

SHIRE OF VICTORIA PLAINS

Local Planning Scheme No. 5

Updated to include AMD 1 GG 22/09/2017



Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
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Shire of Victoria Plains LPS 5 – Text Amendments

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
	15/03/12		NM	Scheme Gazettal.
1	22/09/17	27/09/17	GM	<p>Deleted the following clauses from the Scheme text, as these clauses have been superseded by the deemed provisions set out in the <i>planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2:</p> <ul style="list-style-type: none"> • Parts 2, 7, 8, 9, 10 and 11 in their entirety; • Clause 5.9 and 5.10 in their entirety; • Schedules 6, 7, 8 and 9 in their entirety. <p>Inserted reference to the deemed provisions in the Preamble. Inserted new sub-clauses (b) and (c) into Part 1.4. Inserted new Schedule A – Supplemental Provisions. Amended the following clauses by removing the cross reference to the clause deleted by the amendment and replacing them with cross reference to the deemed provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2:</p> <ul style="list-style-type: none"> • Clause 3.4.1: Part 7 • Clause 3.4.2(a): clause 67 • Clause 4.3.2 'A': clause 64 • Clause 4.3.3 Note 3: clause 67 • Clause 4.4.2(b): clause 64 • Clause 4.8(c): clause 80(1) • Clause 4.9.2: clause 64 • Clause 5.4.2: clause 64 • Clause 5.5.2(a): clause 64 • Clause 5.5.3(a): clause 67 <p>Deleted reference to the following terms and replaced them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> • 'planning approval' with 'development approval'; • Local Government Authority with Local Government; • 'council' with 'local government'; • 'outline development plan' with 'structure plan'; • 'Town Planning Scheme' with 'Local Planning Scheme'; • 'Town Planning Regulations 1967' with 'Planning and Development (Local Planning Schemes) Regulations 2015'; • Planning and Development Act with <i>Planning and Development Act 2005</i>. <p>Amended Table 1 – Zoning Table by amending use classes to more accurately reflect land use terms in Part 6 of the model provisions as follows –</p> <ul style="list-style-type: none"> • 'Short-stay accommodation' with 'Tourist development' • 'Restaurant' to 'Restaurant / café' • 'Showroom' to 'Bulky goods showroom' • 'Fuel depot' to 'Transport depot' • 'Industry – Rural' with 'Industry – primary production' • 'Warehouse' to 'Warehouse / storage' • 'Agroforestry' with 'Tree farm' • 'Rural pursuit' to 'Rural pursuit / hobby farm' • Delete 'Storage' • Re-ordered use classes to retain alphabetical sequence in the sub-sections. <p>Modified Schedule 1 – Dictionary of Defined Words and Expressions to establish consistency with land use terms in Part 6 of Schedule 1 of the Regulations and to retain definitions from the <i>Town Planning Regulations 1967</i> where these terms are not reflected in the 2015 Regulations as follows:</p> <ul style="list-style-type: none"> • Modified the introductory paragraph to read 'The general definitions and land use terms in Part 6 of the Model provisions for local planning schemes as current including any amendments apply'; • Deleted the 'Holiday accommodation', 'Rural Home

				<p>Business', 'Short Stay Accommodation', Industry – hazardous' and 'Workers accommodation definitions;</p> <ul style="list-style-type: none"> • Added definitions for 'Industry-cottage', 'Industry – general', 'Industry-service', Industry – mining' as reflected in the repealed Town Planning Regulations 1967; • Added definitions for 'lunch bar' • Re-ordered definitions to retain alphabetical sequence. <p>Clause 3.2 – replaced “moveable buildings” with “second-hand dwellings”.</p> <p>Clause 5.3(b) deleted as it is inconsistent with the deemed provisions.</p> <p>Clause 5.7 – replaced reference to Part 4 with Part 2 and 3.</p> <p>Clause 5.8.6 – corrected spelling of 'verandahs'.</p> <p>Schedule 3 – Restricted Uses – amended RU1 by replacing 'showroom' with 'bulky goods showroom' and 'industry – rural' with 'industry – primary production'.</p> <p>Schedule 5 – Exempted Advertisements – replaced 'showrooms' with 'bulky goods showrooms' and 'warehouse' with 'warehouse/storage'.</p> <p>Included '2005' after each reference to the Planning and Development Act.</p> <p>Renumbered the scheme provisions and schedules sequentially and updated any cross referencing to the new clause numbers and deemed provisions as required.</p>

**Shire of Victoria Plains
Local Planning Scheme No. 5**

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

Preamble

This Local Planning Scheme of the Shire of Victoria Plains consists of this Scheme Text, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.

