



PLANNING AND DEVELOPMENT ACT 2005

## LOCAL PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

### SHIRE OF VICTORIA PLAINS LOCAL PLANNING SCHEME NO.5 AMENDMENT NO.2 (OMNIBUS PROPOSAL)

Notice is hereby given that the Victoria Plains Shire Council has resolved, pursuant to Section 75 of the *Planning and Development Act 2005*, to amend the above Local Planning Scheme to address a number of issues that have arisen and changes that have occurred since the Scheme was first approved and gazetted in March 2012 and subsequently amended in September 2017 (i.e. Amendment No.1) to align it with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A document setting out and explaining the scheme amendment proposal is attached.

Comments on the proposal are now invited and can be emailed to [reception@victoriaplains.wa.gov.au](mailto:reception@victoriaplains.wa.gov.au) or posted to the Shire's Chief Executive Officer at PO Box 21 CALINGIRI WA 6569. All submissions must include the following information:

- Your name, address and contact telephone number;
- How your interests are affected whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property;
- Address of property affected (if applicable); and
- Whether your submission is in support of or objecting to the proposal, either in part or in whole, and any reasons supporting your comments.

Comments on the scheme amendment proposal may be submitted to the local government on or before **Friday 15 May 2020**. A community information session will also be held at 6.30pm on Thursday 16 April 2020 in the Calingiri Recreational Hall, Yulgering Road, Calingiri to explain the proposal and answer any queries that may arise.

All submissions received may be made public at a Council meeting and included in a Council Agenda, which will be available on the Shire's website in due course, unless a submission specifically requests otherwise.

**GLENDA TEEDE  
CHIEF EXECUTIVE OFFICER  
SHIRE OF VICTORIA PLAINS**

***DRAFT DOCUMENT FOR PUBLIC COMMENT***



**SHIRE OF VICTORIA PLAINS**

**LOCAL PLANNING SCHEME NO.5**

**AMENDMENT NO.2 (OMNIBUS)**

**October 2019**

## PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

1. **LOCAL AUTHORITY:** Shire of Victoria Plains
2. **DESCRIPTION OF LOCAL PLANNING SCHEME:** Local Planning Scheme No.5
3. **TYPE OF SCHEME:** District Zoning Scheme
4. **SERIAL NUMBER OF AMENDMENT:** No.2
5. **AMENDMENT TYPE:**

The Amendment is **Standard** under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- i) the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- ii) the amendment does not result in any significant environmental, social, economic or governance impacts in the Scheme Area.

### 6. PROPOSAL:

The Victoria Plains Shire Council has resolved to initiate a proposed omnibus amendment to the Shire of Victoria Plains Local Planning Scheme No.5, being Amendment No.2, to address a number of issues that have arisen and changes that have occurred since the Scheme was first approved and gazetted in March 2012 and subsequently amended in September 2017 (i.e. Amendment No.1) to align it with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Specific details of the proposed amendments to Local Planning Scheme No.5 and their primary purpose are outlined as follows:

1. Amend clause 2.3 in Part 2 of the Scheme Text by including the following proposed new Local Scheme Reserves and associated objectives for each:

#### **Primary Distributor Roads**

The objectives are:

- (i) To set aside land required for a primary distributor road being a road classified as a Primary, Regional or Local Distributor under the Western Australian Road Hierarchy;
- (ii) To provide land and facilities for major road purposes and associated activities; and
- (iii) To protect land from activities considered inappropriate to the successful continued operation of major road infrastructure.

#### **Local Roads**

The objectives are:

- (i) To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

## **Railways**

The objectives are:

- (i) To provide land and facilities for railway purposes and associated activities; and
- (ii) To protect land from activities considered inappropriate to the successful continued operation of railway infrastructure.

