

Shire of Ashburton

LOCAL PLANNING SCHEME NO. 8

Updated to Include AMD
[INSERT/DELETE AS NEEDED]

DISCLAIMER

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

LOCAL PLANNING SCHEME GAZETAL DATE: [INSERT DATE]

SHIRE OF ASHBURTON LOCAL PLANNING SCHEME NO. 8 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

DRAFT

SCHEME DETAILS

SHIRE OF ASHBURTON **LOCAL PLANNING SCHEME NO. 8**

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

DRAFT

TABLE OF CONTENTS

Part 1 Preliminary - sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.

Part 2 Reserves - sets out the reserves which apply in the Scheme area and related provisions.

Part 3 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 4 General development requirements — sets out the general planning requirements which apply to land use and development within the Scheme area.

Part 5 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 6 Terms referred to in Scheme — lists the general definitions and terms used in the Scheme and also lists the land use terms used in the Scheme.

Part 1 - Preliminary	6
1. Citation.....	6
2. Commencement.....	6
3. Scheme revoked	6
4. Notes do not form part of Scheme	6
5. Responsibility for Scheme	6
6. Scheme area.....	6
7. Contents of Scheme.....	6
8. Purposes of Scheme	7
9. Aims of Scheme	7
10. Relationship with local laws	8
11. Relationship with other local planning schemes	8
12. Relationship with region planning scheme	8
Part 2 - Reserves	9
13. Regional Reserves	9
14. Local reserves.....	9
Part 3 - Zones and use of land	12
16. Zones.....	12
18. Interpreting zoning table	16
19. Additional uses.....	17
20. Restricted uses.....	17
21. Special use zones	19
22. Non-conforming uses	20

23.	Changes to non-conforming use	20
24.	Register of non-conforming uses	21
Part 4 - General development requirements		22
25.	R-Codes.....	22
26.	Modification of R-Codes	22
27.	State Planning Policy 3.6 to be read as part of Scheme	Error! Bookmark not defined.
28.	Modification of State Planning Policy 3.6.....	Error! Bookmark not defined.
29.	Other State planning policies to be read as part of Scheme	22
30.	Modification of State planning policies	22
31.	Environmental conditions.....	22
32.	Additional site and development requirements	22
33.	Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan.....	24
34.	Variations to site and development requirements.....	26
35.	Restrictive covenants	26
Part 5 - Special control areas		28
36.	Special control areas	28
Part 6 - Terms referred to in Scheme		32
Division 1 - General definitions used in Scheme		32
37.	Terms used	32
Division 2 - Land use terms used in Scheme		33
38.	Land use terms used.....	33
Schedule A - Supplemental provisions to the deemed provisions		42

Part 1 - Preliminary

1. Citation

This local planning scheme is the Shire of Ashburton Scheme No 8.

2. Commencement

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

3. Scheme revoked

The following local planning scheme(s) is (are) revoked -

Shire of Ashburton Local Planning Scheme No. 7, gazetted on 24 December 2004 as amended.

4. Notes do not form part of Scheme

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

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

5. Responsibility for Scheme

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

6. Scheme area

This Scheme applies to the area shown on the Scheme Map except the area known as Improvement Scheme No. 1: Ashburton North Strategic Industrial Area (Gazetted 30 September 2016), which is excluded from the Scheme. All offshore islands within the Scheme area are included in the Scheme.

7. Contents of Scheme

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

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

There are no plans, maps, diagrams, or illustrations or materials in addition to the provisions set out in this document.

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

8. Purposes of Scheme

The purposes of this Scheme are to –

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

9. Aims of Scheme

The aims of this Scheme are –

- (a) Enhance the landscape and environment by protecting ecological values and promoting sustainable natural resource management;
- (b) Preserve heritage values and areas of cultural significance;
- (c) Promote a diversity of housing types and lot sizes that accommodate all sectors of the population while preserving and enhancing local character;
- (d) Promote local economic development and employment diversification, whilst acknowledging and maintaining traditional mining and pastoral activities;
- (e) Protect rural land for sustainable agricultural production and minimise land use conflict;
- (f) Acknowledge and mitigate the health risks within the Wittenoom townsite;
- (g) Promote community well-being by fostering connectivity, safety, and security;
- (h) Create well-defined, distinctive town sites that cultivate a strong sense of local identity;
- (i) Encourage regional development and strengthen interregional connections; and
- (j) Outline and protect the region's transport and infrastructure networks, considering the potential impacts on existing operations and future regional

transport capacity.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

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

12. Relationship with region planning scheme

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

DRAFT

Part 2 - Reserves

13. Regional Reserves

There are no regional reserves in the Scheme area.

