

## **Preamble**

This Local Planning Scheme of the Shire of Koorda consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read in conjunction with the Local Planning Strategy for the Shire.

Part 2 of the Scheme Text sets 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 planning approval, enforcement of the Scheme provisions and non-conforming uses.

Queries regarding any aspect of the Scheme and how it may affect proposals for future development and use of land within the local government district should be directed to the Shire of Koorda Administration Centre, Allenby Street, Koorda (Tel: (08) 9684 1219, Fax (08) 9684 1379).

## **Shire of Koorda**

### **Local Planning Scheme No. 3**

#### **November 2012**

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

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- Part 3 **Reserves** - sets out the local reserves that apply in the Scheme area and related provisions.
- Part 4 **Zones and the use of land** - sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 5 **General development requirements** - sets out the planning requirements that may apply to a particular use or development in a zone.
- Part 6 **Special control areas** - sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 7 **Heritage protection** - sets out special provisions which apply to heritage places and areas.
- Part 8 **Development of land** - sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
- Part 9 **Applications for planning approval** - sets out the procedure for applying for planning approval including both the use and development of land.
- Part 10 **Procedure for dealing with applications** - sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.
- Part 11 **Enforcement and administration** - sets out the general provisions for the administration and enforcement of the Scheme.

### Schedules

- Schedule 1 Dictionary of defined words and expressions
- Schedule 2 Additional uses
- Schedule 3 Restricted uses
- Schedule 4 Special use zones
- Schedule 5 Exempted advertisements
- Schedule 6 Form of application for planning approval
- Schedule 7 Additional information for advertisements
- Schedule 8 Notice of public advertisement of planning proposal
- Schedule 9 Notice of determination on application for planning approval
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## **Part 1 - PRELIMINARY**

### **1.1 Citation**

1.1.1 The Shire of Koorda Scheme No. 3 ("**the Scheme**") comes into operation on its Gazettal date.

1.1.2 The following are hereby revoked -

- Shire of Koorda Town Planning Scheme No. 2

### **1.2 Responsible authority**

The Shire of Koorda is the responsible authority for implementing the Scheme.

### **1.3 Scheme area**

The Scheme applies to the Scheme area which covers the entire local government district of the Shire of Koorda as shown on the Scheme Map.

### **1.4 Contents of Scheme**

The Scheme comprises -

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1-8).

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 Schedule 7 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;

- ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space;
- 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;
- facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community;
- promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development;
- 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 Development Schemes**

Where a provision of the Scheme is inconsistent with an existing Development Scheme, the provision of this Scheme prevails.

### **1.10 Relationship with other Schemes**

There are no other Schemes within the Shire of Koorda which apply to the Scheme area.

## **Part 2 - LOCAL PLANNING POLICY FRAMEWORK**

### **2.1 Scheme determinations to conform with Local Planning Strategy**

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

*(A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.)*

### **2.2 Local Planning Policies**

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply -

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the Policy.

### **2.3 Relationship of Local Planning Policies to Scheme**

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### **2.4 Procedure for making or amending a Local Planning Policy**

2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government -

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of -
  - (i) where the draft Policy may be inspected;
  - (ii) the subject and nature of the draft Policy; and
  - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;

- b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.
- 2.4.2 After the expiry of the period within which submissions may be made, the local government is to -
- (a) review the proposed Policy in the light of any submissions made; and
  - (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.
- 2.4.3 If the local government resolves to adopt the Policy, the local government is to -
- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
  - (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
- 2.4.4 A Policy has effect on publication of a notice under clause 2.4.3(a).
- 2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

## **2.5 Revocation of Local Planning Policy**

A Local Planning Policy may be revoked by -

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

## **Part 3 - RESERVES**

### **3.1 Reserves**

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

### **3.2 Regional Reserves**

There are no regional reserves in the Scheme area.

### **3.3 Local Reserves**

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

### **3.4 Use and development of Local Reserves**

#### **3.4.1 A person must not -**

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve,

without first having obtained planning approval under Part 9 of the Scheme.