**Purpose: To recognise the existence of all primary, regional and local distributor roads, local roads and railway reserves in the municipality and introduce objectives to guide their future development and use.**

2. Amend the Scheme Maps by showing the location of all primary, regional and local distributor roads, local roads and railway reserves in the municipality and including suitable reference to them as Local Scheme Reserves in the Scheme Map Legend to reflect the new reserve names to be included in clause 2.3, Part 2 of the Scheme Text.

**Purpose: To clearly identify on the Scheme Maps the location and extent of all primary, regional and local distributor roads, local roads and railway reserves in the municipality to assist the day-to-day administration of the Scheme and ensure all regulatory and procedural requirements are followed when dealing with development proposals.**

**The following primary, regional and local distributor roads will be classified and shown as 'Primary Distributor Roads' reserve on the Scheme Maps:**

- **Primary Distributor Roads (i.e. State Roads under the care, control and management of Main Roads WA):**
  - **Great Northern Highway;**
  - **Bindoon-Moora Road; and**
  - **Wongan Hills-Calingiri West Road.**
- **Regional Distributor Roads (i.e. Roads under the care, control and management of the Shire of Victoria Plains that are not Primary Distributors but which link significant destinations and are designed for efficient movement of people and goods within and beyond regional areas):**
  - **Bindi Bindi-Toodyay Road;**
  - **Calingiri-New Norcia Road;**
  - **Gillingarra-Glentromie Road;**
  - **Gillingarra-New Norcia Road;**
  - **Glentromie-Yerecoin Road;**
  - **Konnongorring West Road;**
  - **Goomalling-Calingiri Road;**
  - **Mogumber West Road;**
  - **Mogumber-Yarawindah Road; and**
  - **Wongan Hills-Waddington Road.**
- **Local Distributor Roads (i.e. a low-to-moderate-capacity road under the care, control and management of the Shire of Victoria Plains which serves to move traffic from local streets to Primary and Regional Distributor roads):**

- **Bolgart East Road;**
- **Old Plains Road; and**
- **Yerecoin South East Road.**

**All remaining roads in the Shire, being Local Roads classified as 'Access Roads' under the Western Australian Road Hierarchy that are under the care, control and management of the Shire of Victoria Plains, will be classified and shown as 'Local Roads' reserve on the Scheme Maps.**

**All land and facilities in the Shire set aside to be developed specifically for railway purposes and associated activities will be classified and shown as 'Railways' reserve on the Scheme Maps.**

3. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

**4.9 Development of lots abutting primary, regional and local distributor roads controlled by Main Roads WA**

- 4.9.1 All applications for development approval abutting roads classified Primary Distributor Roads Reserve under the care, control and management of Main Roads WA are to be referred by the local government to Main Roads WA and the local government is to have due regard to comments and recommendations provided by Main Roads WA when determining applications.
- 4.9.2 Direct access for vehicles to/from roads classified Primary Distributor Roads Reserve under the care, control and management of Main Roads WA will not be permitted where access is available from a public road at the side or rear of a lot or from a public right-of-way, private right-of-way, laneway or private road.
- 4.9.3 Where vehicular access from a lot adjoining abutting a road classified Primary Distributor Roads Reserve under the care, control and management of Main Roads WA is available only from that road, all parking, servicing, circulation within that lot and access to and from the road shall be designed and constructed to allow unhindered movement within the lot to enable vehicles to enter and leave the site in forward gear.

**Purpose: To ensure development applications involving land abutting primary, regional and local distributor roads in the municipality under the care, control and management of Main Roads WA are referred to that agency for review and comment prior to final determination by Council and to clarify the circumstances under which direct access to these roads will and won't be permitted.**

4. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

**4.10 Development of lots not abutting a constructed public road**

- 4.10.1 In considering an application for development approval in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road, the local government shall either:
  - (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or

- (b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose; or
- (c) grant approval to the application subject to the following conditions, or any other conditions the local government sees fit to impose:
  - (i) Arrangements are to be made for permanent access, to the satisfaction of the local government;
  - (ii) The location of any legal access shall be to the satisfaction of the local government;
  - (iii) Access must be constructed and maintained to the satisfaction of the local government;
  - (iv) A notification is to be placed on the title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

