ Objectives	Application Requirements	Relevant Considerations
SCA3 – General Toodyay Town Centre Precinct Special Control Area	To promote the Toodyay Town Centre as the District Service Centre of the Shire by managing development and the heritage significance of the area.	Development approval is required for all development within this special control area.	<ol style="list-style-type: none"> <li>1. Residential development shall comply with the provisions of the Residential Design Codes, R10/40 density code. Higher density code may be used in accordance with the general provisions of the Scheme.</li> <li>2. A Heritage Impact Assessment shall accompany all development applications for new buildings, subdivision and substantial additions and alterations.</li> <li>3. Any application for development, including advertising signage, shall have due regard for the provisions of the Local Planning Policy, which contains design and heritage guidelines for the area.</li> <li>4. Development incentives may apply to the sustainable reuse of a heritage listed building in regards to lot size, floor space ratio and/or car parking.</li> <li>5. In considering rezoning, development or subdivision applications, the local government will have regard to the potential impact of the proposal on the amenity of the locality.</li> </ol>
SCA4 – Toodyay Wastewater Treatment Plant odour buffer Special Control Area	To minimise the impact of odour on surrounding areas and to protect the operations of the Toodyay WWTP by ensuring that odour sensitive land uses are not established within the odour buffer.	Development approval is required for all development and land use within the Special Control Area.	<p>In considering any application for land use or development within the WWTP odour buffer SCA, the local government will have due regard to the following: -</p> <ol style="list-style-type: none"> <li>(a) The local government will generally not approve development which is sensitive to odour emanating from the WWTP;</li> <li>(b) The local government will consult the Water Corporation and the Department of Water and Environmental Regulation regarding the proposed development or land use for advice on the proposal</li> </ol>

Name of area	Purpose/ Objectives	Application Requirements	Relevant Considerations
			<p>and any conditions that should be imposed on approval.</p> <p>(c) The local government will have regard to relevant policies including State Planning Policy 4.1</p>

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## Schedule 4 – Rural Residential areas

No.	Description of Land	Development Requirements
1.	“Rugged Hills” Estate – Lots 23-25 and 67-71 Davies Rd; 21-22, 26, 36-38, 62-66 Dreyer Rd; 205-206 and 233 Flexuosa Place; 19-20, 27-31 and 55 Julimar Road; 32-35 Kane Road; 207-216 and 224-232 Ridley Circle; 46-48 and 99 Weir Road and 52-61, 99, 158, 201-204, 217-219, 220-223 Wilkerson Road, West Toodyay.	<ol style="list-style-type: none"> <li>1. Notwithstanding Table 4, rural pursuits and the keeping of livestock are not permitted.</li> <li>2. No further subdivision is permitted.</li> </ol>
2.	“Sanctuary Park” Estate – Lots 21-28, 39, 47 and 48 Scaevola Road; 37, 38, 9002, 405 and 58-62 White Gum Ridge; 36, 44-46 and 49-57 Darwinia Crescent; and 29-35 and 40-43 Laterite Way, West Toodyay	<ol style="list-style-type: none"> <li>1. Notwithstanding Table 4, rural pursuits are not permitted.</li> <li>2. Livestock may be held on lots west of White Gum Ridge in areas already cleared of natural vegetation at the time of subdivision and wherein slopes are 10% or less. The holding of livestock is permitted for domestic purposes only. That is, stock may be held for the use and enjoyment of landowners, or for the purposes of keeping of growth of grassland (and therefore fire hazard) in check. Commercial stockholding based activities constitute a rural pursuit and therefore not permitted.</li> </ol>
3.	“Majestic Heights and Majestic Waters” Estates – Lots 1, 2, 11, 43, 46, 55, 56, 59-68, 70-200 and 201 Stirlingia Drive; Lots 3 Drummond Drive; Lots 9-22 Adenanthus Road; Lots 26 and 28-38 Hibbertia; Lots 14 and 48-54 Hemiandra Place; Lots 1-10 and 71-73 Sesselis Road; Lots 11-13 Hatfield Road, Lots 14-17 Broadgrounds Place and Lot 18 Racecourse Road, Toodyay.	<ol style="list-style-type: none"> <li>1. Notwithstanding Table 4, the keeping of any animal stock within the subdivisions of Majestic Heights and Majestic Waters is subject to approval of local government on the merits of the proposal.</li> <li>2. Notwithstanding the provisions of the Scheme, the Western Australia Planning Commission may, after consultation with local government, approve a plan of subdivision where the minimum lot size is less than 2 hectares provided that: <ol style="list-style-type: none"> <li>(a) In any event no less than 1 ha in area.</li> <li>(b) The number of lots permitted does not exceed the number which, in the opinion of the Western Australia Planning Commission and the local government, could otherwise be achieved under the provisions of the Scheme.</li> <li>(c) The surplus area is allocated to public ownership as open space or reserves for the protection of some features of natural, historic and scientific value.</li> <li>(d) The variation in standards is, in the opinion of the Western Australia Planning Commission and the local government, desirable in the interests of enhancing or protecting the natural environment.</li> </ol> </li> </ol>