14. Local reserves

(1) In this clause –

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

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

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

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

Table 1 – Reserve objectives

Reserve name	Objectives
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development
District Distributor Road	<ul style="list-style-type: none"> To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Drainage /Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Environmental Conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Foreshore	<ul style="list-style-type: none"> To set aside land for a foreshore reserve abutting a body of water or water course. To provide for the protection of environmental values and processes. To accommodate a range of active and passive recreational uses and low impact commercial activity that are consistent with the protection of environmental values and processes and capable of relocation to allow for the rehabilitation or restoration of the environment.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

Reserve name	Objectives
Primary Distributor Road	<ul style="list-style-type: none"> • To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
Public Open Space	<ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Public Purpose	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure
Railways	<ul style="list-style-type: none"> • To set aside land required for passenger rail and rail freight services.
Strategic Infrastructure	<ul style="list-style-type: none"> • To set aside land required for, port or airport facilities.

15. Additional uses for local reserves

- (1) Table 2 sets out –
- (a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
 - (b) the conditions that apply to that additional use.

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

No.	Description of land	Additional use	Conditions
1.	Islands Reserved for Environmental Conservation off the coast of Onslow	tourist and visitor accommodation	1. Notwithstanding any other provisions in this scheme, development requires development approval of the local government.

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

Part 3 - Zones and use of land

16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows –

Table 3 – Zone objectives

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

Zone name	Objectives
Settlement	<ul style="list-style-type: none"> • To identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places by – <ul style="list-style-type: none"> – Requiring preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2; and – Ensuring that development accords with a layout plan.
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.
Service Commercial	<ul style="list-style-type: none"> • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.
Industrial Development	<ul style="list-style-type: none"> • To designate land for future industrial development. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.
Centre	<ul style="list-style-type: none"> • To designate land for future development as a town centre or activity centre.
Tourism	<ul style="list-style-type: none"> • To promote and provide for tourism opportunities. • To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area. • To allow limited residential uses where appropriate. • To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities
Special Use Zone	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows –

Table 4 – Zoning Table

USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Rural	Centre	Service Commercial	Tourism	General Industry
Residential						
Family Day Care (Home Business)	P	P	D	X	X	X
Grouped Dwelling	P	D	D	X	D	X
Multiple Dwelling	D	A	D	X	D	X
Hosted short term rental accommodation	P	P	P	X	P	X
Home Business	P	P	P	X	A	X
Residential Building	D	D	D	X	X	X
Residential Care Facility	A	X	A	X	X	X
Workforce Accommodation	A	A	A	A	D	X
Single House	P	P	P	X	D	X
Rural Home Business	X	P	X	X	X	X
Unhosted short term rental accommodation	A	D	D	X	P	X
Commercial						
Art Gallery	A	D	P	D	D	X
Beverage Production Facility	X	D	A	D	A	D
Caravan Park	X	A	A	X	D	X
Cinema/Theatre	X	A	P	D	D	X
Commercial Vehicle Parking	X	A	X	P	X	P
Convenience Store	X	D	P	D	A	X
Exhibition Centre	X	A	P	D	D	X
Fast Food Outlet/ Lunch Bar (Food outlet)	X	A	D	D	A	D
Hotel	X	A	A	X	D	X
Liquor Store - Large	X	X	D	D	A	X
Liquor Store Small	X	A	D	D	A	A
Market	X	A	D	A	D	X
Office	X	D	P	D	A	A
Reception Centre	A	A	D	A	D	X
Recreation - Private	X	A	D	P	A	X
Restaurant/Café	A	D	P	A	D	A
Roadhouse	X	D	X	A	X	D

USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Rural	Centre	Service Commercial	Tourism	General Industry
Small Bar	X	A	D	A	D	X
Shop	X	A	P	A	D	D
Tavern	X	A	D	A	D	X
Tourist and visitor accommodation	A	A	D	X	P	X
Health, Welfare and Community						
Child Care Premises	A	A	D	X	A	X
Civic Use	A	D	P	P	A	D
Club Premises	X	A	D	D	D	X
Community Purpose	A	D	P	D	D	A
Consulting Rooms	A	D	P	D	X	X
Educational Establishment	X	D	P	D	X	D
Funeral Parlor	X	A	D	D	X	X
Medical Centre	X	D	P	D	X	X
Place of worship	A	D	A	A	X	X
Veterinary Centre	X	D	D	P	X	X
Industry						
Abattoir	X	A	X	X	X	D
Aerodrome	X	A	X	A	X	A
Aircraft Landing Area	X	A	X	A	X	A
Agriculture - Intensive	X	D	X	A	X	A
Agriculture - Extensive	X	D	X	X	X	X
Animal establishment	X	D	X	X	X	X
Animal Husbandry - Intensive	X	D	X	X	X	X
Bulky Goods Showroom	X	X	A	D	X	D
Fuel Depot	X	A	X	A	X	D
Garden Centre	X	P	X	D	X	A
Industry	X	A	X	D	X	P
Industry – Extractive	X	A	X	X	X	A
Industry - Light	X	A	X	D	X	P
Industry – Primary Production	X	D	X	A	X	D
Industry – Rural	X	D	X	A	X	D
Mining Operations	X	A	X	X	X	X
Motor Vehicle, Boat and Caravan Sales	X	D	D	P	X	D
Motor Vehicle Repair	X	D	A	P	X	P

USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Rural	Centre	Service Commercial	Tourism	General Industry
Motor Vehicle Wash	X	A	A	P	X	P
Renewable Energy Facility	X	D	X	A	X	A
Resource Recovery Centre	X	A	X	A	X	D
Telecommunications Infrastructure	A	A	A	A	A	A
Trade Supplies	X	D	A	P	X	P
Transport Depot	X	A	X	D	X	P
Tree Farm	X	D	X	X	X	X
Warehouse/Storage	X	D	A	P	X	P
Waste Disposal Facility	X	A	X	A	X	A
Waste Storage Facility	X	A	X	A	X	A

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings –
 - P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.

2. *Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.*

3. *Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.*

- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
 - (a) a structure plan;
 - (b) a local development plan;
 - (c) a layout plan.

19. Additional uses

There are no additional uses for zoned land that apply to this Scheme.

20. Restricted uses

- (1) Table 5 sets out –
 - (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and

- (b) the conditions that apply to that restricted use.

Table 5 – Restricted uses for land in Scheme area

No.	Description of land	Restricted use	Conditions
R1	Lot 558 Beadon Creek Road, Onslow	Transport Depot	<p>1) Notwithstanding any other provisions in this scheme, development within R1 requires development approval of the local government.</p> <p>2) Activities associated with the handling, storage, loading and transportation of bulk ore materials, other basic raw materials or hazardous waste/materials are not permitted to be undertaken on the site.</p>

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

21. Special use zones

- (1) Table 6 sets out -
- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
 - (b) the classes of special use that are permissible in that zone; and
 - (c) the conditions that apply in respect of the special uses.

Table 6 – Special use zones in Scheme area

No.	Description of land	Special use	Conditions
SU1	Lots 3010 to 3015 Central Avenue and Jacaranda Drive, Tom Price.	Tourist and visitor accommodation Workforce Accommodation Caravan Park Single House Grouped Dwelling Multiple Dwelling	1) The use and development of the land shall be undertaken generally in accordance with the Shire of Ashburton Local Planning Scheme No. 7 Special Use Zone 1 Management Plan.

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

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

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if -
 - (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

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

- (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government -
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 - General development requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if –
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

- (1) Clause 5.4.4 (External fixtures, utilities and facilities) of the R-codes is modified by replacing C4.5 with:

C4.5 An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m when provided external to a garage and 1m when provided within a garage and an internal area of at least 4m².

29. Other planning codes to be read as part of Scheme

There are no other planning codes that are to be read as part of the Scheme.