**Purpose: To establish clear parameters for dealing with and determining development applications within the municipality involving land abutting an unconstructed road or a lot which does not have frontage to a constructed road.**

5. Amend Schedule A of the Scheme Text entitled 'Supplemental Provisions' to include the following additional supplemental provisions to the Deemed Provisions set out in Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (see Attachment 1):

Clause 61(1) -

- (c)(vi) abutting a road classified Primary Distributor Roads Reserve that is under the care, control and management of Main Roads WA; or
- (c)(vii) abutting an unconstructed road or a lot which does not have frontage to a constructed road.
- (l)(vii) abutting a road classified Primary Distributor Roads Reserve that is under the care, control and management of Main Roads WA; or
- (l)(viii) abutting an unconstructed road or a lot which does not have frontage to a constructed road.

**Purpose: To remove the development approval exemptions currently afforded to the erection or extension of a single house where any such development involves land abutting a road classified Primary Distributor Roads Reserve that is under the care, control and management of Main Roads WA or an unconstructed road or a lot which does not have frontage to a constructed road.**

6. Amend Schedule A of the Scheme Text entitled 'Supplemental Provisions' to include the following additional supplemental provisions to the Deemed Provisions set out in Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (see Attachment 1):

Clause 61(1) -

- (p) the erection of farm outbuildings or undertaking earthworks, including the construction of

farm dams, on any land classified 'Rural' zone used for extensive agricultural purposes (i.e. agriculture – extensive).

**Purpose: To remove the requirement for development approval for the erection of outbuildings or undertaking earthworks, including the construction of farm dams, on any land classified 'Rural' zone used for extensive agricultural purposes.**

7. Amend Table 1 - Zoning Table in Part 3 of the Scheme Text by including the following new use classes and associated permissibility symbols for each zone:

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
<b>RESIDENTIAL</b>							
Repurposed Dwelling	A	A	X	X	A	D	D
Workforce Accommodation	A	X	X	X	A	X	D
<b>COMMERCE</b>							
Fuel Depot	X	X	A	D	A	X	A
Trade Supplies	X	A	D	D	A	X	X
<b>OTHER</b>							
Commercial Vehicle Parking	A	D	P	P	A	A	P
<b>INDUSTRY</b>							
Resource Recovery Centre	X	X	A	D	X	X	A
Waste Disposal Facility	X	X	X	A	X	X	A
Waste Storage Facility	X	X	X	A	X	X	A

**Purpose: To include a number of new use classes already defined in Schedule 1, Part 6, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 that have significant potential to be developed in the municipality and assign symbols indicating their permissibility within each zone where:**

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the 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 special notice in accordance with Clause 64 of the deemed provisions; and
- 'X' means a use that is not permitted by the Scheme.

8. Amend Table 1 - Zoning Table in Part 3 of the Scheme Text by removing the following use class and associated permissibility symbols for each zone:

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
<b>RURAL</b>							
Plantation	X	X	X	X	X	X	D

***Purpose:*** To remove the use class 'Plantation' which is no longer included and defined in Schedule 1, Part 6, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and has been replaced with the use class 'Tree Farm' which is already included in Table 1 - Zoning Table in Part 3 of the Scheme Text and defined in the aforementioned regulations.

9. Amend clause 4.7.4.4 in Part 4 of the Scheme Text entitled 'General Development Requirements' by including the words:
- i) 'Structure Plan and/or' immediately before the words 'Development Plan';
  - ii) 'and/or Commission' immediately after the words 'local government'; and
  - iii) 'rezoning or' immediately after the word 'or' and before the word 'subdivision'.

***Purpose:*** To require, when considered appropriate, the preparation and endorsement of a Local Structure Plan by Council and the Western Australian Planning Commission prior to the commencement of development or the rezoning or subdivision of any land classified, or proposed to be classified, 'Rural Residential' zone to provide for the coordination of future subdivision and/or the rezoning of any such land for rural residential purposes in accordance with the guidance provided in various publications by the Commission and section 8 of the Shire of Victoria Plains Local Planning Strategy as it applies to rural residential development involving rural land.