No.	Description of Land	Development Requirements
4.	Lots 63 & 64 and Pt Avon located on Balgaling Road, Coondle.	Residential use on a lot is not permitted within the 100 metres stream setback area.
5.	Lots 397 and 280 Horseshoe Road and Lot 396 on P225043, West Toodyay.	<ol style="list-style-type: none"> <li data-bbox="961 298 2039 504">1. Subdivision shall generally be in accordance with the endorsed Structure Plan adopted by the local government and endorsed by the Western Australian Planning Commission and any approved modification thereto. The structure plan shall be based on the Plan dated November 2013 13/041/006A and respond to the fire management plan, local water management strategy and the environmental management plans required to be prepared.</li> <li data-bbox="961 520 2039 763">2. Building envelopes are to be shown on the structure plan and be – <ul style="list-style-type: none"> <li data-bbox="1028 568 1994 600">• Located to avoid, as far as practicable, the removal of any native vegetation;</li> <li data-bbox="1028 616 1994 679">• Located in areas of moderate bushfire risk only. No building envelopes are to be located in areas identified as extreme bushfire risk;</li> <li data-bbox="1028 695 1994 759">• Located to allow for on-site effluent disposal and grey water recycling systems, taking into account soil conditions, slope, drainage and vegetation; and</li> <li data-bbox="1028 759 1343 790">• no larger than 2000m<sup>2</sup>.</li> </ul> </li> <li data-bbox="961 790 2039 917">3. All buildings, including water tanks, on-site effluent disposal and grey water reuse systems, are to be confined to within the identified building envelopes for each lot unless a more appropriate location can be found and development approval is obtained from the local government.</li> <li data-bbox="961 933 2039 1140">4. The subdivider shall prepare a Bushfire Management Plan in accordance with <i>the Guidelines for Planning in Bushfire Prone Areas</i> that identifies the need for any construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the satisfaction of the local government and the Department of Fire and Emergency Services.</li> <li data-bbox="961 1156 2039 1251">5. Roads and emergency access ways are to be constructed at the first stage of subdivision to provide two access options to the external road system, in accordance with <i>the Guidelines for Planning in Bushfire Prone Areas</i>.</li> <li data-bbox="961 1267 2039 1362">6. Upgrading of the existing fire tank/ firefighting equipment on Horseshoe Road to allow it to service additional lots created through subdivision is to be undertaken at the first stage of subdivision.</li> </ol>

No.	Description of Land	Development Requirements
		<p>7. The lots are bushfire prone and all dwellings must be constructed to Australian Standard 3959-2009 (as updated). A bushfire attack level assessment satisfactorily addressing the level of bushfire hazard applying to the land is required to be submitted.</p> <p>8. Clearing of vegetation is only to be undertaken in accordance with the approved structure plan. Clearing of areas not identified in the structure plan for this purpose is not permitted without the development approval of the local government.</p> <p>9. The subdivider shall prepare a local water management plan to the satisfaction of the local government and the Department of Water and Environmental Regulation.</p> <p>10. At development stage, a minimum combined roof area of 405m<sup>2</sup> is required in order to harvest rainwater for potable use. Each dwelling shall have a water tank with a minimum size of 120,000 litres, with 10,000 litres in the tank to be kept in reserve for firefighting purposes and fitted with standard firefighting fitting and valves.</p> <p>11. Each dwelling is to be fitted with a Department of Health approved grey water recycling system, installed to the satisfaction of the local government. Bore water, dams or additional roof catchment may be used as supplementary non-potable water sources, to the satisfaction of the local government.</p> <p>12. Prior to subdivision, the subdivider shall prepare an Environmental Management Plan, to the satisfaction of the local government, in consultation with the Department of Biodiversity Conservation and Attractions, which shall include –</p> <ul style="list-style-type: none"> <li>• A cockatoo and chuditch management plan;</li> <li>• Identification of key cockatoo habitat locations;</li> <li>• Identify fencing types and locations, to allow for the movement of fauna between vegetated areas;</li> <li>• Areas of native vegetation to be retained and preserved;</li> <li>• The location and means of protection of declared rare flora (if any).</li> </ul> <p>13. The approved Bushfire Management Plan, Environmental Management Plan and Local Water Management Plan shall be implemented prior to the subdivision of the land.</p> <p>14. At subdivision stage, notification pursuant to Section 70A of the <i>Transfer of Land Act</i> to be included on titles to ensure that the purchasers are aware that –</p>

No.	Description of Land	Development Requirements
		<ul style="list-style-type: none"> <li>• No reticulated water supply is available and the landowner will be responsible for the provision of a potable water supply in accordance with the Scheme requirements;</li> <li>• 405m<sup>2</sup> of roof catchment is to be constructed at development stage;</li> <li>• each dwelling is required to be fitted with a Department of Health approved grey water recycling system, installed to the satisfaction of the local government;</li> <li>• The lot is surrounded by an area of extreme bushfire risk;</li> <li>• A Bushfire Management Plan has been prepared for the site and the ongoing implementation of the plan will be the responsibility of the landowner; and</li> <li>• An Environmental Management Plan has been prepared for the site and the ongoing implementation of the plan will be the responsibility of the landowner.</li> </ul> <p>15. The keeping of livestock is not permitted.</p>
6.	Lots 2, 5-7 and 108 Fitzgerald Terrace, West Toodyay.	<ol style="list-style-type: none"> <li>1. No further subdivision is permitted.</li> <li>2. The keeping of livestock is not permitted.</li> </ol>

