

## PLANNING AND DEVELOPMENT ACT 2005

### APPROVED LOCAL PLANNING SCHEME AMENDMENT Shire of Victoria Plains

#### LOCAL PLANNING SCHEME No. 5 - AMENDMENT No. 2

Ref: TPS/2595

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Victoria Plains Local Planning Scheme amendment on 10 August 2021 for the purpose of:

1. Aligning all parts of the Scheme text with the model provisions of Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
  - i) amend clause 7 by adding the words "including any supplemental deemed provisions outlined in Schedule A of the scheme text" after subclause 1(a) and by deleting subclause 1(c);
  - ii) rename clause 32 and 33 to 'General Development Standards and Requirements' and 'Site Specific Development Standards and Requirements' respectively;
  - iii) amend the meaning of additional site and development requirements in model clause 34 to 'requirements set out in this Scheme, except does not apply to land use permissibility under the zoning table or development to which the R-Codes apply'; and
  - iv) exclude model clauses 27 to 30 and 35 and delete existing clause 4.4.
2. Amending Part 2 of the Scheme Text by including the following proposed new Local Scheme Reserves and associated model objective for each:
  - Primary Distributor Roads
  - Local Roads
  - Local Distributor Roads
  - Railways
  - Environmental Conservation (to replace Conservation)
  - Public Open Space (to replace Parks and Reserves)
3. Replacing the zone objectives in Part 3 with equivalent model zone objectives for all zones except the 'Industry' and 'Service Industry' zone and replace the words any relevant' to 'all relevant' in model clause 18(2).
4. Amending the Scheme Maps by showing the location of all primary, regional and local distributor roads and railway reserves in the municipality as per the Main Roads WA Western Australian Road Hierarchy mapping and include suitable reference to them as Local Scheme Reserves in the Scheme Map Legend to reflect the new reserve names to be included in Part 2 of the Scheme Text and show location of existing restricted use site and Rural Residential No.1 site.
5. Amending Schedule A of the Scheme Text entitled 'Supplemental Provisions' by:
  - i) reformatting the schedule into the model table format;
  - ii) deleting existing clause 61(1)(o);
  - iii) replacing all references to heritage places, land and development with "heritage protected place";
  - iv) adding 'abutting a distributor road' or 'abutting an unconstructed road or a lot which does not have frontage to a constructed road' to the list of matters under existing clause 61(1)(1); and
  - v) adding the following to the model table under 61(1) (b):

The construction of farm outbuildings, water tanks and external fittings or undertaking works such as the construction of farm dams and soaks	<ul style="list-style-type: none"> <li>- on any land classified 'Rural' zone used for extensive agricultural purposes) and where required as part of the farming operation</li> <li>- which do not alter or affect existing waterways or water table or involve removal of remnant vegetation</li> <li>- which does not direct runoff to areas other than a watercourse on site and/or impacts adjoining properties</li> <li>- the structure or dam is not more than 3 metres in height.</li> </ul>
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6. Amending the Zoning Table in Part 3 of the Scheme Text by including the following use classes and associated permissibility symbols for each zone:

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
<b>RESIDENTIAL</b>							
Ancillary dwelling	P	A	X	X	P	P	P
Home business	D	D	X	X	D	D	D
Home occupation	P	P	X	X	P	P	P
Home office	P	P	X	X	P	P	P
Home store	A	D	X	X	D	D	A
Repurposed Dwelling	A	A	X	X	A	A	A
Second-hand dwelling	A	A	X	X	A	A	A
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	D
<b>OTHER</b>							
Commercial Vehicle Parking	A	D	P	P	D	D	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
<b>RURAL</b>							
Industry - Rural	X	X	A	P	X	X	D
Mining Operations	D	D	D	D	D	D	D

7. Deleting 'plantation', 'essential service utility' and 'industry – primary production' in the zoning table.
8. Updating the following land descriptions throughout the scheme and add to scheme maps:
- i) Restricted use 1 to 'Lot 23 on diagram 29456 (No. 44) Smith Street, Bolgart';
  - ii) Special Use 1 to 'Lot 11 on Plan 24201 Great Northern Highway, Yarawindah'; and
  - iii) Rural Residential No. 1 to 'Lot 21 (No. 3779) on Diagram 93267 Bindi Bindi – Toodyay Road, Bolgart'.