30. Modification to planning codes

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

31. Environmental conditions

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

32. Additional site and development requirements

- a. The Table sets out requirements relating to development that are additional to those set out in the R-Codes or other planning codes listed under clause 29,

precinct structure plans, local development plans or State or local planning policies.

Table 7 – Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
1.	Tourism Zone	(1) Residential development shall not exceed the R50 code of the R-Codes.
2.	Centre Zone	(1) Residential and mixed-use development shall not exceed the R-AC4 code of the R-Codes.
3.	Settlement Zone	<p>(1) Development standards shall be in accordance with the corresponding zone as specified on the relevant Layout Plan prepared in accordance with State Planning Policy 3.2.</p> <p>(2) Where the relevant zone is not specified on the Layout Plan the development standards will be determined by the local government using the most appropriate zone standard as a guide.</p>
4.	Residential Zone	<p>(1) Except where approved by the local government, a person shall not:</p> <ul style="list-style-type: none"> a. park or allow to remain stationary for more than four hours consecutively: <ul style="list-style-type: none"> i. more than one commercial or industrial vehicle on a particular lot; ii. any commercial or industrial vehicle, boat trailer, boat, movable dwelling, recreational vehicle, freight container or other storage device, unless it is parked in a domestic garage or outbuilding, or such vehicle, is parked entirely on the lot in a position which is not unduly obtrusive; iii. any vehicle which, due to size or load, is not capable of being completely parked within a domestic garage or outbuilding having a maximum floor area of 45 square metres in which no horizontal dimension is more than 15 metres; iv. a vehicle which, together with its load, exceeds three metres in height or is longer or wider than permitted on roads without requiring special warning signs, unless the vehicle is being used in connection with building or construction works. b. build, repair, paint, service, or renovate any marine vessel, caravan, commercial or industrial vehicle in front of the building line.
5.	All zones	<p>1. Vehicle Parking</p> <p>(1) Except where otherwise provided in the R-Codes:</p> <ul style="list-style-type: none"> a. Development within the Scheme Area shall provide sufficient onsite car parking to accommodate the proposed land use. b. Car parking bays shall be designed and constructed in accordance with the relevant Australian Standards,

No.	Description of land	Requirement
		<p>excluding vehicle parking dimensions. The minimum dimensions of parking bays should measure minimum 6m (length) x 3m (wide).</p> <p>(2) The local government may accept a cash payment in lieu of the provision of some or all parking bays required under this Local Planning Scheme for a proposed development. The following conditions shall apply to cash payments in lieu of parking provisions:</p> <ul style="list-style-type: none"> a. the cash-in-lieu payment shall not be less than the estimated cost of constructing the parking bays required by the Scheme and associated maneuvering areas as well as the value of the land, as determined by the local government, which would have been occupied by the parking bays and maneuvering areas; and b. the payments under this clause shall be paid into a parking fund to be used for the provision of public car parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made. <p>2. Workforce Accommodation</p> <p>(1) Workforce accommodation within 30km of any part of the localities (LGATE-234) of Onslow, Paraburdoo or Tom Price (drawn in a straight line) is not permitted, except where it is located within the respective localities (LGATE-234) of Onslow, Paraburdoo or Tom Price.</p> <p>(2) Development applications for time-limited workforce accommodation shall, to the local government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed, and the site rehabilitated or developed for a subsequent use which is consistent with the intent of the zone.</p>

- b. To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Additional site and development requirements for areas covered by structure plan or local development plan

- a. Table 8 sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015 and local development plans that apply in the Scheme area.

Table 8 – Additional requirements that apply to land covered by structure plan or local development plan

No.	Description of land	Requirement
		There are no additional requirements that apply to land covered by structure plan or local development plan.

DRAFT

34. Variations to site and development requirements

- a. In this clause –

additional site and development requirements means requirements set out in clauses 32 and 33.

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

35. Restrictive covenants

- a. A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- b. If subclause (1) operates to extinguish or vary a restrictive covenant
- i. development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land

exceeding the number that would have been allowed under the restrictive covenant; and

- ii. the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

DRAFT

Part 5 - Special control areas

36. Special control areas

- a. Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- b. The purpose, objectives and additional provisions that apply to each special control area is set out in Table 9.