## Schedule 5 – Rural Smallholdings areas

No.	Description of Land	Development Requirements
1.	Lot 5628 Julimar Road, West Toodyay	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with a Structure Plan adopted by the local government and endorsed by the Western Australian Planning Commission and any approved modifications thereto.</li> <li>2. All buildings including water tanks and on-site effluent disposal systems, are to be confined to within the identified building envelopes for each lot unless detailed site specific investigations identify a more appropriate location within the respective lot and outside any tree preservation areas, and development approval is obtained from the local government. All building envelopes shall be – <ul style="list-style-type: none"> <li>• Shown on the Structure Plan;</li> <li>• Located to avoid, as far as practicable, the removal of any native vegetation or any area recognised for tree or landscape preservation on the Structure Plan;</li> <li>• Located to exclude areas identified as low capability for residential purposes;</li> <li>• A maximum of 2,000m<sup>2</sup> in size unless otherwise approved by local government.</li> </ul> </li> <li>3. Each dwelling shall have a minimum water supply of 120,000 litres of which 10,000 litres is to be kept in reserve for firefighting purposes and fitted with standard firefighting fittings and valves.</li> <li>4. The subdivider shall prepare and implement a Bushfire Management Plan prepared in accordance with the <i>Guidelines for Planning in Bushfire Prone Areas</i> that identifies the need for any construction requirements relative to strategy firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the government and the Department of Fire and Emergency Service.</li> <li>5. The keeping of livestock on any lot is to be restricted to outside of fenced tree preservation areas, or inside of fenced building envelopes.</li> </ol>
2.	Lots 1, 2, 7, 8, 10 to 20, 51, 530 to 531, Julimar Road; Lot 7 Plunkett Road; Lots 500, 520 to 524, 526 to 529, 532 to 534 Nerramine Drive; and Lots 503 to 508, 511 to 519, 535 Timberden Drive, Julimar from Rural to Rural Smallholdings.	<ol style="list-style-type: none"> <li>1. No further subdivision is permitted.</li> <li>2. The keeping of livestock on any lot is to be restricted to outside of fenced tree preservation areas, or inside of fenced building envelopes.</li> </ol>

## Schedule 6 – Car parking requirements

Land Use	Minimum Number of Car Parking Spaces Required	Minimum Number of Visitor / Patron Bicycle Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces
<b>Residential Uses</b>			
Permanent Residential Accommodation (Aged or Dependent Persons Dwelling; Caretaker's Dwelling; Family Day Care; Grouped Dwelling; Holiday House; Home Occupation; Multiple Dwelling; Residential Building)	As per R-Codes	As per R-Codes	2 for every 15 car parking spaces
Home Based (Bed and Breakfast; Home Business / Occupation; Rural Home Business)	As per R-Codes plus 1 bay	Nil	Nil
<b>Commercial Uses</b>			
Entertainment (Night Club; Small Bar; Tavern; Amusement Parlour)	1 space per 3m <sup>2</sup> counter/queuing area and 1 space per 5m <sup>2</sup> of seating area.	1 per 100m <sup>2</sup> Minimum of 2 spaces	2 for every 15 car parking spaces
Health Care and Medical (Consulting Rooms; Medical Centre; Veterinary Centre)	4 per practitioner for the first 2 practitioners and 2 spaces per practitioner thereafter.	1 space per 4 practitioners	2 for every 15 car parking spaces
Child Care Premises	1 per staff member plus 1 per 5 children accommodated.	1 space	2 for every 15 car parking spaces
Office	1 per 50m <sup>2</sup> NLA	1 per 500m <sup>2</sup> NLA Minimum 2 spaces	2 for every 15 car parking spaces
Commercial (Bulky Goods Showroom; Dry Cleaning Premises / Laundromat; Garden Centre; Machinery Sales;	1 per 50m <sup>2</sup> NLA	1 space per 1,000m <sup>2</sup> NLA Minimum 2 spaces	2 for every 15 car parking spaces

Land Use	Minimum Number of Car Parking Spaces Required	Minimum Number of Visitor / Patron Bicycle Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces
Motor Vehicle Wash; Motor Vehicle, Boat or Caravan Sales)			
<b>Retail Uses</b>			
Shopping (Convenience Store; Liquor Store; Market; Shop)	1 per 20m <sup>2</sup> NLA	1 per 150m <sup>2</sup> NLA Minimum 2 spaces	2 for every 15 car parking spaces
Food & Beverage (Reception Centre; Tearooms; Restaurant / Café; Brewery; Winery)	1 per 5m <sup>2</sup> of seating area plus tavern requirement if drinking area provided.	1 per 100m <sup>2</sup> NLA Minimum 2 spaces	2 for every 15 car parking spaces
Fast Food Outlet / Lunch Bar	1 per 4 patrons plus (if applicable) 10 drive-through stack bays	1 per 50m <sup>2</sup> NLA Minimum 2 spaces	2 for every 15 car parking spaces
<b>Tourism Uses</b>			
Accommodation (Holiday Accommodation; Hotel; Motel; Serviced Apartments; Tourist Development)	1 per room plus tavern requirement if drinking or public dining provided.	In accordance with tavern requirement if drinking or public dining provided.	2 for every 15 car parking spaces
<b>Civic, Cultural and Community Uses</b>			
Exhibition and Entertainment (Cinema / Theatre; Club Premises; Exhibition Centre; Place of Worship; Recreation – Private)	1 per 4 patrons or 1 per 50m <sup>2</sup> NLA, whichever is greater	1 per 100m <sup>2</sup> of seating area Minimum of 2 spaces	2 for every 15 car parking spaces
<b>Industrial Uses</b>			
General Industry (Fuel Depot; Industry; Salvage Yard; Transport Depot)	1 per 100m <sup>2</sup> NLA	Nil	Nil
Light & Service Industry	1 per 75m <sup>2</sup> NLA	Nil	Nil