9. Deleting the existing content of clauses 4.7 and 4.8 except for the Development Table and add "Premise" after the words "Child Care", add "Bulky Goods" before the word "Showroom" and replace "Industrial" with "Industry" in the table.
10. Adding the following text to Part 4 of the Scheme:

### **31. Amenity of Non-Residential Development**

1. The amenity of non-residential development shall be determined in the context of each proposed development and site conditions, but shall generally be in accordance with these principles:
  - a) the form and scale of the development is to be compatible with surrounding land uses;
  - b) the impacts of the development are to be contained on site and/or suitably managed off-site;
  - c) the impact of the development on the road network and traffic management is to be consistent with the road function and hierarchy;
  - d) adequate provision is to be made for parking for staff and visitors, with separation between staff / visitor parking and service / haulage vehicles;
  - e) buildings are to have screening of services and areas for waste management and essential services;
  - f) visual impacts to be minimised by the use of vegetation screening, tree retention and building orientation;
  - g) minimise the use of front fencing, and where required, fencing to be set back to the building line and behind the landscaped area where feasible;
  - h) external lighting designed to minimise light spill and glare on adjoining properties;
  - i) storage of plant and equipment to be screened or remote from public areas, particularly from the street, and provision made on site for a loading bay where the land use requires it; and
  - j) use of 'on building' signage where the building addresses the street, and where 'freestanding' signage is necessary it should either be affixed to a front fence, or located adjacent to it at a height that is compatible with the setting.

### **32. Street Setback Areas**

1. The street setback area shall not be used for any purpose other than a means of access; daily parking of vehicles; loading and unloading of vehicles; and/or landscaping and shall not be used for the parking of vehicles that are being wrecked or repaired, stacking or storage of fuel, raw materials, products or by-products, or waste products of any sort.
2. In the Commercial zone, the street setback area 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.

### **33. Waste Disposal and Untidy Sites**

1. Land shall not be used for storage or the disposal of rubbish or industrial wastes (whether liquid or solid) without development approval.
2. Land 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.

### **34. Landscaping**

1. Where required under the Scheme including requirements in Table 7, landscaping shall be an open area designed, developed and maintained as garden planting and

areas for pedestrian use.

2. At the discretion of the responsible authority natural bushland, swimming pools, areas under covered ways and access driveways between street alignment and any buildings may be included within the landscaping requirement, however, car parking areas, other driveways, garbage collection, handling spaces and other open storage areas shall not be included.
3. 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 metres shall be planted for every ten square metres of landscape area and a landscaping strip with a minimum width of two metres along the street frontage of any non-residential sites in townsites to improve the site's visual appearance.
4. The responsible authority 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.
5. 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.

### **35. Environmental Protection**

1. Development shall ensure that potential impacts on environmental values will be addressed including potential impact on land degradation (e.g. salinity) and waterway protection (and their buffers) to the satisfaction of the responsible authority and relevant public agency.
2. The responsible authority may impose conditions on any development approval requiring the retention and protection of existing vegetation (e.g. through fencing) and/or the planting of additional vegetation.
3. 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. Prior to forming an opinion and issuing an order pursuant to this clause the local government shall seek and obtain advice from the Department of Primary Industries and Regional Development and any other government agency with a potential interest in the matter.

### **36. Vehicle Access and Road Construction**

1. The responsible authority shall be satisfied arrangements for vehicle access are acceptable including the location of access points and construction, with regard to the impact of the proposed land use and expected traffic volume and composition on traffic flow and safety, the character and function of the road, the volume and the width of the carriageway and visibility; and the ultimate volume and type of traffic generated by the development.
2. The responsible authority may not allow more than one vehicular entrance or exit to or from any lot or may require separate entrances and exits, and/or require that entrances and exits be placed in positions nominated by it, to avoid or to reduce traffic hazards.
3. Development shall have direct access to a constructed road or arrangements shall be put in place to the satisfaction of the responsibility authority to provide permanent

access to a constructed road which may include conditions to require an application to construct and maintain or contribute towards road construction, pay a sum of money to the local government towards road construction, and/or place a notification on title that alternative access arrangements must be maintained legally and physically.