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

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses.

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PART 1 – PRELIMINARY

1.1 CITATION

1.1.1 The Shire of Victoria Plains Scheme No. 5 (“**the Scheme**”) comes into operation on its Gazettal date.

1.1.2 The following are hereby revoked—

- Shire of Victoria Plains Local Planning Scheme No 4 - gazetted 9 April 1999.

1.2 RESPONSIBLE AUTHORITY

The Shire of Victoria Plains is the responsible authority for implementing the Scheme.

1.3 SCHEME AREA

The Scheme applies to the Scheme area that covers the entire local government district of the Shire of Victoria Plains as shown on the Scheme Map.

1.4 CONTENTS OF SCHEME

The Scheme comprises -

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- (a) the Scheme Text;
- (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
- (c) the supplemental provisions contained in Schedule A; and
- (d) the Scheme Map (Sheets 1 – 10).

The Scheme is to be read in conjunction with the Local Planning Strategy.

1.5 PURPOSES OF SCHEME

The purposes of the Scheme are to —

- (a) set out the local government's planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the Schedule Seven to the *Planning and Development Act 2005*.

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are —

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the local government area.

1.7 DEFINITIONS

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have —

- (a) in the *Planning and Development Act 2005*; or
- (b) if they are not defined in that Act —
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary in Schedule 1, the Model Scheme Text and the meaning of that word or expression in the Residential Design Codes –

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in Schedule 1 prevails.

1.7.3 Notes, and instructions printed in italics, are not part of the Scheme.

1.8 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9 RELATIONSHIP WITH OTHER SCHEMES

There are no other Schemes of the Shire of Victoria Plains which apply to the Scheme area.

PART 2 – RESERVES

2.1 RESERVES

Certain lands within the Scheme area are classified as Local Reserves.

2.2 REGIONAL RESERVES

There are no regional reserves in the Scheme area.

2.3 LOCAL RESERVES

'Local Reserves' are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

OBJECTIVES OF THE LOCAL RESERVES

Conservation Local Reserves

The objectives are;

- To ensure proper management procedures are in place to protect the biodiversity of the Reserves for the future;
- To ensure the protection and conservation of existing Crown Land regardless of the use for which the Reserve is vested.
- To prohibit any new use or development that is considered to be contrary to the continued conservation or intended conservation of the land.
- To provide for areas requiring improved environmental management measures or upgrades due to degradation or inappropriate use.

Parks and Recreation Local Reserves

The objectives are;

- To provide for formal and structured recreational activities and sporting facilities that are deemed appropriate to service the surrounding residents.
- To provide for passive recreational uses, parklands, amenities and buffer areas that are deemed appropriate for use and enjoyment by the surrounding residents.

Public Purposes Local Reserves

The objectives are;

- To provide public facilities, uses and other purposes that are required to service urban development.
- To protect land from activities considered inappropriate to the successful continued use of public purpose facilities.

2.4 USE AND DEVELOPMENT OF LOCAL RESERVES

- 2.4.1 A person must not — *AMD 1 GG 22/09/17*
- (a) use a Local Reserve; or
 - (b) commence or carry out development on a Local Reserve,
- without first having obtained development approval under Part 7 of the Scheme.
- 2.4.2 In determining an application for development approval the local government is to have due regard to — *AMD 1 GG 22/09/17*
- (a) the matters set out in Clause 67 of the deemed provisions; and
 - (b) the ultimate purpose intended for the Local Reserve.
- 2.4.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

PART 3 - ZONES AND THE USE OF LAND

3.1 ZONES

3.1.1 The Scheme area is classified into the zones shown on the Scheme Map.

3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are —

RESIDENTIAL ZONE

The objectives are;