Land Use	Minimum Number of Car Parking Spaces Required	Minimum Number of Visitor / Patron Bicycle Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces
(Funeral Parlour; Industry – Light; Motor Vehicle Repair / Wreckers; Service Station; Trade Display / Supplies; Warehouse / Storage)			
Resources Industry (Industry – Extractive, Mining Operations)	1 per staff member	Nil	Nil
<b>Rural Uses</b>			
Agricultural (Abattoir, Agriculture – Extension / Intensive; Animal Establishment, Animal Husbandry – Intensive; Rural Pursuit / Hobby Farm; Tree Farm; Renewable Energy Facility)	1 per staff member	Nil	Nil
Workforce Accommodation	1 per 2 bedrooms	Nil	Nil
<b>Other Uses</b>			
Uses not listed in this Schedule	As determined by the local government		

*Note: Parking ratios shall be calculated based on the floor area of the development. Where parking ratios require a fraction of a space, it must be rounded up to the nearest higher whole number (with the exception of motorcycle / scooter parking spaces).*

## Schedule 7 – Exempt advertisements

Land Use and/or Development	Exempted Sign	Maximum Size
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
All classes of buildings other than single dwellings, including holiday houses.	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>
Home Business, Home Occupation & Rural Home Business	One advertisement describing the nature of the home occupation.	0.4m <sup>2</sup>
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not applicable.
Shops, Showrooms and other commercial uses in the Commercial, Service Commercial & Mixed Use zones.	<p>A sign face area per building on a lot, strata lot, survey strata lot or tenancy that is a –</p> <ul style="list-style-type: none"> <li>• awning fascia sign,</li> <li>• canopy sign,</li> <li>• created awning line sign,</li> <li>• footway sign,</li> <li>• plate sign,</li> <li>• stallboard sign,</li> <li>• under awning sign, or</li> <li>• wall sign;</li> </ul> <p>applied to or affixed to a building, boundary fence or wall within the primary street setback area up to a maximum of 1.2 metres in height above natural ground level; and</p> <p>displaying the name, logo, slogan, function and/or the activities of the premises/ land use upon which the signage/ advertisement is displayed.</p>	<p><i>Primary street frontage:</i> The sign face area of all signage/ advertisements in the primary street frontage is equal to the length of the lot, strata lot, survey strata lot or tenancy frontage plus 10 metres, divided by two (2), expressed in square metres accordingly – (Primary street frontage length + 10 m) / 2 = Maximum area in m<sup>2</sup></p> <p><i>Secondary street frontage:</i> The sign face area of all signage/ advertisements in the secondary street frontage is equal to the length of the lot, strata lot, survey strata lot or tenancy frontage divided by four (4), expressed in square metres accordingly – Secondary street frontage length / 4 = Maximum area in m<sup>2</sup></p>

Land Use and/or Development	Exempted Sign	Maximum Size
	<p>A-Frame signs where they do not obstruct the footpath and are only displayed during operating hours directly adjacent to the premises; and displaying the name, logo, slogan, function and/or the activities of the premises/ land use upon which the signage/ advertisement is displayed.</p>	<p>Not exceeding 300mm in height and width.</p>
Industrial and Warehouse Premises in the Light Industrial, Service Industrial and Mixed Use zones.	<p>A sign face area per building on a lot, strata lot, survey strata lot or tenancy that is a –</p> <ul style="list-style-type: none"> <li>• awning fascia sign,</li> <li>• canopy sign,</li> <li>• plate sign,</li> <li>• stallboard sign,</li> <li>• under awning sign, or</li> <li>• wall sign;</li> </ul> <p>applied to or affixed to a building, or boundary fence or wall within the primary street setback area up to a maximum of 1.2 metres in height above natural ground level; and displaying the name, logo, slogan, function and/or the activities of the premises / land use upon which the signage / advertisement is displayed.</p>	<p>The total sign face area of all signage / advertisements do not exceed a maximum of 15m<sup>2</sup> per street frontage of a lot, strata lot, survey strata lot or tenancy.</p>
	<p>A maximum of one (1) free standing sign / advertisement (pylon sign) per lot, for shared use by all tenancies, displaying the name, logo, slogan, function and/or the activities of the premises / land use upon which the signage / advertisement is displayed.</p>	<p>Any free standing advertisement/ signage (pylon sign) on a lot –</p> <ul style="list-style-type: none"> <li>• not exceeding a maximum sign face area of 5m<sup>2</sup>; and</li> <li>• not exceeding a maximum of 6 metres in height above natural ground level.</li> </ul>
	<p>A sign face area per building on a lot, strata lot, survey strata lot or tenancy that is a –</p>	<p>The total sign face area of all signage / advertisements do not exceed a maximum of</p>