4. The responsible authority 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 responsible authority.

### **37. Development on Distributor Roads**

1. Development on lots abutting roads classified Primary Distributor Roads, Regional Distributor Roads or Local Distributor is subject to these requirements:
  - a) Applications on roads 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;
  - b) The proposal shall not intensify traffic movements which would limit the road to operate for its intended purpose or contribute to unsafe access and roads and the type of vehicles accessing the road from the site is consistent with the intended road use;
  - c) Access is to be taken from a local road or from a public right-of-way, private right-of-way, laneway or private road where available; and
  - d) Where vehicular access is only available from a distributor 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.

### **38. Parking**

1. Land and buildings shall not be used or developed for any use mentioned in Table 7 unless off street parking is provided in accordance with the requirements set out therein; or for any use not mentioned in Table 7 unless off street parking is provided, as determined by the responsible authority.
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 responsible authority; and
  - c) Integrated with any existing adjoining car park.
3. Where an applicant/landowner can demonstrate to the satisfaction of the responsible authority that there is not the demand for the number of car parking spaces specified in Table 7, landscaping may be provided in lieu of car parking spaces and the landscaping shall be included in calculations as car parking but not as landscaping.
4. The number of car parking spaces proposed to be provided may be 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 responsible authority 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.

### **39. Servicing Requirements**

1. Development is to be serviced with power, water supply, wastewater and effluent disposal to a level commensurate with the intended land use, with arrangements in place to the satisfaction of the responsible authority and relevant agencies and in accordance with subclauses 40-42 and any other clauses for servicing requirements in this Scheme.

### **40. Wastewater Disposal**

1. Wastewater disposal shall be in accordance with requirements of Government Sewerage Policy.
2. Development within the Calingiri and Yerecoin townsites which exceed the R5 density or on lots less than 2,000m<sup>2</sup> is to be connected to reticulated sewerage, unless 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 responsible authority and the Department responsible for Health and in accordance with Government Sewerage Policy.
3. Where development is proposed without connection to reticulated sewerage in the Scheme area it shall be in accordance with Government Sewerage Policy applicable at the time including minimum lot sizes, site suitability for on-site wastewater disposal and the density of development to the satisfaction of the responsible authority.
4. Unsewered industrial development will be restricted to 'dry industry' type (i.e. industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1,000m<sup>2</sup>).

### **41. Drainage**

1. Development shall ensure that the drainage conditions of the locality will not be impaired which may require demonstration of this to the responsible authority and/or site works to ensure that all drainage is to the local government's satisfaction.
2. A habitable building shall not be constructed upon any land identified or defined by the local government or the Department responsible for Water and Environmental Regulation as being liable to flooding or inundation.
3. The responsible authority may impose conditions on any development approval issued to ameliorate any potential flood risk.

### **42. Water Supply**

1. Development shall have access to a suitable potable water supply and arrangements to be in place for provision of the potable water supply to the satisfaction of the local government or a licenced water provider.
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.
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 this 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.

#### **43. Rural Residential Zone**

1. Only one (1) dwelling will be permitted on any lot in the Rural Residential zone.
2. All dwellings in the Rural Residential zone shall be developed in accordance with all the R2 requirements of the R-Codes, with the exception of lot area.
3. The local government/responsible authority may require a Structure Plan prepared by the proponent and endorsed by the Western Australian Planning Commission in the Rural Residential Zone prior to any development being approved or rezoning or subdivision being recommended for approval.
4. An ancillary dwelling in the Rural Residential zone must be no greater than 100m<sup>2</sup>, co-located with the single house and shall be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.
5. Additional requirements for specific sites in the Rural Residential Zone are outlined in Schedule 2.

#### **44. Rural Zone**

1. Within the Rural zone all dwellings and associated outbuildings, external fixtures, patios, pergolas, verandas, garages, carports or swimming pools as well as all non-residential developments such as 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.
2. Tourist and workforce accommodation proposals in the Rural zone shall comply with clauses (a) and (b):
  - a) buildings to be suitably located and set back with sufficient buffers from neighbouring rural lot boundaries so as to minimise land use conflict with surrounding agricultural uses and activities; and
  - b) potential bushfire risk and any proposed risk mitigation measures are to be addressed.
3. Development in the Rural zone shall address both on-site and off-site impacts and, where deemed necessary by the responsible authority, such proposals shall be accompanied by information to address and identify:
  - a) environmental values and any environmental risks;
  - b) the potential for land use conflict including impacts and restrictions on approved uses on adjacent or nearby locations; and
  - c) the separation distances and/or buffers relating to a potentially incompatible

land use which need to be provided on-site.