- To provide for predominantly residential development with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes of Western Australia.
 - Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
 - A non-residential use shall only be permitted if the use does not detract from the amenity of the area.
 - To ensure that any second-hand dwellings are either finished to the local government's satisfaction, or are removed where not completed to the local government's satisfaction.
- AMD 1 GG 22/09/17*

COMMERCIAL ZONE

The objectives are;

- To maintain a compact and accessible centre.
- To centralise commercial and service functions.
- To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- To preclude the storage of bulky and unsightly goods where they may be in public view.
- 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.
- To provide sheltered places for pedestrians.
- To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.
- To provide for residential uses only where the uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

INDUSTRY ZONE

The objectives are;

- To provide for general industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.
- To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in the town.
- To provide a location where separate heavy vehicular access is provided.
- To provide a location for depots, warehouses, and large vehicle parking and servicing areas.

SERVICE INDUSTRY ZONE

The objectives are;

- To provide for service industries and light industries that will not have a detrimental affect on nearby residential areas.
- To provide a transition zone for uses that are not general industrial but may require buildings with an industrial appearance.

TOWNSITE ZONE

The objectives are;

- To maintain a small town atmosphere.
- To allow a variety of uses necessary to service the normal functions of a small townsite.
- To provide for residential development and a range of commercial, industrial and other uses considered appropriate in small towns.

SPECIAL USE ZONE

The objectives are;

- To provide an area where special uses can be operated under the specific control of the local government in order to maintain the safety, health and welfare of surrounding users.
- To enable the local government to impose specific conditions to restrict the use and operation of any development that would normally not fit within the ambit of any other zone in this Scheme.

RURAL RESIDENTIAL ZONE

The objectives are;

- To encourage development for the purpose of closer settlement on land which is suitable for such a purpose, without impacting on the continued rural operation of adjoining land.

- To ensure that development maintains the rural character of the locality, maintains a high level of amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.
- To discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone.
- To encourage rural residential subdivision where it is reasonable and economic to provide or extend services and facilities.
- To promote and encourage cluster subdivision and other innovative rural residential designs, having consideration for conservation values.
- To encourage the provision of community facilities and emergency services in the vicinity of rural residential developments.
- To encourage the provision of vegetation and fauna corridors and the revegetation of the land to adequately protect any areas or sites of conservation value within the design.
- To encourage rural residential subdivision by permitting a range of lot sizes in conventional subdivision subject to a general minimum lot size of 2 hectare with an average minimum lot size of approximately 4 hectares and providing greater flexibility for lots created within appropriate cluster subdivisions or by strata title subdivision, dependent upon the special physical characteristics of the land.
- To ensure the land is provided with road, electricity, communication services and, where appropriate and practical, water services.

RURAL ZONE

The objectives are;

- To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.
- To protect the land from closer development which would detract from the rural character and amenity of the area.
- To prevent any development which may affect the viability of a holding.

The zones are delineated and depicted on the Scheme Map according to the legend thereon.

3.3 ZONING TABLE

3.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various local reserves and zones. The permissibility of any uses is determined by cross-reference between the list of use classes on the left-hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.3.2 The symbols used in the cross-reference in the Zoning Table have the following meanings —

'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;

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'X' means a use that is not permitted by the Scheme.

3.3.3 A change in the use of land from one use to another is permitted if —

(a) the local government has exercised its discretion by granting development approval;

(b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

(c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or

(d) the change is to an incidental use that does not change the predominant use of the land.

Note: 1. The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in Clause 67 of the deemed provisions.