Land Use and/or Development	Exempted Sign	Maximum Size
Fuel depot, service station and/ or transport depot in the Commercial, Service Commercial or Light Industry zones.	<ul style="list-style-type: none"> <li>awning fascia sign,</li> <li>canopy sign,</li> <li>plate sign,</li> <li>under awning sign, or</li> <li>wall sign;</li> </ul> <p>applied to or affixed to a building, or boundary fence or wall within the primary street setback area up to a maximum of 1.2 metres in height above natural ground level; and</p> <p>displaying the name, logo, slogan, function and/or the activities of the premises / land use upon which the signage / advertisement is displayed.</p>	15m <sup>2</sup> per street frontage of a lot, strata lot, survey strata lot or tenancy.
	<p>A maximum of one (1) free standing sign / advertisement (pylon sign) per lot, for shared use by all tenancies thereon, displaying the name, logo, slogan, function and/or the activities of the premises / land use upon which the signage / advertisement is displayed.</p>	Any free standing advertisement / signage (pylon sign) on a lot – <ul style="list-style-type: none"> <li>does not exceed a maximum sign face area of 5m<sup>2</sup>;</li> <li>does not exceed a maximum of 6 metres in height above natural ground level.</li> </ul>
	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Places of Public Meeting, Assembly or Worship.		
Racecourses, sports grounds and recreational complexes.		
Temporary signage / advertisements for – <ul style="list-style-type: none"> <li>building construction (displayed on a development site only for the duration of the construction period), or</li> </ul>	A maximum of one sign/advertisement per street frontage of a lot, strata or survey strata lot that is a – <ul style="list-style-type: none"> <li>awning fascia sign,</li> <li>canopy sign,</li> </ul>	Single and grouped dwellings: Any signage / advertisement do not exceed a maximum sign face area of 2.2m <sup>2</sup> per street frontage of a lot, strata lot or survey strata lot.

Land Use and/or Development	Exempted Sign	Maximum Size
<ul style="list-style-type: none"> <li>real estate and property transaction (displayed on a property for sale or lease for the duration of the period over which property transactions are offered and negotiated);</li> <li>local events, garage sales and the like for the duration of the event and removed within 1 week of the event;</li> <li>the incidental sale of goods or livestock by auction on the property displayed for a period not exceeding 30 days within one calendar year.</li> </ul>	<ul style="list-style-type: none"> <li>plate sign,</li> <li>under awning sign, or</li> <li>wall sign;</li> </ul> <p>applied to or affixed to a –</p> <ul style="list-style-type: none"> <li>building, or</li> <li>boundary fence or wall within the primary street setback area up to a maximum of 1.2 metres in height above natural ground level;</li> </ul> <p>displaying the –</p> <ul style="list-style-type: none"> <li>name and details of the project and the name and logo of the developer and/or builder, or</li> <li>name, slogan and/or logo of the estate agent and the details relating to the sale, leasing or auctioning of the property upon which the signage / advertisement is displayed.</li> </ul>	<p>Multiple dwellings, commercial and industrial buildings up to 12 metres in height above natural ground level:</p> <p>Any signage / advertisement do not exceed a maximum sign face area of <math>5m^2</math> per street frontage of a lot, strata lot or survey strata lot.</p> <p>Multiple dwellings, commercial or industrial buildings greater than 12 metres in height above natural ground level and rural properties in excess of five (5) hectares:</p> <p>Any signage / advertisement do not exceed a maximum sign face area of <math>10m^2</math> per street frontage of a lot, strata lot or survey strata lot.</p> <p>Rural land:</p> <p>Any signage / advertisement do not exceed a maximum sign face area of <math>2m^2</math> per street frontage of a lot, strata lot or survey strata lot.</p>

## Schedule 8 – Development Contribution Areas

There are no Development Contribution Areas that apply to the Scheme.

DRAFT

## COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Shire of Toodyay at the Ordinary Meeting of Council held on the 28<sup>th</sup> day of August 2018.

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CHIEF EXECUTIVE OFFICER

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SHIRE PRESIDENT

DRAFT

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

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

The Common Seal of the Shire of Toodyay was hereunto affixed by authority of a resolution of the Council in the presence of:

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CHIEF EXECUTIVE OFFICER

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SHIRE PRESIDENT

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WAPC Recommended for Approval

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

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

Approval Granted

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MINISTER FOR PLANNING

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

Draft Local Planning Scheme No. 5 - Additional modifications to zone mapping.