10. Amend clause 4.7.5 in Part 4 of the Scheme Text entitled 'General Development Requirements' by amending the wording of the existing clause as follows, including the insertion of the following additional subclauses, and renumbering the existing and proposed new subclauses accordingly:

- 4.7.5.1 Notwithstanding the right to develop a single house on an existing lot, all residential development in the 'Rural' zone shall comply with the following requirements:
- a) All dwellings and associated outbuildings, external fixtures, patios, pergolas, verandas, garages, carports or swimming pools shall have a minimum setback of 20 metres from the land's primary street frontage and 10 metres from all side and rear boundaries;
  - b) All dwellings must be connected to a reticulated potable water supply to an appropriate standard as determined by the licence holder. Where a reticulated potable water supply is not available, all dwellings shall be provided with a suitable potable water supply in accordance with the requirements of sub-clauses 4.20.2 and 4.20.3; and
  - c) Where connection to reticulated sewer is not available to a lot, the disposal of all domestic sewerage shall be carried out with an effluent disposal system



approved by the local government and/or the Department of Health.

- 4.7.5.2 All other development in the 'Rural' zone, including farm outbuildings and dams, shall have a minimum setback of 20 metres from the land's primary street frontage and 10 metres from all side and rear boundaries.
- 4.7.5.3 Within the 'Rural' zone the local government will not generally support the erection of more than one (1) single house per lot. Notwithstanding any symbol in 'Table 1 – Zoning Table' or any other provision of the Scheme, the erection of more than one (1) dwelling on a 'Rural' zoned lot shall require the specific approval of the local government and shall not be permitted unless the local government has exercised its discretion by granting development approval.
- 4.7.5.4 The local government may consider granting development approval to additional dwellings in the 'Rural' zone in cases where the applicant/landowner clearly demonstrates that additional housing is required for agricultural production or tourist development purposes and where the occupants are engaged in those specified predominant land uses or activities. In any case the total number of dwellings per lot shall not exceed four (4).
- 4.7.5.5 In determining any application for any additional dwelling/s in the 'Rural' zone the local government shall have regard for the following:
- a) the additional dwelling is warranted for farm management, family accommodation or tourist development purposes;
  - b) any new dwelling is suitably located and setback with sufficient buffers from neighbouring rural lot boundaries so as to minimise land use conflict with surrounding agricultural uses and activities;
  - c) the lot is greater than 40 hectares in area;
  - d) the lot can continue to be used for existing agricultural purposes;
  - e) the potential bushfire risk and any proposed risk mitigation measures;
  - f) the cumulative effect of granting approvals in a locality and the potential for the creation of homestead lots based on the dwelling location as may be permissible under relevant State Planning Policies; and
  - g) the need to avoid the creation of unplanned small lot subdivision in locations that may cause conflict with the objectives of the Rural zone.
- 4.7.5.6 The existence of more than one (1) dwelling on a 'Rural' zoned lot shall not be construed as a basis for the local government's support to the subdivision of that lot in a manner other than that provided for in relevant State Planning Policies.
- 4.7.5.7 All proposals for development in the 'Rural' zone must have regard to both on-site and off-site impacts and, where deemed necessary by the local government, such proposals shall be accompanied by information identifying:
- a) environmental values and any environmental risks;
  - b) the potential for land use conflict;
  - c) the potential impacts and restrictions on approved uses on adjacent or nearby locations; and
  - d) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site.
- 4.7.5.8 Prior to issuing development approval for an industry in the 'Rural' zone the local government will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority's Buffer Distance Guidelines, and such industry

may only be granted development approval if the relevant buffer does not impact upon existing or proposed residential development.