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4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

TABLE 1 - ZONING TABLE

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
RESIDENTIAL							
Aged or dependent persons dwelling	P	X	X	X	D	X	X
Caretaker's dwelling	X	D	D	D	X	X	X
Grouped dwelling	P	D	X	X	D	X	X
Home business	D	D	D	D	D	D	D
Home occupation	D	D	D	D	D	D	D
Home office	D	D	D	D	D	D	D
Home store	A	D	D	D	D	D	A
Park home park	X	A	X	X	A	X	X
Residential building	A	X	X	X	D	X	X
Single house	P	A	X	X	P	P	P
TOURIST AND ENTERTAINMENT							
Amusement parlour	X	D	X	A	A	X	X
Bed and breakfast	A	D	X	X	D	D	D
Hotel	X	P	X	X	A	X	X
Motel	X	D	X	X	A	X	X
Tavern	X	P	X	X	A	X	X
Tourist development <i>AMD 1 GG 22/09/17</i>	X	D	X	X	D	X	A
COMMERCE							
Betting agency	X	P	X	X	A	X	X
Bulky Goods Showroom <i>AMD 1 GG 22/09/17</i>	X	D	P	P	A	X	X
Cinema/theatre	X	P	X	X	A	X	X
Consulting rooms	X	D	X	X	A	X	X
Convenience store	A	P	X	X	A	X	X
Fast food outlet	X	D	X	X	A	X	X
Lunch bar	X	P	X	D	A	X	X
Market	X	D	X	D	D	X	X
Medical centre	X	D	X	X	D	X	X
Motor vehicle wash	X	D	X	P	A	X	X
Motor vehicle, boat or caravan sales	X	D	X	D	A	X	X
Night club	X	D	X	X	X	X	X
Office	X	P	X	X	D	X	X
Reception centre	X	P	X	X	A	X	X
Restaurant/Café <i>AMD 1 GG 22/09/17</i>	X	P	X	X	A	X	A
Restricted premises	X	P	X	X	A	X	X
Service Station	X	D	X	P	A	X	X
Shop	X	P	X	X	A	X	X
Trade display	X	D	P	P	A	X	X
OTHER							
Funeral parlour	X	A	X	P	A	X	X
Essential service utility	D	D	D	D	D	D	D
Telecommunications infrastructure	D	D	D	P	D	A	D

Veterinary centre	X	A	D	P	A	X	A
INDUSTRY							
Industry – cottage	A	D	X	P	D	A	A
Industry – extractive	X	X	X	X	X	X	D
Industry – general	X	X	X	D	X	X	X
Industry – light	X	X	P	P	A	X	X
Industry – mining	X	X	X	A	X	X	P
Industry – primary production <i>AMD 1 GG 22/09/17</i>	X	X	A	P	X	X	D
Industry – service	X	D	P	P	A	X	X
Motor vehicle repair	X	D	P	P	A	X	X
Storage	<i>DELETED BY AMD 1 GG 22/09/17</i>						
Transport depot <i>AMD 1 GG 22/09/17</i>	X	X	X	A	X	X	X
Warehouse/storage <i>AMD 1 GG 22/09/17</i>	X	D	P	P	A	X	X
Winery	X	X	X	X	A	X	D
CIVIC AND COMMUNITY							
Child care premises	X	D	X	X	D	X	X
Civic use	D	D	X	D	D	X	X
Club premises	D	D	X	D	A	X	X
Community purpose	A	P	X	A	D	X	X
Educational establishment	X	P	X	A	A	X	X
Exhibition centre	X	D	D	X	A	X	X
Family day care	A	D	X	X	D	A	A
Recreation – private	D	D	D	D	D	D	D
RURAL							
Agriculture – extensive	X	X	X	X	X	X	P
Agriculture – intensive	X	X	X	X	X	X	D
Animal establishment	X	X	X	A	A	X	A
Animal husbandry – intensive	X	X	X	A	X	X	A
Plantation	X	X	X	X	X	X	D
Rural home business	X	X	X	X	D	D	D
Rural pursuit/hobby farm <i>AMD 1 GG 22/09/17</i>	X	X	X	X	X	D	D
Tree farm <i>AMD 1 GG 22/09/17</i>	X	X	X	X	X	X	A

3.4 INTERPRETATION OF THE ZONING TABLE

3.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval; or
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- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

3.5 ADDITIONAL USES

There are no additional uses which apply to the Scheme.

3.6 RESTRICTED USES

There are no restricted uses which apply to the Scheme.

3.7 SPECIAL USE ZONES

3.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

3.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

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

3.8 NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent –

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to Clause 80(1), the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.
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Note: "Land" has the same meaning as in the Planning and Development Act 2005 and includes houses, buildings and other works and structures.