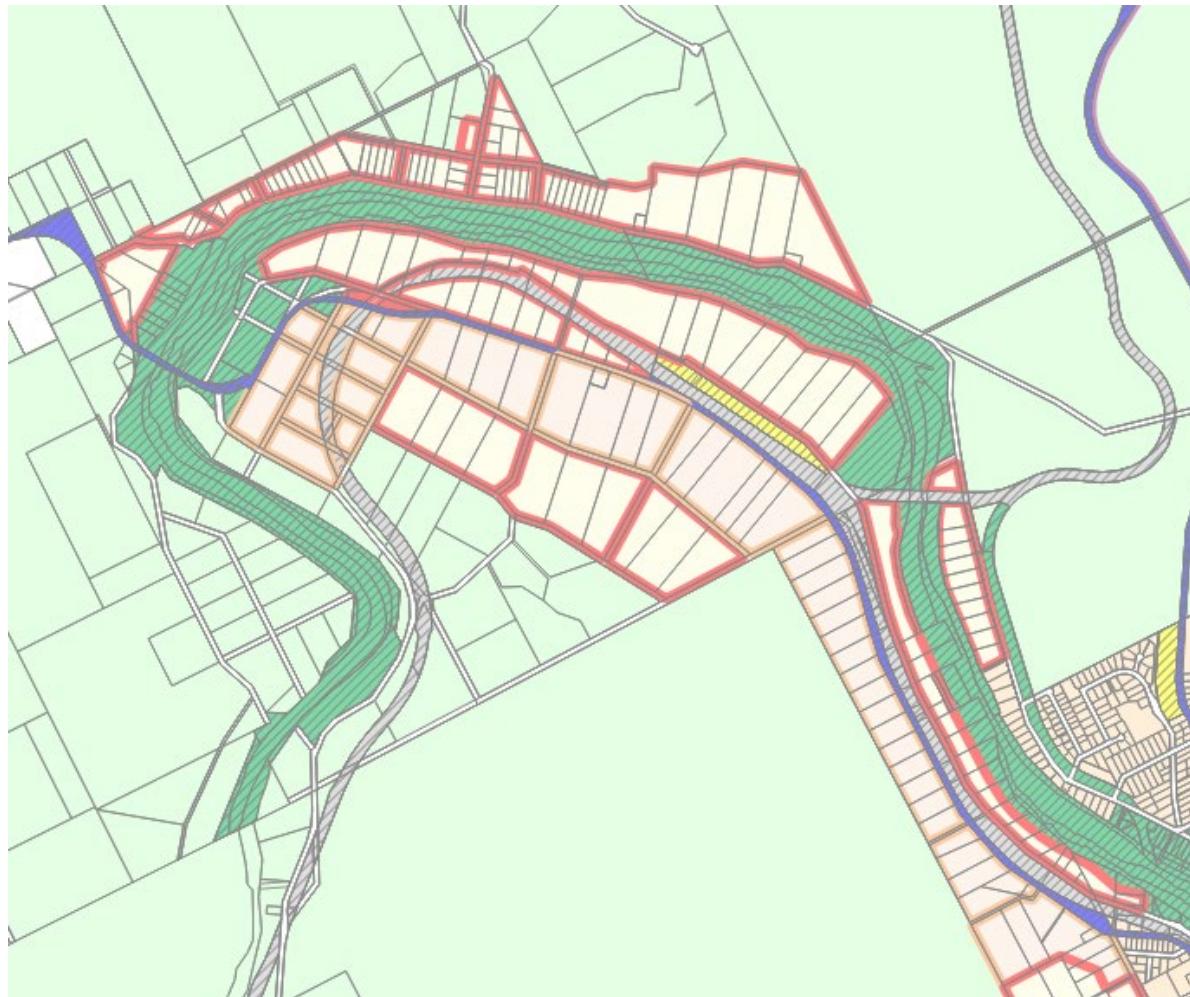


Figure 1 Current Draft Local Planning Scheme 5 Mapping

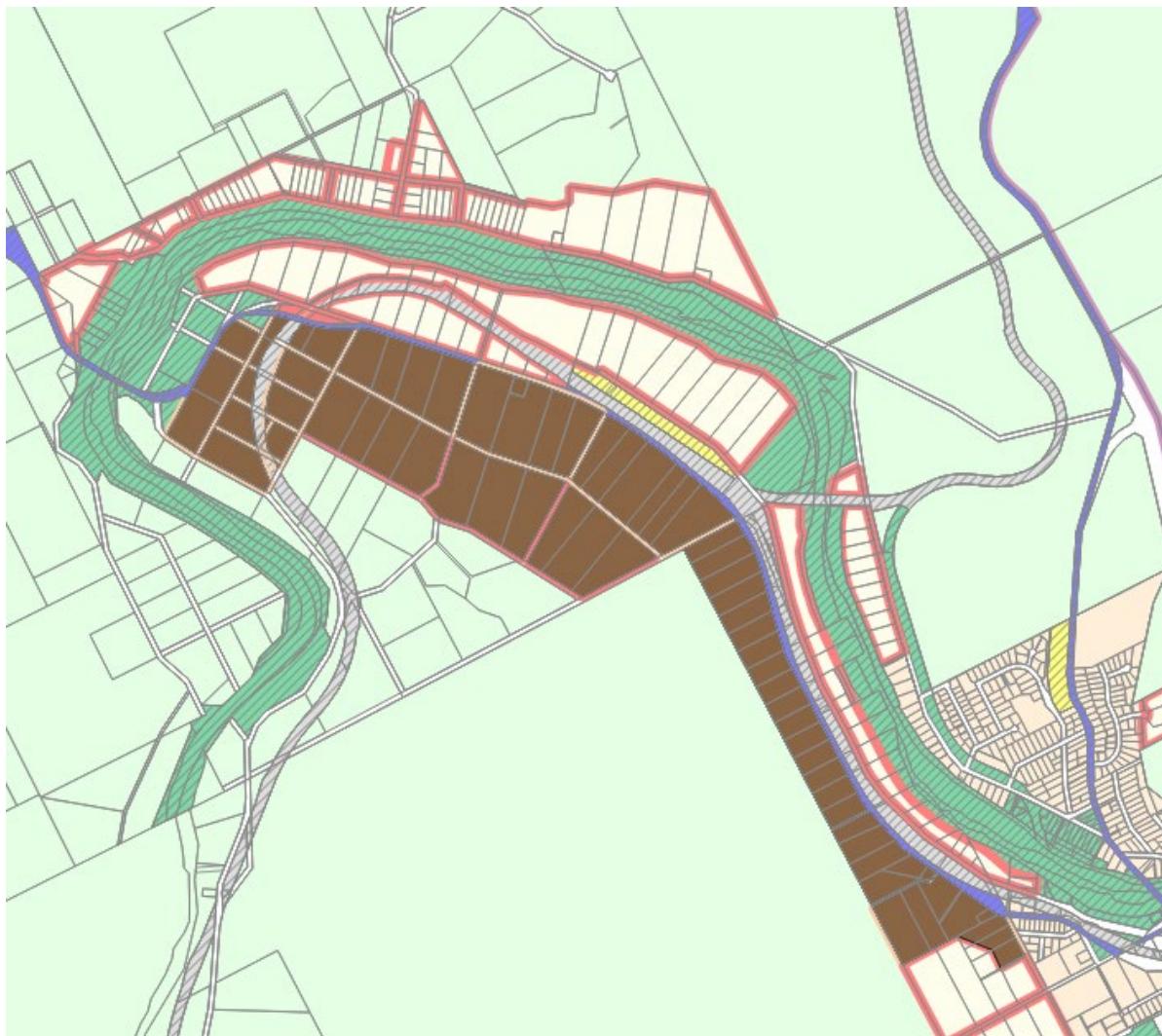


Figure 2 Proposed Modified Draft Local Planning Scheme No. 5 Mapping

**1. Special Residential R2.5 to Rural Residential (WEST TOODYAY)**

Lot No.	Plan	Local Planning Scheme 4 zoning.	LPS4 Zone Colour	Current Draft Local Planning Scheme 5 zoning	Current Draft Local Planning Scheme 5 zoning colour	Proposed modified Draft Local Planning Scheme 5 zoning	Proposed modified Draft Local Planning Scheme 5 zoning colour
57	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	
98	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	
99	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	
100	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	
101	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	
61	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	
60	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	
59	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	
58	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	
97	P223155	Special Residential R2.5		Residential R2.5		Rural Residential	

## 2. Residential Development to Rural Residential (WEST TOODYAY)

Lot No.	Plan	Local Planning Scheme 4 zoning.	LPS4 Zone Colour	Current Draft Local Planning Scheme 5 zoning	Current Draft Local Planning Scheme 5 zoning colour	Proposed modified Draft Local Planning Scheme 5 zoning	Proposed modified Draft Local Planning Scheme 5 zoning colour
34	P000271	Residential Development		Urban Development		Rural Residential	
48	P223155	Residential Development		Urban Development		Rural Residential	
49	P223155	Residential Development		Urban Development		Rural Residential	
50	P223155	Residential Development		Urban Development		Rural Residential	
51	P223155	Residential Development		Urban Development		Rural Residential	