#### **3.4.2 In determining an application for planning approval the local government is to have due regard to -**

- (a) the matters set out in Part 10 (clause 10.2 in particular); and
- (b) the ultimate purpose intended for the Local Reserve;

#### **3.4.3 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 planning approval.**

## **Part 4 – ZONES AND THE USE OF THE LAND**

### **4.1 Zones**

#### **4.1.1 The Scheme area is classified into the zones shown on the Scheme Map.**

#### **4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.**

### **4.2 Objectives of the zones**

The objectives of the zones are -

#### **Residential Zone**

The objectives are to;



- provide the opportunity for a variety of housing types to meet the needs of different household types through the application of the Residential Design Codes of Western Australia.
- provide for non-residential uses that are compatible with the character, scale and operation of surrounding uses, and do not detract from the amenity of the area.
- provide the opportunity for aged persons housing.
- allow for closer subdivision where connection to reticulated water and sewerage is available.
- provide the opportunity for larger residential lot sizes to accommodate certain types of hobbies and other activities.
- provide for sustainable design and development of housing.
- incorporate water sensitive urban design elements in new residential development.

### **Commercial Zone**

The objectives are to;

- maintain a coordinated, consolidated, compact and accessible centre.
- centralise commercial, office, showroom, open air display and service functions.
- maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- preclude the storage of bulky and unsightly goods where they may be in public view.
- maintain the compatibility with the general streetscape for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.
- provide street furniture, planting and sheltered places for pedestrians.
- encourage the provision of public art to improve the amenity and ambiance of the town centre area.
- Provide for the expansion of commercial activity to meet future demands.

### **Light Industry Zone**

The objectives are to;

- provide for service industries and light industries that will not have a detrimental affect on nearby residential or other sensitive areas
- provide for a range of employment opportunities.
- preclude the storage of bulky and unsightly goods where they may be in public view.
- ensure the appropriate use of setback areas and the provision of landscaping to the Council's satisfaction

### **General 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 may need to be separated from residential and other sensitive areas.

- provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in close vicinity.
- encourage the provision of landscaping to ensure the industrial development is appropriately screened from the main road.
- provide a location where separate heavy vehicular access is provided.
- provide a location for depots, warehouses, and large vehicle parking and servicing areas.
- provide for a range of employment opportunities.

### **Town Centre zone**

The objectives are to;

- maintain a small town atmosphere.
- allow a variety of uses necessary to service the normal functions of a small townsite.
- provide for a mix of residential development and a range of commercial, light 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.
- 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;

- make provision for development for the purpose of closer settlement on land that is suitable for such a purpose, without impacting on the continued rural operation of adjoining land.
- make provision for the retention of 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.
- prohibit development not compatible with the predominantly rural nature and residential amenity of the zone.
- provide for rural residential subdivision where it is reasonable and economic to provide, or extend, services and facilities.
- make provision for cluster subdivision and other innovative rural residential designs, having consideration for conservation values.
- provide for community facilities and emergency services in the vicinity of rural residential developments.
- make provision for vegetation and fauna corridors and the revegetation of the land to adequately protect any areas or sites of conservation value within the design.
- Provide for 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 demonstrated physical characteristics of the land.

- provide road, electricity, communication services and, where appropriate and practical, water services.
- provide for rural residential development where it is in close proximity to services, amenities and facilities of an existing urban area, whilst avoiding areas required for urban expansion.

### **Rural zone**

The objectives are to;

- provide for a range of rural land uses that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.
- protect the land from closer development that would detract from the rural character and amenity of the area.
- prevent any development that may affect the agricultural viability of the land..
- encourage small scale, low impact tourist accommodation in rural locations.
- encourage a diversification of rural activities that will compliment the dependency of the rural sector on traditional crops.
- support mining activities where an environmental management plan has been prepared and is acceptable to the Council and EPA.

### **Restricted Uses**

Despite anything contained in the Zoning Table, the land specified in Schedule 11 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 11 with respect to that land.

## **4.3 Table 1 – Zoning Table**

- 4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various 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.
- 4.3.2 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 planning approval;
  - ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
  - ‘X’ means a use that is not permitted by the scheme.
- 4.3.3 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 planning 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.

#### **4.4 Interpretation of the Zoning Table**

- 4.4.1 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.
- 4.4.2 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 9.4 in considering an application for planning approval; or
  - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

#### **4.5 Additional uses**

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

#### **4.6 Restricted uses**

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

#### **4.7 Special use zones**

- 4.7.1 Special use zones are set out in Schedule 4.
- 4.7.2 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.