3.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

3.9.1 A person must not –

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained development approval under the Scheme.

3.9.2 An application for development approval under this clause is to be advertised in accordance with Clause 44 of the deemed provisions. *AMD 1 GG 22/09/17*

3.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

3.10 DISCONTINUANCE OF NON-CONFORMING USE

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

3.11 TERMINATION OF A NON-CONFORMING USE

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Sections 190 and 191 of the Planning and Development Act 2005 enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a local planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.

3.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the local government.

PART 4 - GENERAL DEVELOPMENT REQUIREMENTS

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with the provisions of the Scheme.

4.2 RESIDENTIAL DESIGN CODES

4.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

4.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

4.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

4.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

AMD 1 GG 22/09/17

(a) The Residential Design Code for land zoned 'Residential' and 'Commercial' shall be R10/25 unless otherwise indicated on the Scheme Maps.

(b) The local government shall not approve a residential development with a density exceeding R10 unless the local government is satisfied that an alternative sewerage disposal system can be installed and managed or is otherwise in accordance with the provisions of any Government Sewerage Policy.

4.4 RESTRICTIVE COVENANTS

4.4.1 Subject to clause 4.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

4.4.2 Where clause 4.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant development approval to the development of the land which would, but for the operation of clause 4.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of Clause 64 of the deemed provisions. *AMD 1 GG 22/09/17*

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

- 4.5.2 In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —
- (a) consult the affected parties by following one or more of the provisions for advertising uses under Clause 64 of the deemed provisions; and
AMD 1 GG 22/09/17
 - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 4.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that —
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and
AMD 1 GG 22/09/17
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.6 ENVIRONMENTAL CONDITIONS

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

4.7 SITE AND DEVELOPMENT REQUIREMENTS

Any development that is permitted under the provisions of Part 2 and Part 3 of this Scheme shall conform to the requirements for that use as specified in Table 2 - Development Table, or in the Residential Design Codes for residential development.
AMD 1 GG 22/09/17

4.7.1 Development Requirements

Where development standards for a particular use are not set out in this Scheme, the development standards applicable shall be determined by the local government.

4.7.2 Combined Uses

Where two or more uses are combined in a single development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the local government shall determine.

4.7.3 Industrial Development

Unsewered industrial development will be restricted to 'dry industry' type (ie. industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1000m²).

TABLE 2 - DEVELOPMENT TABLE

CONTROLS USE	MINIMUM BOUNDARY SETBACK (metres)			MAXIMUM PLOT RATIO	MINIMUM LANDSCAPED AREA (%)	MINIMUM NUMBER OF ON- SITE CAR PARKING BAYS
	FRONT	REAR (average)	SIDES			
Child Care Centre	7.5	7.5	*	*	*	1 for each employee.
Club Premises	*	*	*	0.5	*	1 for every 45m ² of gross floor area.
Community Purpose	*	*	*	*	10	1 for every 4 persons whom the building is designed to accommodate.
Consulting Rooms	*	*	*		30 in Res Zone	1 for every 30m ² of gross floor area, plus 1 for each person employed.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the local government.
Funeral Parlour	*	*	*	*	10	As determined by the local government, (minimum 6).
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 2m ² of bar and lounge area.
Industrial - Service	7.5	7.5	*	*	10	1 per 2 employees.
Industrial - Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial - General	7.5	7.5	*	*	15	1 per 2 employees.
Motel	9.0	7.5	3.0 per storey	1.0	30	1 per unit, plus 1 space per 25m ² of service area.
Motor Vehicle, Boat or Caravan Sales	*	*	*	*	5	1 for every 250m ² of sales area, plus 1 for every person employed on site.
Office	*	*	*	*	*	1 for every 30m ² plot ratio area.
Restaurant	*	*	*	*	*	1 for every 10m ² of gross floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15m ² of gross floor area.
Showroom	*	*	*	*	10	1 for every 100m ² of gross floor area.

- NOTES:
- i) * means 'to be determined by the local government' in each particular case.
 - ii) Landscaping to be generally at the street frontage.