- 4.7.5.9 If, in the opinion of the local government, over-grazing by livestock on any land classified 'Rural' zone is causing degradation to the landscape or land degradation that may lead to soil erosion, the local government may issue an order to the property owner requiring a reduction in the number, or total removal, of the livestock.

***Purpose: To expand upon and clarify Council's expectations and requirements regarding the development of land classified 'Rural' zone and provide greater flexibility for development applications to be dealt with more expediently under delegated authority.***

11. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

#### **4.11 Traffic Entrances**

- 4.11.1 The local government may refuse to permit more than one vehicular entrance or exit to or from any lot.
- 4.11.2 The local government may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.
- 4.11.3 The local government may require the forming, sealing and draining of any unconstructed public road, public right-of-way, private right-of-way, laneway or private road servicing a development for which development approval is given at the cost of the developer in proportion to the extent of the use of the public road, public right-of-way, private right-of-way, laneway or private road by the development in respect to other users as assessed by the local government.

***Purpose: To articulate Council's expectations and requirements regarding vehicular access arrangements for all new development in the municipality.***

12. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

#### **4.12 Car Parking Requirements**

- 4.12.1 The minimum car parking spaces for particular uses are listed in Table 2. Land and buildings shall not be used or developed:
- (a) for any use mentioned in Table 2 unless off street parking is provided in accordance with the requirements set out therein; or
  - (b) for any use not mentioned in Table 2 unless off street parking is provided, as determined by the local government.
- 4.12.2 All off-street car parking spaces, including vehicle accessways thereto, shall be:
- (a) Designed and laid out generally in accordance with the minimum specifications set out in Australian Standard AS/NZS 2890.1-2004 entitled Parking facilities - Off-street Car Parking unless otherwise approved by the local government;
  - (b) Paved, marked, drained and maintained to the satisfaction of the local government; and
  - (c) Integrated with any existing adjoining car park.

- 4.12.3 Where an applicant/landowner can demonstrate to the satisfaction of the local government that there is not the demand for the number of car parking spaces specified in Table 2, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping.
- 4.12.4 The local government may approve a development application where the number of car parking spaces proposed to be provided is less than the number required pursuant to the Scheme provided:
- (a) The applicant/landowner can demonstrate that other off street parking facilities are available to be shared with other land uses operating at different times and provided;
  - (b) 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
  - (c) The landowner/s who request sharing of parking facilities enter into a legal agreement for reciprocal rights of access to parking facilities.

***Purpose: To articulate Council's expectations and requirements regarding the provision of off-street parking for all new development in the municipality including any proposed variations to the relevant Scheme standards.***

13. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

#### **4.13 Landscaping Requirements**

- 4.13.1 The minimum landscaping requirements detailed in Table 2 or referred to elsewhere in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the local government natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however, garbage collection, handling spaces and other open storage areas shall not be included. In considering the landscaping requirement of any application for development approval, the following criteria shall apply:
- a) Access driveways between a street alignment and any buildings may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included;
  - b) The local government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that requires little maintenance;
  - c) Except where the provisions of the Scheme specify otherwise, a requirement of the landscaping of any development is that one native or locally acceptable tree capable of growing to a height of at least five (5) metres shall be planted for every ten (10) square metres of landscape area. The local government may relax this requirement in the case of any residential development;
  - d) Landscaping required pursuant to this Scheme or pursuant to a conditional development approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government and shall thereafter be permanently maintained to the satisfaction of the local government; and
  - e) A landscaping strip with a minimum width of two (2) metres shall be provided

between car parking areas and adjoining street boundaries.

**Purpose: To clearly define the term landscaping and articulate Council's expectations and requirements regarding the provision of landscaping for all new development in the municipality.**

14. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

**4.14 Retention and protection of vegetation and revegetation, waterways and their buffers**

- 4.14.1 Where the local government considers it would help mitigate against land degradation (e.g. salinity), protect a waterway (and its buffer) or improve the visual appearance of a development, the local government may impose conditions on any development approval issued requiring the retention and protection of existing vegetation (e.g. through fencing) and/or the planting of additional vegetation.