**TABLE 1 ZONING TABLE**

USE CLASSES	ZONES						
	RESIDENTIAL USES	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	TOWN CENTRE	RURAL RESIDENTIAL	RURAL
<b>RESIDENTIAL USES</b>							
Aged or dependent persons dwelling	D	X	X	X	D	X	X
Caretaker's dwelling	X	X	D	D	D	X	X
Home business	D	D	X	X	P	D	D
Home occupation	D	D	X	X	P	X	D
Home office	P	P	X	X	P	P	P
Home store	P	P	X	X	A	P	P
Lodging house	A	D	X	X	A	X	X
Residential building	P	X	X	X	A	X	X
Single house	P	A	X	X	D	P	P
Grouped dwelling	D	D	X	X	D	X	X
Multiple dwelling	D	D	X	X	D	X	X
<b>TOURIST AND ENTERTAINMENT</b>							
Amusement parlour	X	D	X	X	A	X	X
Bed and breakfast	A	D	X	X	A	A	D
Camping ground	X	X	X	X	A	X	A
Short stay accommodation	X	D	X	X	A	X	A
Hotel	X	P	X	X	A	X	X
Motel	X	D	X	X	A	X	X
Tavern	X	P	X	X	A	X	X
<b>COMMERCE</b>							
Betting Agency	X	X	X	X	A	X	X
Cinema/theatre	X	X	X	X	D	X	X
Consulting rooms	X	A	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	P	D	A	X	X
Market	X	D	X	D	A	X	X
Medical centre	X	D	X	X	A	X	X
Motor vehicle, boat or caravan sales	X	D	D	A	A	X	X
Motor vehicle repair	X	A	P	P	A	X	X
Motor vehicle wash	X	D	P	P	A	X	X
Night club	X	D	X	X	A	X	X
Office	X	P	D	X	A	X	X
Private recreation	X	D	D	D	A	X	X
Reception centre	X	P	X	X	A	X	X
Restaurant	X	P	X	X	A	X	X
Restricted premises	X	D	X	X	A	X	X
Service station	X	D	P	P	A	X	X
Shop	X	P	X	X	A	X	X
Showroom	X	D	P	P	A	X	X
Trade display	X	D	P	P	A	X	X
Transport depot	X	X	P	P	A	X	D
Winery	X	X	D	D	A	X	A
<b>OTHER</b>							
Service utility	D	D	D	D	D	D	D
Telecommunication infrastructure	A	D	D	P	D	A	D
Veterinary centre	X	A	D	P	A	X	X

<b>INDUSTRY</b>							
Industry - Cottage	A	D	X	X	D	A	A
Industry - General	X	X	X	P	X	X	X
Industry - Light	X	X	P	P	A	X	X
Industry - Extractive	X	X	X	X	X	X	D
Industry - Mining	X	X	X	D	X	X	D
Industry - Rural	X	X	A	P	A	X	D
Industry - Service	X	D	P	P	A	X	X
<b>CIVIC AND COMMUNITY</b>							
Child care premises	A	A	X	X	D	X	X
Civic use	D	D	X	D	A	X	X
Club premises	D	D	D	X	A	X	X
Community purpose	A	P	X	X	A	X	X
Educational establishment	D	P	X	X	A	X	X
Exhibition centre	X	D	X	X	X	X	X
Family day care	A	D	X	X	A	X	X
<b>RURAL</b>							
Agroforestry	X	X	X	X	X	X	A
Animal establishment	X	X	A	A	X	X	A
Agriculture - Extensive	X	X	X	X	X	X	P
Agriculture - Intensive	X	X	X	X	X	X	A
Plantation	X	X	X	X	X	X	D
Rural pursuit	X	X	X	X	X	D	D
Rural home business	X	X	X	X	X	A	D

*\* means uses as determined by the Council as per Schedule 4 and the Scheme Map.*

#### **4.8 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 Part 11, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

#### **4.9 Extensions and changes to a non-conforming use**

4.9.1 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 planning approval under the Scheme.

- 4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.
- 4.9.3 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 planning 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.

#### **4.10 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.

#### **4.11 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.

#### **4.12 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 planning approval of the local government.

## **Part 5 – GENERAL DEVELOPMENT REQUIREMENTS**

### **5.1 Compliance with development standards and requirements**

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

### **5.2 Residential Design Codes**

- 5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
- 5.2.2 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.
- 5.2.3 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.

### **5.3 Special application of Residential Design Codes**

- (a) The Residential Design Code for land zoned 'Commercial' shall be R10/30 unless otherwise indicated on the Scheme Maps.
- (b) The Residential Design Code for land zoned 'Townsite' shall be R10/30 unless otherwise shown. Council may approve developments up to the higher density code, providing that reticulated sewerage is available. Where no Residential Design Code is shown, development of more than a single dwelling will not be supported.
- (c) Residential development with the R10/50 code shall be permitted at the R10 density, however the Council may approve developments up to the R50 density as an 'D' use.
- (d) 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 Council, however these shall not be lesser than those specified for the Residential Design Code 'R2'.