52	P223155	Residential Development		Urban Development		Rural Residential	
53	P223155	Residential Development		Urban Development		Rural Residential	
54	P223155	Residential Development		Urban Development		Rural Residential	
56	P223155	Residential Development		Urban Development		Rural Residential	
3	D050873	Residential Development		Urban Development		Rural Residential	
4	D050873	Residential Development		Urban Development		Rural Residential	
43	P223155	Residential Development		Urban Development		Rural Residential	
33	P000271	Residential Development		Urban Development		Rural Residential	

Lot No.	Plan	Local Planning Scheme 4 zoning.	LPS4 Zone Colour	Current Draft Local Planning Scheme 5 zoning	Current Draft Local Planning Scheme 5 zoning colour	Proposed modified Draft Local Planning Scheme 5 zoning	Proposed modified Draft Local Planning Scheme 5 zoning colour
44	P223155	Residential Development		Urban Development		Rural Residential	
45	P223155	Residential Development		Urban Development		Rural Residential	
46	P223155	Residential Development		Urban Development		Rural Residential	
47	P223155	Residential Development		Urban Development		Rural Residential	
33	P223155	Residential Development		Urban Development		Rural Residential	
34	P223155	Residential Development		Urban Development		Rural Residential	
37	P223155	Residential Development		Urban Development		Rural Residential	
54	P223155	Residential Development		Urban Development		Rural Residential	
38	P223155	Residential Development		Urban Development		Rural Residential	
3	D051443	Residential Development		Urban Development		Rural Residential	
3	D051443	Residential Development		Urban Development		Rural Residential	
38	P223155	Residential Development		Urban Development		Rural Residential	
39	P223155	Residential Development		Urban Development		Rural Residential	
1	D051443	Residential Development		Urban Development		Rural Residential	