**Purpose: To provide for the retention and protection of vegetation and revegetation, waterways and their buffers.**

15. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

**4.15 Use of Front Setback Areas**

- 4.15.1 A person is not to use the land between a street alignment and the distance that buildings are required to be setback from such 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) the loading and unloading of vehicles;
  - d) landscaping which only in the Commercial zone, and then only with the specific development approval of local government, may include an awning, pergola, or similar structure and when in front of a fast food outlet or café / restaurant may provide for alfresco dining.
- 4.15.2 The front setback area of any lot shall not be used for the parking of vehicles that are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste products of any sort.

**Purpose: To articulate Council's expectations and requirements regarding the development and use of front setback areas.**

16. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

**4.16 Waste disposal and untidy sites**

- 4.16.1 Land within the Scheme Area:
- a) shall not be used for the purpose of storage or the disposal of rubbish or industrial wastes (whether liquid or solid) without the written approval of the local government; and

- b) shall be maintained to a visual standard commensurate with that generally prevailing in the vicinity and the local government may by written notice require the owner, occupier or lessee of any land to undertake such works as may be necessary to upgrade or restore the condition of the land to a standard acceptable to the local government.

**Purpose: To articulate Council's expectations and requirements regarding the storage and disposal of rubbish and waste products and the maintenance and restoration of visual amenity throughout the municipality.**

17. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

#### **4.17 Drainage**

- 4.17.1 Prior to issuing development approval for the development of a lot the local government will require satisfactory evidence that the drainage conditions of the locality will not be impaired and may require that site works be carried out to ensure that all drainage is to the local government's satisfaction.

**Purpose: To articulate Council's expectations and requirements regarding stormwater drainage arrangements for all new development within the municipality.**

18. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

#### **4.18 Land liable to flooding or inundation**

- 4.18.1 A building shall not be constructed upon any land identified or defined by the local government or the Department of Water and Environmental Regulation as being liable to flooding or inundation.
- 4.18.2 Where in the opinion of the local government a development is to be sited on land that has the potential to be flooded and/or inundated, the local government may impose conditions on any development approval issued to ameliorate any potential flood risk.

**Purpose: To articulate Council's expectations and requirements regarding the development of any land within the municipality liable to flooding or inundation.**

19. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

#### **4.19 Sewerage Disposal**

- 4.19.1 Given the requirements of the Government Sewerage Policy the local government will generally require the provision of reticulated sewerage to residential and other developments within the Calingiri and Yerecoin townsites which exceed the R5 density code. The local government may however permit further development in these townsites without the need to connect to reticulated sewerage if it can be demonstrated that reticulated sewerage cannot be provided at reasonable cost and an alternative means of effluent disposal can be provided to the satisfaction of the local government and the Department of Health.

- 4.19.2 In considering applications for unsewered development for industrial, commercial and residential purposes outside the Calingiri and Yerecoin townsites and within other unsewered towns and settlements within the municipality, the local government will have regard for the provisions of the Government Sewerage Policy applicable at the time. Unless minimum lot sizes, site suitability for on-site wastewater disposal and density of developments are acceptable, the local government may specify that such development is not permitted without connection to reticulated sewerage.

**Purpose: To articulate Council's expectations and requirements regarding sewerage disposal arrangements for all new development within the municipality with due regard for the specific requirements of the Government Sewerage Policy.**

20. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

#### **4.20 Water Supply**

- 4.20.1 The local government shall not grant approval for development on any land unless:
- a) A suitable potable water supply is available or can be provided to that land, as deemed necessary by the local government or a licensed water provider; and
  - b) Arrangements satisfactory to the local government or a licensed water provider have been made for the provision of a suitable potable water supply.

- 4.20.2 All buildings intended for residential use must include provision for the storage of water in tanks of not less than 120,000 litres capacity unless satisfactory arrangements have been made for connection to a reticulated water supply provided by a licensed water provider. The local government may permit the reduction in the size of storage tanks if the quality of water on-site meets or is treated to potable water standards.