### **5.4 Restrictive covenants**

- 5.4.1 Subject to clause 5.4.2, 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.
- 5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, 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 9.4.

### **5.5 Variations to site and development standards and requirements**

- 5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning 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.
- 5.5.2 In considering an application for planning 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 Part 9; and
  - (b) have regard to any expressed views prior to making its determination to grant the variation.



- 5.5.3 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 Part 10; and
  - (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.

## **5.6 Environmental conditions**

- 5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.
- 5.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 5.6.3 The local government is to —
- (a) maintain a register of all relevant statements published under sections 48F and 48G of the Environmental Protection Act; and
  - (b) make the statements available for public inspection at the offices of the local government.

## **5.7 Site and Development Requirements**

Any development that is permitted under the provisions of Part 4 of this Scheme shall conform to the requirements for that use as specified in Table II - Development Table, or in the Residential Design Codes for residential development

**TABLE 2 DEVELOPMENT TABLE**

CONTROLS USE	MINIMUM BOUNDARY SETBACK (metres)			MAXIMUM PLOT RATIO	MINIMUM LANDSCAP ED AREA (%)	MINIMUM NUMBER OF ON-SITE CARPARKING BAYS
	FRONT	REAR (average)	SIDES			
Club Premises	*	*	*	0.5	*	1 for every 45m <sup>2</sup> of gross floor area.
Consulting Rooms	*	*	*			1 for every 30m <sup>2</sup> of gross floor area, plus 1 for each person employed.
Child Care Premises	7.5	7.5	*	*	*	1 for each employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.
Funeral Parlour	*	*	*	*	10	As determined by the Council, (minimum 6).
Community Purpose	*	*	*	*	10	1 for every 4 persons whom the building is designed to accommodate.
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 2m <sup>2</sup> 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	11.0	7.5	3.0 per storey	1.0	30	1 per unit, plus 1 space per 25m <sup>2</sup> of service area.
Office	*	*	*	*	*	1 for every 30m <sup>2</sup> plot ratio area.
Restaurant	*	*	*	*	*	1 for every 10m <sup>2</sup> of gross floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station	11.0	7.5	5	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15m <sup>2</sup> of gross floor area.
Showroom	*	*	*	*	10	1 for every 100m <sup>2</sup> of gross floor area.
Motor Vehicle, Boat or Caravan Sales	*	*	*	*	5	1 for every 250m <sup>2</sup> of sales area, plus 1 for every person employed on site.

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

#### 5.7.1 *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.

#### 5.7.2 *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.

#### 5.7.3 *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 1000m<sup>2</sup>).

#### 5.7.4 *Car Parking*

Car parking requirements for each use are set out in Table 2 - Development Table and the relevant Local Planning Policy.

#### 5.7.5 *Landscaping*

Landscaping requirements for each use are set out in Table 2 - Development Table and the relevant Local Planning Policy.

### **5.8 Caretaker's dwelling**

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

5.8.1 A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation.

5.8.2 Only a single caretaker's dwelling shall be permitted on each lot and it shall be located at the rear of a lot..

5.8.3 The Council 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.

5.8.4 A caretaker's dwelling shall contain only 1 bedroom.

5.8.5 A caretaker's dwelling shall have a maximum floor area of 100m<sup>2</sup> measured from the external face of the walls.

5.8.6 Open verandahs may be permitted but are not to be enclosed by any means unless the total floor area remains less than 100m<sup>2</sup>.

## **5.9 Rural Residential Zone**

- 5.9.1 Only one dwelling will be permitted on any lot in the Rural Residential Zone.
- 5.9.2 All dwellings shall be developed in accordance with all provision of the R2 requirements of the residential Design Codes, with the exception of lot area.
- 5.9.3 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.
- 5.9.4 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.