4.7.4 Rural Residential Development

- 4.7.4.1 Only one dwelling will be permitted on any lot in the Rural Residential zone.
- 4.7.4.2 All dwellings shall be developed in accordance with all the R2 requirements of the Residential Design Codes, with the exception of lot area.
- 4.7.4.3 Provision must be made for all dwellings to be connected to a reticulated potable water supply or have appropriate provision for alternative potable water supply to the satisfaction of the appropriate authority.
- 4.7.4.4 The local government may require a Development Plan be prepared by the proponent and endorsed by the local government in the Rural Residential Zone prior to any development being approved or subdivision being recommended for approval.

4.7.5 Rural Zone

Notwithstanding the right to develop a single house on an existing lot, residential development in the 'Rural' Zone shall comply with the specific requirements of the local government, however these shall not be lesser than those specified for the Residential Design Code 'R2'.

4.8 CARETAKER'S DWELLING

The provisions of this clause apply to all caretakers' dwellings in the Industrial zone.

- 4.8.1 A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation.
- 4.8.2 Only a single caretaker's dwelling shall be permitted on each lot and it shall be located at the rear of a lot zoned Industrial.
- 4.8.3 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;
 - restrict the use of the land for industrial purposes.
- 4.8.4 A caretaker's dwelling shall contain only 1 bedroom.
- 4.8.5 A caretaker's dwelling shall have a maximum floor area of 100m² measured from the external face of the walls.
- 4.8.6 Open verandas may be permitted but are not to be enclosed by any means unless the total floor area remains less than 100m².

PART 5 - SPECIAL CONTROL AREAS

5.1 OPERATION OF SPECIAL CONTROL AREAS

5.1.1 The following special control areas apply to the Scheme as shown on the Scheme Map.

There are no Special control areas.

5.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

SCHEDULE 1 — DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

The general definitions and land use terms in Part 6 of the Model provisions for local planning schemes as current including any amendments apply. *AMD 1 GG 22/09/17*

'Essential service utility' - means any work or undertaking constructed or maintained by a service agency as may be required to provide water, sewerage, electricity, gas, drainage or other similar essential services;

'Industry - Cottage' – means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which – *AMD 1 GG 22/09/17*

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

'Industry - General' – means an industry other than a cottage, extractive, light, mining, rural or service industry; *AMD 1 GG 22/09/17*

'Industry – Mining' – means land used commercially to extract minerals from the land; *AMD 1 GG 22/09/17*

'Industry – Service' – means - *AMD 1 GG 22/09/17*

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

'Lunch Bar' - means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial and commercial areas. *AMD 1 GG 22/09/17*

'Rural Home Business' – *DELETED BY AMD 1 GG 22/09/17*

'Short Stay Accommodation' - *DELETED BY AMD 1 GG 22/09/17*

SCHEDULE 2 — ADDITIONAL USES

There are no additional uses that apply to the Scheme.

No.	Description of land	Additional use	Conditions

SCHEDULE 3 — RESTRICTED USES

No.	Description of land	Restricted use	Conditions
RU1	Lot 23 Emmanuel Street, Bolgart <i>AMD 1 GG 22/09/17</i>	Those uses which may be permitted within the Industry Zone, as set out in Table 1 - Zoning Table with the following modifications: 1 Motor vehicle wash, service station, bulky goods showroom, Industry-service and motor vehicle repair from 'P' to 'D' 2 Fuel depot, industry – primary production and industry - mining to become not permitted ('X').	Development approval is required. Applications for approval shall address the potential impact of the industrial use on the adjoining sensitive uses, including EPA buffer requirements.