- 4.20.3 Where rainfall is to be used as the predominate source for a water storage tank, the minimum collection area, in terms of rain surface runoff, to service the tank, is to be provided. The collection area will normally comprise of the roof area of structures on the lot and may include the dwelling, outbuildings and any other structure capable of collecting and directing water into the tank. The size of the collection area is to be based on the following calculation:

**Collection area (m<sup>2</sup>) = 120,000 divided by (0.85 x (local rainfall minus 24mm))**

- Collection area (m<sup>2</sup>) is the minimum area for rain surface runoff that is required to service the water tank;
  - 120,000 is the minimum size of the water tank in litres (unless the local government has determined an alternative size in accordance with the scheme);
  - 0.85 is the efficiency of the collection meaning a minimum of 85% of the water will be collected (the local government may accept a greater efficiency rate if it can be demonstrated through design);
  - Local rainfall is the average annual mean rainfall measured in millimetres (mm) guided by the nearest collection point provided by the Bureau of Meteorology; and
  - 24mm is the anticipated loss through absorption and wetting of materials based on 2mm a month.
- 4.20.4 The local government may approve the use of fit-for-purpose water (wastewater recycling) and availability for use of such water for public open space.

**Purpose: To articulate Council's expectations and requirements regarding the provision of a suitable potable water supply for all new development within the municipality including water recycling.**

21. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

**4.21 Relocated second-hand and repurposed dwellings and buildings**

- 4.21.1 Notwithstanding any other requirement of this Scheme including the land use permissibility prescribed for the various use classes listed in Table 1 – Zoning Table and the exemptions to development approval afforded by Part 7 of the Deemed Provisions and Schedule A of the Scheme Text entitled 'Supplemental Provisions', the placement and use of a relocated second-hand or repurposed dwelling or building upon a lot within the scheme area is subject to the requirement to obtain development approval from the local government.
- 4.21.2 The placement and use of a relocated second-hand or repurposed dwelling or building shall not be permitted on any lot within the scheme area unless:
- a) in the opinion of the local government such development is consistent with the objectives of the zone or local scheme reserve in which it is proposed to be located;
  - b) the dwelling or building is in a satisfactory condition and any internal or external material containing asbestos fibres are removed prior to the dwelling or building being transported within or into the scheme area; and
  - c) the design of the dwelling or building is to the satisfaction of the local government by reason of such matters as the roof pitch, window size, external cladding materials and other such factors that affect their appearance and that the dwelling or building will not, in the opinion of the local government, adversely affect the amenity of other properties in the immediate locality.
- 4.21.3 Where an application for development approval is made to place and use a relocated second-hand or repurposed dwelling or building in the scheme area the local government is not to grant approval to that application unless notice is given in accordance with clause 64 of the deemed provisions.
- 4.21.4 Where a relocated second-hand or repurposed dwelling or building is proposed to be established on a lot in the scheme area the local government may require, amongst other things, the re-cladding, re-roofing to a suitable pitch, external painting, installation of new windows of suitable size and/or enclosure of the sub-floor area of the dwelling or building with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a visually prominent position, the local government may require satisfactory landscaping measures, or the like, to be carried out.

**Purpose: To articulate Council's expectations and requirements regarding the placement and use of relocated second-hand or repurposed dwellings or buildings within the municipality.**

22. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

**4.22 Use of Sea Containers**

- 4.22.1 Notwithstanding any other requirement of this Scheme including the land use permissibility prescribed for the various use classes listed in Table 1 – Zoning Table and the exemptions to development approval afforded by Part 7 of the Deemed Provisions and Schedule A of the Scheme Text entitled 'Supplemental Provisions', the placement and use of one or more sea containers upon any lot within the scheme area is subject to the requirement to obtain development approval from the local government.
- 4.22.2 Where development approval is granted the sea container shall be constructed and/or upgraded to a standard that ensures the visual amenity of the area is not adversely impacted.
- 4.22.3 Where in the opinion of the local government a sea container would have an adverse impact on the visual amenity of the locality, the local government may refuse the application.
- 4.22.4 Where an application for development approval is made for the placement and use of one or more sea containers upon any lot, the local government shall give notice in accordance with clause 64 of the deemed provisions.
- 4.22.5 Sea containers are not permitted on any land within the scheme area classified Residential zone unless they are temporary in nature (i.e. to be used for a period of up to seven (7) days), or a longer period approved by the local government.