## **5.10 Structure Plans**

- 5.10.1 The local government or the Western Australian Planning Commission may require the preparation of a structure plan prior to considering a subdivision or development proposal for any area or zone in the scheme.
- 5.10.2 Subdivision and development should generally be in accordance with an approved structure plan.
- 5.10.3 A departure from, or alteration to, a structure plan may be permitted if the local government and Western Australian Planning Commission consider the proposed departure or alteration to be minor in nature and it will not prejudice the future subdivision and development of the area.
- 5.10.4 Structure plan form and content
  - 5.10.4.1 A Structure Plan is to contain such detail as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning requirements for the structure plan area, and should include the following details:
    - a) a set of maps and a report describing the structure plan area and surrounding land uses;
    - b) maps are to be of a legible scale for the structure plan area;
    - c) key opportunities and constraints of the structure plan area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and services;
    - d) conservation and environmental values including bushland, wetlands, streams and water courses, foreshore reserves and setbacks, environmental policy areas and urban water management areas;

- e) sites and features of Aboriginal and European heritage value;
- f) transport routes, including highways, district and neighbourhood roads, public transport routes, cycle routes and railway stations;
- g) the planning context for the structure plan including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, an indication of how the structure plan is to be integrated into the surrounding area;
- h) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- i) the proposed indicative lot pattern and general location of any major buildings;
- j) estimates of future lots, dwellings, population, commercial and industrial floor space;
- k) provision for major infrastructure, including water supply, main drainage, sewerage, and other key infrastructure services;
- l) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- m) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions; and
- n) such other information as may be required by the local government as a result of the site's characteristics.

#### 5.10.5 Advertising and adoption of structure plans

5.10.5.1 Upon receiving a structure plan, the local government is to either:

- a) determine that the structure plan is satisfactory for advertising;
- b) determine that the structure plan is not to be advertised until further details have been provided or modifications undertaken; or
- c) determine that the structure plan is not satisfactory for advertising and give reasons for this to the proponent.

5.10.5.2 When the local government has determined the structure plan to be suitable for advertising, the structure plan should be advertised for a minimum period of 21 days.

5.10.5.3 The local government shall advise affected landowners and relevant agencies in writing that the structure plan is available for public advertising.

- 5.10.5.4 Following advertising, the local government shall consider the public submissions made in respect of the structure plan, and either uphold or dismiss the submissions made.
- 5.10.5.5 The local government may require modifications to the structure plan prior to adoption.
- 5.10.5.6 When the local government is satisfied with the structure plan, it is to adopt the structure plan and forward the Council's resolution, the adopted structure plan, and schedule of public submissions is to be forwarded to the Western Australian Planning Commission for final approval.
- 5.10.5.7 The Western Australian Planning Commission shall then either approve the structure plan, approve the structure plan with modifications or refuse the structure plan.

#### 5.10.6 Operation of Structure Plan

- 5.10.6.1 A structure plan commences operation when it is adopted by the local government and approved by the Western Australian Planning Commission.
- 5.10.6.2 If a structure plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then:
- a) the provisions of the structure plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
  - b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the structure plan area;
  - c) where there is conflict between the provisions of a zone, reserve or provision in a structure plan or a scheme, the scheme shall prevail.
- 5.10.6.3 If the zones and reserves in a structure plan are inconsistent with the scheme, they must be incorporated into the scheme via a scheme amendment prior to the local government advertising or adopting the structure plan.

#### 5.10.7 Right of Review

- 5.10.7.1 The proponent of a structure plan required by this Scheme may make application for review under Part 14 of the *Planning and Development Act 2005* on the following grounds:

- a) The failure of the local government to make a determination on the content and requirement of a structure plan (or an amendment to a structure plan) within 120 days of the structure plan being lodged;
- b) A decision by the local government not to endorse a structure plan (or an amendment to an structure plan); and
- c) Conditions of approval of the structure plan (or an amendment to a structure plan).

5.10.7.2 In considering other procedural matters involved with structure plans, the local government and proponent will be guided by policies of the Western Australian Planning Commission.

## Part 6 – SPECIAL CONTROL AREAS

There are no special control areas which apply to the Scheme.

## Part 7 – HERITAGE PROTECTION

The provisions of Part 7 of the Model Scheme Text as current including any amendments apply.

## Part 8 – DEVELOPMENT OF LAND

### 8.1. Requirement for approval to commence development

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

### 8.2. Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government —

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is —
  - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where —
  - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes;
  - (ii) the development will be located in a heritage area designated under the Scheme; or
  - (iii) the proposal involves the use of transportable buildings.
- (c) 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 Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
  - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
  - (iv) located within a heritage area designated under the Scheme;



- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area.

### **8.3. Amending or revoking a planning approval**

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

### **8.4. Unauthorised existing developments**

8.4.1. The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2. Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

## **Part 9 – APPLICATIONS FOR PLANNING APPROVAL**

The provisions of Part 9 of the Model Scheme Text as current including any amendments apply.