Table 9 – Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
SCA 1 - Borefield, Water Reserve or Dam Catchment Area	To identify and protect public drinking water source areas.	<ol style="list-style-type: none"> i. Provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use; ii. Identify land that has been designated as a public drinking water source area; iii. Implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area. 	<ol style="list-style-type: none"> (1) Notwithstanding any other provision in this scheme, development within SCA 1 requires development approval of the local government. (2) State Planning Policy 2.9 Planning for Water and associated guidelines; (3) Advice received from the Department of Water and Environmental Regulation; (4) Compliance with the Department of Water and Environmental Regulation's <i>Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas</i>; (5) Recommendations of the relevant drinking water source protection report or land use and water management strategy; <ol style="list-style-type: none"> i. The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development; ii. The retention of native vegetation and protection of wetlands and waterways; iii. The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage; (6) Development must be connected to reticulated sewerage, where required in accordance with <i>Water Quality Protection Note No.25: Land use compatibility tables for Public Drinking Water Source Area</i>.
SCA 2 – Airport height restriction area	To identify and protect the use of the Onslow Aerodrome	Ensure appropriate clearance between proposed structures and the current obstacle limitation surfaces for the Onslow Aerodrome for the operation of private, recreational or	<ol style="list-style-type: none"> (1) Notwithstanding any other provision in this scheme, development within SCA 2 requires development approval of the local government.

Name of area	Purpose	Objectives	Additional provisions
		commercial aircraft and associated functions including storage of aircraft and all parts relating to their operation, maintenance, repair and radio communication facilities.	
SCA 3 – Wittenoom	To avoid any development or use of land likely to be contaminated with asbestos fibres.	To protect the health and safety of the Shire of Ashburton inhabitants.	<p>(1) Notwithstanding any other provision in this scheme, development within SCA 3 requires development approval of the local government.</p> <p>(2) Development within SCA 3 shall not be permitted except where the local government is satisfied that the development would not perpetuate or increase exposure to asbestos fibre and its health risks.</p>
SCA 4 – Coastal Inundation area	To protect the natural environment, particularly the mangrove ecosystem, from the impact of development	To ensure that new development considers inundation, storm surge events and environmental impacts, prior to construction.	<p>(1) Notwithstanding any other provision in this scheme, development within SCA 4 requires development approval of the local government.</p> <p>(2) Development in coastal inundation areas shall be constructed in a manner that has no detrimental impact on mangroves or other natural ecosystems.</p> <p>(3) Development applications shall demonstrate design standards to accommodate storm surge and inundation impacts over the lifespan of the development.</p> <p>(4) Local government may require additional information or investigation from applicants outlining the potential environmental impacts and the likelihood and nature of storm surge events.</p>
SCA 5 – Odour buffer	Identify land likely to be affected by odours associated with wastewater treatment infrastructure.	Ensure the development of land is compatible with the operation of wastewater treatment infrastructure.	<p>(1) Notwithstanding any other provision in this scheme, development within SCA 5 requires development approval of the local government.</p>
SCA 6 – Onslow Coastal Hazard	To provide guidance for land use and development within areas subject to coastal erosion and inundation.	<p>i. To protect new development from the impacts of flooding, coastal erosion and inundation.</p> <p>ii. To implement the Onslow Coastal</p>	<p>(1) Notwithstanding any other provision in this scheme, development within SCA 6 requires development approval of the local government.</p> <p>(2) In considering proposed structure plans or subdivision due regard shall be given to –</p> <p>i. Onslow Coastal Hazard Risk</p>