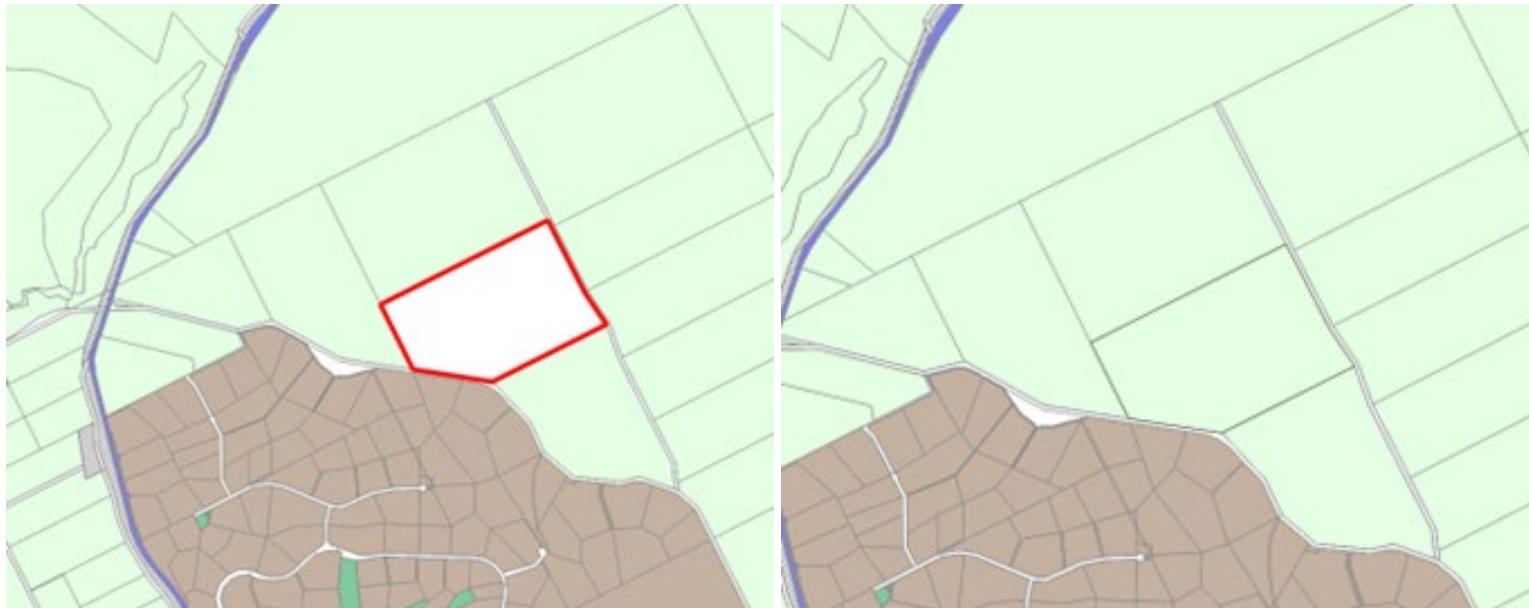
Lot No.	Plan	Local Planning Scheme 4 zoning.	LPS4 Zone Colour	Current Draft Local Planning Scheme 5 zoning	Current Draft Local Planning Scheme 5 zoning colour	Proposed modified Draft Local Planning Scheme 5 zoning	Proposed modified Draft Local Planning Scheme 5 zoning colour
2	D051443	Residential Development		Urban Development		Rural Residential	
54	P000271	Residential Development		Urban Development		Rural Residential	
53	P000271	Residential Development		Urban Development		Rural Residential	
50	P000271	Residential Development		Urban Development		Rural Residential	
49	P000271	Residential Development		Urban Development		Rural Residential	
46	P000271	Residential Development		Urban Development		Rural Residential	
45	P000271	Residential Development		Urban Development		Rural Residential	
42	P000271	Residential Development		Urban Development		Rural Residential	
41	P000271	Residential Development		Urban Development		Rural Residential	
38	P000271	Residential Development		Urban Development		Rural Residential	
37	P000271	Residential Development		Urban Development		Rural Residential	
30	P000271	Residential Development		Urban Development		Rural Residential	
29	P000271	Residential Development		Urban Development		Rural Residential	
26	P000271	Residential Development		Urban Development		Rural Residential	

Lot No.	Plan	Local Planning Scheme 4 zoning.	LPS4 Zone Colour	Current Draft Local Planning Scheme 5 zoning	Current Draft Local Planning Scheme 5 zoning colour	Proposed modified Draft Local Planning Scheme 5 zoning	Proposed modified Draft Local Planning Scheme 5 zoning colour
25	P000271	Residential Development		Urban Development		Rural Residential	
18	P000271	Residential Development		Urban Development		Rural Residential	
1	P001495	Residential Development		Urban Development		Rural Residential	
2	P001495	Residential Development		Urban Development		Rural Residential	
17	P000271	Residential Development		Urban Development		Rural Residential	
3	P001495	Residential Development		Urban Development		Rural Residential	
16	P000271	Residential Development		Urban Development		Rural Residential	
5*	P000271	Residential Development		Urban Development		Rural Residential	
4*	P000271	Residential Development		Urban Development		Rural Residential	
3*	P000271	Residential Development		Urban Development		Rural Residential	
502	D075271	Residential Development		Urban Development		Rural Residential	
101	D084956	Residential Development		Urban Development		Rural Residential	
100	D084956	Residential Development		Urban Development		Rural Residential	
200	D085493	Residential Development		Urban Development		Rural Residential	

Lot No.	Plan	Local Planning Scheme 4 zoning.	LPS4 Zone Colour	Current Draft Local Planning Scheme 5 zoning	Current Draft Local Planning Scheme 5 zoning colour	Proposed modified Draft Local Planning Scheme 5 zoning	Proposed modified Draft Local Planning Scheme 5 zoning colour
201	D085494	Residential Development		Urban Development		Rural Residential	
88	P042445	Residential Development		Urban Development		Rural Residential	
89	P042445	Residential Development		Urban Development		Rural Residential	
37	P223155	Residential Development		Urban Development		Rural Residential	
75	P223155	Residential Development		Urban Development		Rural Residential	

**\*\* Please note that Lots 3, 4 & 5 on P000271 have dual coding of Special Residential and Residential/Urban Development under the current Scheme and current Draft LPS5. The intent of this modification will see each of these lots as wholly zoned as Rural Residential \*\***

3. Lot 89 on P224582 Church Gully Road in Coondle



Current Draft LPS5

Proposed Modified Draft LPS5

Lot No.	Plan	Local Planning Scheme 4 zoning.	LPS4 Zone Colour	Current Draft Local Planning Scheme 5 zoning	Current Draft Local Planning Scheme 5 zoning colour	Proposed modified Draft Local Planning Scheme 5 zoning	Proposed modified Draft Local Planning Scheme 5 zoning colour
89	P224582	Special Use Zone (Abattoir)		Special Use Zone (Abattoir)		Rural	