## **Part 10 - PROCEDURE FOR DEALING WITH APPLICATIONS**

The provisions of Part 10 of the Model Scheme Text as current including any amendments apply.

## **Part 11 - ENFORCEMENT AND ADMINISTRATION**

The provisions of Part 11 of the Model Scheme Text as current including any amendments apply

## Schedule 1 - Dictionary of defined words and expressions

The general definitions in Schedule 1 of the Model Scheme Text as current including any amendments apply.

**"Camping ground"** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

**"Short stay accommodation"** – means a building or a group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on site facilities for the convenience of guests and for management of the development where occupation of any person is limited to a maximum of three months in any 12 month period and excludes those uses more specifically defined elsewhere.

**"Lodging house"** - shall have the same meaning as is given to it in and for the purpose of the *Health Act, 1911 - 1979* (as amended);

**"Service utility"** - means any work or undertaking constructed or maintained by a service authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, waste, communications or other similar services;

**"Transport depot"** - means land or a building or buildings used for the parking or garaging of road motor vehicles (including taxis) which are used or intended to be used for the carriage of passengers or goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes the maintenance or repair of such vehicles;

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

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the area;
- (c) does not occupy an area greater than 200 square metres;
- (d) does not involve the retail sale, display, or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties because of the inadequacy of parking or an increase in traffic volumes in the area, and does not involve the presence, use or calling of more than 3 vehicles, with vehicles not being more than 25 tonnes gross weight;
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone; and
- (g) does not have an adverse impact on the rural character of the area.

## Schedule 2 — Additional uses

There are no additional uses that apply to the Scheme.

### Schedule 3 — Restricted uses

No	Description of land	Special use	Conditions	Map Label
1	Lot 32 Price Street	Industry-Rural	<p>a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system.</p> <p>b) Noise, vibration, light and emissions to the atmosphere are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.</p>	RU
2	Lot 2 Price Street	Industry-Rural	<p>c) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system.</p> <p>d) Noise, vibration, light and emissions to the atmosphere are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.</p>	RU

### Schedule 4 — Special Use Zones

The following special use zones apply to the Scheme.

No	Description of land	Special use	Conditions	Map Label
1	Crown Lot 267 Scott Street, Koorda	Caravan Park	Compliance with Council requirements	CP

## Schedule 5 — Exempted advertisements

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN <sup>1</sup>	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup> .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	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 <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	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  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  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.	N/A  N/A  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 <sup>2</sup> in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	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 <sup>2</sup>

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

## **Schedule 6 — Form of application for planning approval**

The Form of application for planning approval in Schedule 6 of the Model Scheme Text as current including any amendments applies.

## **Schedule 7 — Additional information for advertisements**

The Form of additional information for advertisements in Schedule 7 of the Model Scheme Text as current including any amendments applies.

## **Schedule 8 — Notice of public advertisement of planning proposal**

The notice of public advertisement of planning proposal in Schedule 8 of the Model Scheme Text as current including any amendments applies.

## **Schedule 9 - Notice of determination on application for planning approval**

The notice of determination on application for planning approval in Schedule 9 of the Model Scheme Text as current including any amendments applies.

## **Schedule 10 — Environmental conditions**

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

**ADOPTION**

Adopted by resolution of the Council of the Shire of Koorda at the Ordinary Meeting of the

Council held on the ..... day of .....20....

.....  
SHIRE PRESIDENT

.....  
Date

.....  
CHIEF EXECUTIVE OFFICER

.....  
Date

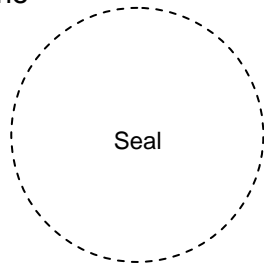
**FINAL APPROVAL**

Adopted for final approval of the Shire of Koorda at the meeting of Council held on the

..... day of ..... 20....and the seal of the Municipality was pursuant to that resolution affixed in the presence of

.....  
SHIRE PRESIDENT

.....  
Date



.....  
CHIEF EXECUTIVE OFFICER

.....  
Date

**RECOMMENDED/SUBMITTED FOR FINAL APPROVAL**

.....

.....  
Delegated under S.16 of PD Act 2005, WA PLANNING COMMISSIONDate

**FINAL APPROVAL GRANTED**

.....

.....  
MINISTER FOR PLANNING

Date