Name of area	Purpose	Objectives	Additional provisions								
		<p>Hazard and Risk Management Adaptation Plan.</p> <p>iii. To minimise the risks of coastal processes on the community before construction.</p>	<p>Management & Adaption Plan;</p> <p>ii. State Planning Policy 2.6 – State Coastal Planning Policy; and</p> <p>iii. Any other relevant local planning policies.</p> <p>(3) Any development within SCA 6, where any part of the land is below 2.5m (Australian Height Datum (AHD), shall be filled to achieve a minimum of 2.5m AHD across the site.</p> <p>(4) Within SCA 6, land use and development shall achieve the minimum finished floor levels described in the table below.</p> <p>Table 8: Minimum Finished Floor Levels</p> <table><tr><th>Defined Use Groups</th><th>Minimum Finished Floor Level</th></tr><tr><td>Residential</td><td>5.9m AHD</td></tr><tr><td>Industry</td><td rowspan="3">4.9m AHD</td></tr><tr><td>Health Welfare and Community</td></tr><tr><td>Commercial</td></tr></table> <p><i>Note: Defined Use Groups refer to the land use classifications contained within Table 4 of the scheme.</i></p> <p>(5) Notwithstanding subclause (6):</p> <p>a) Hospitals, Consulting Rooms and Medical Centres shall achieve a minimum finished floor level of not less than 6.4m AHD;</p> <p>b) Shops with a Gross Floor Area of 150m² or greater shall achieve a minimum Finished Floor level of not less than 5.9m² AHD; and</p> <p>c) Temporary and/or transient uses such as caravan parks, temporary workforce accommodation, ablutions and ancillary buildings shall achieve a minimum Finished Floor level of not less than 4m AHD, subject to the development being removed by no later than 31 December 2040.</p> <p>(6) Where a development application does not achieve the minimum finished floor level described in subclauses (6) – (7), the local government may approve the development application having due regard to:</p> <p>a) An adopted Local Planning Policy; and</p> <p>b) Where appropriate, subject to a legal agreement that requires the removal of the development by no later than 31 December 2040 and rehabilitation of the land.</p> <p>(7) Notwithstanding any provision of this Special</p>	Defined Use Groups	Minimum Finished Floor Level	Residential	5.9m AHD	Industry	4.9m AHD	Health Welfare and Community	Commercial
Defined Use Groups	Minimum Finished Floor Level										
Residential	5.9m AHD										
Industry	4.9m AHD										
Health Welfare and Community											
Commercial											

Name of area	Purpose	Objectives	Additional provisions
			<p>Control Area, where land is specifically included on the Shire of Ashburton Heritage List or the State Heritage Register, the local government may approve an application for development approval on land at a finished floor level less than prescribed in subclauses (6) – (7) above, provided –</p> <p>i. such approval is in keeping with the historic nature of the existing buildings.</p>
SCA 7 – Pilbara Regional Waste Management Facility (Expansion Area)	To facilitate detailed planning for the expansion of the Pilbara Regional Waste Management Facility.	Identify land suitable for development associated with the Regional Class IV Waste Management Facility	(1) Subdivision or development to expand the Pilbara Regional Waste Management Facility should be in accordance with an approved structure plan or local development plan.

Part 6 - Terms referred to in Scheme

Division 1 - General definitions used in Scheme

37. Terms used

- a. If a word or expression used in this Scheme is listed in this clause, its meaning is as follows -

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.

cabin means a building that -

- (a) is an individual unit other than a chalet; and
- (b) forms part of —
 - i. tourist and visitor accommodation; or
 - ii. a caravan park;

and

- (c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual persons accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

(a)

chalet means a building that -

- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) forms part of —
 - i. tourist and visitor accommodation; or
 - ii. a caravan park;

and

- (c) If the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

(a) ;

commencement day means the day this Scheme comes into effect under section 87(4) of the Act.

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including -

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).

floor area	has meaning given in the Building Code.
minerals	has the meaning given in the <i>Mining Act 1978</i> section 8(1).
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
precinct	means a definable area where particular planning policies, guidelines or standards apply.
predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental.
retail	means the sale or hire of goods or services to the public.
Scheme commencement day	means the day this Scheme comes into effect under section 87(4) of the Act.
wholesale	means the sale of goods or materials to be sold by others.

- b. A word or expression that is not defined in this Scheme –
- i. has the meaning it has in the *Planning and Development Act 2005*; or
 - ii. if it is not defined in that Act – has the same meaning as it has in the R-Codes.