4. Where an industrial type or other use is permissible in the 'Rural' zone and requires a buffer as prescribed in the Environmental Protection Authority's Buffer Distance Guidelines, the buffer area is not to impact upon existing or proposed residential development.
5. An ancillary dwelling in the Rural zone must be no greater than 100m<sup>2</sup>, be co-located with the single house, must allow for the continued use of the lot for rural purposes and shall be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.

#### **45. Caretakers Dwellings**

1. Only one (1) caretaker's dwelling shall be permitted on each lot and it shall be located at the rear of a lot.
2. A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation.
3. The local government will not support the subdivision or development of land in an industrial zone that will allow the dwelling to be sold separately from the industrial use of the land or restrict the use of the land for industrial purposes.
4. Each caretaker's dwelling shall contain only one bedroom and shall have a maximum floor area of 100m<sup>2</sup> measured from the external face of the walls.
5. Open verandas may be permitted but are not to be enclosed by any means unless the total floor area remains less than 100m<sup>2</sup>.

#### **46. Second-Hand and Repurposed Dwellings**

1. The responsible authority shall be satisfied that a second-hand dwelling or repurposed dwelling is consistent with the zone objectives of which it is proposed to be located.
2. The design of a second-hand dwelling or repurposed dwelling shall be to the satisfaction of the responsible authority 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 responsible authority, adversely affect the amenity of other properties in the immediate locality.
3. A second-hand or repurposed dwelling is to be in satisfactory condition and any internal or external material containing asbestos fibres must be removed prior to the dwelling or building being transported within or into the scheme area.
4. The responsible authority 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 responsible authority and, where the building is considered by the responsible authority to be exposed, or in a visually prominent position, it may require satisfactory landscaping measures, or the like, to be carried out.

#### **47. Sea Containers/Shipping containers**

1. A sea container or shipping container, where located on the same lot as a dwelling, is classed as an outbuilding to which the R-Codes apply and where not located on the same lot as a dwelling it will typically fall under the land use of warehouse/storage.
2. A sea container or shipping container shall be constructed and/or upgraded to a



standard that ensures the visual amenity of the area is not adversely impacted and may be refused if it is considered to have an adverse impact on visual amenity of the locality.

#### **48. Regional Facilities**

1. Where there are proposals, including scheme amendments or development applications, for a regional facility, such as waste facilities and resource recovery facilities, these shall demonstrate that:
  - a) facilities shall be located on a main road or on a road that is of a suitable standard and treatment, to accommodate significant increase in traffic volumes and freight tasks which may be generated by the proposal;
  - b) facilities shall contain or satisfactorily manage potential environmental (including water resources), noise, amenity and air quality impacts on the landholding without affecting nearby rural land uses;
  - c) facilities shall not be visually dominant within key viewsheds, and should be visually compatible with surrounding land uses and development; and
  - d) facilities shall be provided with essential services commensurate with the intended land use.

#### **49. Advertisements**

1. 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 and Development Act 2005 and requires development approval, unless it is an exempted advertisement as listed in Schedule 2 of the Scheme Text.

#### **50. Requirement for Consultation to Commence Mining**

1. In considering proposals to commercially extract minerals, the local government may, in keeping with s120 of the *Mining Act 1978*, 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.

11. Inserting model general definitions and definitions for land uses in the zoning table into Schedule 1 Dictionary of Defined Words and Expressions and the following definitions and amendments:

**animal husbandry - intensive** - means 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 but excludes 'agriculture - extensive'.

**fast food outlet** - 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.

**hotel** - means premises providing accommodation the subject of a hotel licence under the Liquor Licencing Act 1988 and may include a betting agency on those premises but does not include a tavern or motel.

**industry - rural** means premises used for than industry that:

- a) supports and/or is associated with primary production; or
- b) services plant or equipment used in primary production.

**repurposed dwelling** - means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.

**second hand dwelling** means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a modular home or transportable dwelling.

Replace "or" with "and/or" in **service station** definition.

12. Modify the scheme to renumber any clauses, tables or schedules as required due to modifications above and address any editorial matters necessary to correct formatting, numbering, administrative matters and inconsistencies.

**PAULINE BANTOCK  
SHIRE PRESIDENT**

**GLEND A TEEDE  
CHIEF EXECUTIVE OFFICER**