SCHEDULE 4 — SPECIAL USE ZONES

No.	Description of land	Special use	Conditions
1	Lot 1 of Melbourne Loc 1991	Satellite Communications Facility (European Space Agency)	As determined by the local government

SCHEDULE 5 — EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN ¹	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Bulky Goods Showrooms and other uses appropriate to a Shopping Area. <i>AMD 1 GG 22/09/17</i>	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse/Storage Premises <i>AMD 1 GG 22/09/17</i>	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m. Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Bulky Goods Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes <i>AMD 1 GG 22/09/17</i>	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A N/A

¹ Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

	<p>b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government, and</p> <p>c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

SCHEDULE 6 — ENVIRONMENTAL CONDITIONS

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE 7 —RURAL RESIDENTIAL ZONES

Land Description	Rural Residential No.	Special Conditions
<p>Lot 21 Bindi Bindi-Toodyay Road, Bolgart</p>	<p>1</p>	<ol style="list-style-type: none"> 1. Subdivision shall generally be in accordance with the Structure Plan as adopted by local government and endorsed by the Western Australian Planning Commission. 2. All development in the Rural Residential Zone, including the erection of a single dwelling, requires the planning consent of the local government. 3. All buildings and onsite effluent disposal systems shall be limited to within defined building envelopes shown on the Structure Plan. 4. Direct vehicular access to the Bindi Bindi-Toodyay Road shall be limited to the subdivisional road as shown on the Structure Plan. 5. As a condition of subdivision, the subdivider shall prepare a Fire Management Plan, which should incorporate, but not be limited to, strategic firebreaks and the provision of a water supply for fire fighting purposes within the subdivision. 6. Strategic firebreaks as shown on the Structure Plan shall be constructed as a condition of subdivision and maintained to local government's standards. 7. No natural vegetation shall be removed without prior written consent of the local government unless its removal is necessary for construction of a building, firebreak or boundary fence. 8. In the interests of landscape protection, a 10m wide buffer adjoining Bindi Bindi-Toodyay Road, as depicted on the Structure Plan, shall be planted with a row of indigenous vegetation by the subdivider as a condition of subdivision approval. 9. A vegetated buffer is to be maintained along the natural drainage line of the property. 10. Conventional effluent disposal systems (septic and leach drain systems) are to be set back a minimum of 100m from any wetland or watercourse and Alternative

		<p>Treatment Units set back 50m. No dwelling shall be approved for occupation unless it is connected to an on-site effluent disposal system to the satisfaction of the local government.</p> <p>11. No dwelling shall be approved for occupation unless it is connected to a rainwater tank with a minimum storage capacity of 120,000 litres to the satisfaction of the local government and demonstrates a minimum roof catchment area of 330 sqm, comprising dwelling and outbuildings.</p> <p>12. As a condition of subdivision a notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of the special provisions in the Scheme relating to water supply and roof catchment requirements.</p> <p>13. Animal stocking rates are to be in accordance with the Department of Agriculture's recommended stocking rates.</p> <p>14. All fencing within the Rural Residential zone shall retain the rural character of the area. The use of concrete sheeting, metal sheeting or wooden pickets is prohibited.</p> <p>15. These conditions are to be read in conjunction with the Scheme requirements for Rural Residential Zone. Where conflict exists, the conditions of the schedule will prevail.</p>
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SCHEDULE A – SUPPLEMENTAL PROVISIONS

AMD 1 GG 22/09/17

Clause 61(1)

- (k) the erection or installation of a sign or advertisement of a class specified in Schedule 5 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) entered in Schedule 7 and subject to a special condition that requires development approval.

- (m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone (where the R Codes do not apply) 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.

- (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 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.

ADOPTION

PLANNING AND DEVELOPMENT ACT 2005

Shire of Victoria Plains

LOCAL PLANNING SCHEME No. 5

Adopted by resolution of the Council of the Shire of Victoria Plains at the Ordinary Meeting of the Council held on the day of20....

.....
SHIRE PRESIDENT Date

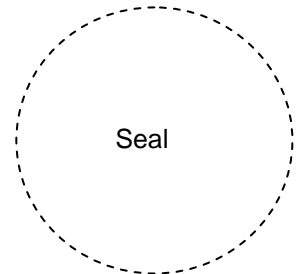
.....
CHIEF EXECUTIVE OFFICER Date

FINAL APPROVAL

Adopted for final approval of the Shire of Victoria Plains at the meeting of Council held on the day of 20.... and the Common Seal of the Shire of Victoria Plains was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT Date

.....
CHIEF EXECUTIVE OFFICER Date



RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
DELEGATED UNDER S.16 OF PD ACT 2005 Date

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING Date