**Purpose: To articulate Council's expectations and requirements regarding the placement and use of sea containers within the municipality.**

23. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

**4.23 Home Occupation, Home Business, Home Store and Rural Home Business**

- 4.23.1 The local government shall not permit a Home Occupation, Home Business, Home Store or Rural Home Business as defined in Schedule 1, Part 6, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* unless development approval is granted.
- 4.23.2 Any development approval granted for these use classes will be valid for a period of twelve (12) months only and any extension of the development approval for a further period of twelve (12) months must be the subject of a written application to the local government for a renewal of the same.
- 4.23.3 The local government's development approval to carry on a Home Occupation, Home Business, Home Store or Rural Home Business shall, apart from any specific conditions imposed by the local government, be subject to the following general conditions:
- a) The development approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;
  - b) The development approval shall be cancelled if there is a change in the occupier of the land in respect of which the development approval was issued;
  - c) The person to whom the development approval is granted by the local government to carry on a Home Occupation, Home Business, Home Store or Rural Home Business shall not carry on those activities at any premises other than the land in respect of which the local government's development approval is granted;



- d) If a Home Occupation, Home Business, Home Store or Rural Home Business has been carried on with the development approval of the local government and if in the opinion of the local government any such use is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the local government may withdraw the development approval granted by it and after such withdrawal, no person shall upon the subject land carry on such use unless a further development approval to do so, is granted by the local government.

**Purpose: To articulate and clarify Council's expectations and requirements regarding the establishment and operation of Home Occupations, Home Businesses, Home Stores or Rural Home Businesses within the municipality, all of which have historically required and still require Council's development approval under the Shire's local planning framework (i.e. they are discretionary uses that are not permitted without Council's formal development approval).**

24. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

#### **4.24 Advertisements**

- 4.24.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Planning Act and requires the development approval of the local government in accordance with the provisions of Part 7 of the Deemed Provisions, unless it is an exempted advertisement as listed in Schedule 5 of the Scheme Text.

**Purpose: To clarify Council's requirements regarding the erection, placement and display of advertisements and the use of land and buildings for such purposes within the municipality and give meaning and purpose to Schedule 5 of the Scheme Text.**

25. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

#### **4.25 Requirement for consultation to commence mining**

- 4.25.1 In considering proposals to commercially extract minerals, the local government may exercise its discretion to inform the Minister for Mines and Petroleum 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.

**Purpose: To clarify Council's ability to exercise its discretion to inform the Minister for Mines and Petroleum and the Minister for Planning when the granting of a mining lease or general purpose lease is considered contrary to the provisions of the Scheme.**

26. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

#### **4.26 Scheme Provisions to Prevail**

- 4.26.1 To the extent that a requirement referred to in clauses 4.7 to 4.25 is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy, the requirement referred to in clauses 4.7 to 4.25 shall prevail.

**Purpose: To clarify how Council will deal with any inconsistencies between the requirements of clauses 4.7 to 4.25 of the Scheme Text and the requirements of the R-Codes, activity centre plans, local development plans or State or local planning policies.**

In light of the above information, the Shire of Victoria Plains is now seeking public comment on the suitability of the various proposed amendments to Local Planning Scheme No.5 prior to finalising the proposal, including any amendments to reflect the community's views, and referring it to the Western Australian Planning Commission and the Hon. Minister for Planning for formal consideration and final determination.