Division 2 - Land use terms used in Scheme

38. Land use terms used

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

abattoir	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
aerodrome	means an area of land or water (including any buildings, installations and equipment), the use of which as an aerodrome is certified under the regulations made under the Civil Aviation Act 1998, being such an area intended for use wholly or partly for the arrival, departure or movement of aircraft.
agriculture - extensive	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry - intensive.
agriculture - intensive	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following – <ul style="list-style-type: none"> (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture.

aircraft landing area	Means an area used for the landing, taxiing and take-off of aircraft.
animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.
animal husbandry - intensive	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.
art gallery	means premises – (a) that are open to the public; and (b) where artworks are displayed for viewing or sale.
betting agency	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .
beverage production facility	means premises the subject of a producer's licence granted under the <i>Liquor Control Act 1988</i> .
bulky goods showroom	means premises – (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes - (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools. or (b) used to sell goods and accessories by retail if – (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1).
caretaker's dwelling	means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
car park	means premises used primarily for parking vehicles whether open to the public or not but does not include - (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale.

child care premises	means premises where – (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> Section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.
cinema/theatre	means premises where the public may view a motion picture or theatrical production.
civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
commercial vehicle parking	means premises used for parking of one or 2 commercial vehicles but does not include – (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land.
community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
convenience store	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m ² net lettable area.
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided.
food outlet	means premises, including premises with a facility for drive- through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten – (a) without further preparation; and (b) primarily off the premises.
fuel depot	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used – (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle.

funeral parlour	means premises used – (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services.
garden centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
home business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession - (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50 m ² ; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
home occupation	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that - (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20 m ² ; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m ² ; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not - i. require a greater number of parking spaces than normally required for a single dwelling; or ii. result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located. (j) the dwelling is located.
home office	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation - (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling.

home store	means a shop attached to a dwelling that - (a) has a net lettable area not exceeding 100 m ² ; and (b) is operated by a person residing in the dwelling.
hospital	means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1).
hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes – (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
industry - extractive	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes – (a) the processing of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.
industry - light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
industry - primary production	means premises used – (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses.
liquor store - large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300 m ² .
liquor store - small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m ² .
marina	means – (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services.
marina filling station	means premises used for the storage and supply of liquid fuels and lubricants for marine craft.
market	means premises used for the display and sale of goods from stalls by independent vendors.
medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

mining operations	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1), is carried out.
motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans.
motor vehicle repair	means premises used for or in connection with - (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or retreading of tyres.
motor vehicle wash	means premises primarily used to wash motor vehicles.
nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
office	means premises used for administration, clerical, technical, professional or similar business activities.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions.
recreation - private	means premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
renewable energy facility	renewable energy facility means premises and/or structures used to generate energy from a renewable energy source for commercial gain, including but not limited to solar and wind farms, and excludes any renewable energy facility incidental to a domestic or business premises.
residential care facility	means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.
residential building	as per the definition within Appendix 1 of the Volume 1 of the R-Codes.
resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste.
restaurant/cafe	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
restricted premises	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of – (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); and (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements.

road house	<p>means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –</p> <ul style="list-style-type: none"> (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies.
rural home business	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation -</p> <ul style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 200 m²; and (d) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (e) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.
rural pursuit/hobby farm	<p>means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household -</p> <ul style="list-style-type: none"> (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises.
service station	<p>means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -</p> <ul style="list-style-type: none"> (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
shop	<p>means premises other than a bulky goods showroom, a liquor store large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.</p>
small bar	<p>means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i>.</p>
tavern	<p>means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i>.</p>
telecommunications infrastructure	<p>means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.</p>
Tourist and visitor accommodation	<ul style="list-style-type: none"> (a) means a building, or a group of buildings forming a complex, that — <ul style="list-style-type: none"> i. is wholly managed by a single person or body; and

- ii. is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and
 - iii. may include on-site services and facilities for use by guests; and
 - iv. in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;
- and

(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

(c) does not include any of the following —

- i. an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
- ii. a caravan park;
- iii. hosted short-term rental accommodation;
- iv. a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
- v. a park home park;
- vi. a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
- vii. a road house;
- viii. workforce accommodation;

trade display

means premises used for the display of trade goods and equipment for the purpose of advertisement.

trade supplies

means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises -

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government.

transport depot

means premises used primarily for the parking or garaging of 3 or more commercial vehicles including -

- (a) any ancillary maintenance or refueling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another.

tree farm

means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.

veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
warehouse/storage	means premises including indoor or outdoor facilities used for <ul style="list-style-type: none"> (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods.
waste disposal facility	means premises used - <ul style="list-style-type: none"> (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste.
waste storage facility	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.
winery	means premises used for the production of viticultural produce and associated sale of the produce.
workforce accommodation	means premises, which may include modular or relocatable buildings, used - <ul style="list-style-type: none"> (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule A - Supplemental provisions to the deemed provisions

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

60. Requirement for Development Approval

Note:

3. *Mining operations, as defined in s.8 of the Mining Act 1978, including anything incidental or conducive to mining operations, and any activity authorised under a State Agreement, does not require development approval of the local government under the Planning and Development Act 2005. However, Pursuant to s.120 of the Mining Act 1978, in considering any application for the grant of a mining tenement, the Minister, warden or mining registrar, shall consider the provisions of any planning scheme in force under the Planning and Development Act 2005, but those provisions cannot operate to prohibit or affect the granting of a mining tenement, or the carrying out of any mining operation authorised by the Mining Act 1978.*

Accordingly, upon receipt of:

- a) *a Form 21 Mining Tenement Application referral, including those made pursuant to s.33(1)(a) or s.91(9) of the Mining Act 1978;*
- b) *a referral by the Minister for Mines and Petroleum made pursuant to s.24(5B) or s.24(3B) of the Mining Act 1978 or from the Department of Mines, Industry Regulation and Safety more generally;*
- c) *any proposal to create or amend a State Agreement made under the Government Agreements Act 1978;*
- d) *a clearing permit, works, licence or licence renewal application made pursuant to the Environmental Protection Act 1986 –*

the local government may consider the proposal and lodge a submission concerning the application with the Department of Mines, Industry Regulation and Safety (in the case of a mining tenement or applicable clearing permit application), the Department of Water and Environmental Regulation (in the case of a works, licence/renewal or clearing permit application) or the Department of Jobs Tourism, Science and Innovation (in the case of a state agreement matter), lodge an objection to the application with the warden (in the case of an applicable mining tenement application) or write to the Minister for Mines and Petroleum and Minister for Planning advising that mining operations are contrary to the provisions of the scheme (in the case of a mining lease or a general purpose lease application).

85A. Transitional Provisions for Planning Instruments established under the Shire of Ashburton Local Planning Scheme No. 7

Any planning instrument, as defined pursuant to r. 77 of the Planning and Development (Local Planning Schemes) Regulations 2015, prepared and adopted in accordance with the requirements of Local Planning Scheme No. 7, shall continue to have affect, and may be amended or revoked, as if it were a planning instrument prepared and adopted under Local Planning Scheme No. 8.

61(1) Development for which development approval is not required

	Column 1 Works	Column 2 Conditions
22.	The erection or extension of a single house on a lot	<p>(a) The works are not located in a heritage-protected place.</p> <p>(b) 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 and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied.</p>
23.	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.	<p>(a) The works are not located in a heritage-protected place.</p> <p>(b) if a single house is a permitted ("P") in the zone where the R Codes do not apply and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied.</p>
23.	The development of land in the settlement zone	<p>(a) The works are not located in a heritage-protected place.</p> <p>(b) where the development is consistent with an approved layout plan.</p>
24.	Works that are wholly located on land identified as a local scheme reserve or a reserve made by order pursuant to s.41 of the <i>Land Administration Act 1997</i> .	<p>Where such land is held by the local government or vested in a public authority:</p> <p>(a) for the purpose for which the land is reserved under the Scheme; or</p> <p>(b) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.</p>
25.	The erection of a boundary fence.	Where consistent with an adopted local planning policy or local law.

The certification pages for local planning schemes have been updated as follows -

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the **SHIRE OF ASHBURTON** at the Ordinary Meeting of Council held on the 10th October 2023.

CHIEF EXECUTIVE OFFICER

PRESIDENT

DRAFT

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to **support** approval of the draft Scheme of the **SHIRE OF ASHBURTON** at the _____ Meeting of Council held on the _____

The Common Seal of the **SHIRE OF ASHBURTON** was hereunto affixed

by authority of a resolution

of the Council in the presence of:

CHIEF EXECUTIVE OFFICER

PRESIDENT

WAPC Recommended for Approval

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

Date: _____

Approval Granted

MINISTER FOR PLANNING

Date: _____