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# SHIRE OF KATANNING

## TOWN PLANNING SCHEME NO. 4

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*VERSION 1*

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### **DISCLAIMER**

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**SHIRE OF KATANNING**  
**TOWN PLANNING SCHEME NO. 4**

THE KATANNING SHIRE COUNCIL, UNDER AND BY VIRTUE OF THE POWERS CONFERRED UPON IT IN THAT BEHALF BY THE TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED), HEREBY MAKES THE FOLLOWING TOWN PLANNING SCHEME FOR THE PURPOSES LAID DOWN IN THE ACT.

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## **PART I - PRELIMINARY**

### **1.1 CITATION:**

This Town Planning Scheme may be cited as the Shire of Katanning Town Planning Scheme No. 4 hereinafter called "the Scheme" and shall come into operation on the publication of the Scheme in the *Government Gazette*.

### **1.2 RESPONSIBLE AUTHORITY:**

The Authority responsible for implementing the Scheme is the Council of the Shire of Katanning hereinafter called "the Council".

### **1.3 SCHEME AREA:**

The Scheme applies to the whole of the land within the Municipal District of the Shire of Katanning hereinafter called "the Scheme Area".

### **1.4 REVOCATION:**

The Shire of Katanning Town Planning Scheme No. 3 published in the *Government Gazette* of 14 October 1988 and all amendments thereto is hereby revoked.

### **1.5 CONTENTS OF SCHEME:**

The Scheme comprises:

- a) this Scheme Text
- b) the Scheme Map.

### **1.6 ARRANGEMENT OF SCHEME TEXT:**

The Scheme Text is divided into the following parts:

PART 1 - PRELIMINARY  
PART 2 - RESERVES  
PART 3 - ZONES  
PART 4 - NON-CONFORMING USES  
PART 5 - HERITAGE - PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE  
PART 6 - ZONES - OBJECTIVES AND DEVELOPMENT REQUIREMENTS  
PART 7 - GENERAL DEVELOPMENT REQUIREMENTS  
PART 8 - PLANNING APPROVAL  
PART 9 - ADMINISTRATION  
SCHEDULES

### **1.7 SCHEME OBJECTIVES:**

The objectives of the Scheme are:

- a) to zone the Scheme Area for the purposes described in the Scheme;
- b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- d) to make provisions for industrial development close to the town of Katanning;
- e) the preservation of heritage places;

- f) to make provision for the protection and management of the natural environment within the Scheme Area; and
- g) to make provision for other matters necessary or incidental to Town Planning and housing.

**1.8 DEFINITIONS:**

- 1.8.1 Except as provided in clauses 1.8.2 and 1.8.3 the words and expressions of the Scheme have their normal and common meaning.
- 1.8.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Schedule 1 and the Residential Design Codes. *AMD 5 GG 9/12/05*
- 1.8.3 Where a word or term is defined in the Residential Design Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Design Codes.  
*AMD 5 GG 9/12/05*

## **PART II - RESERVES**

### **2.1 SCHEME RESERVES:**

The land shown as Scheme Reserves on the Scheme Map, hereinafter called "Reserves", are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder.

PUBLIC PURPOSE  
RECREATION AND OPEN SPACE  
RAILWAY  
ROAD

### **2.2 MATTERS TO BE CONSIDERED BY THE COUNCIL:**

Where an application for planning approval is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

### **2.3 COMPENSATION:**

2.3.1 Where the Council refuses planning approval for the development of a reserve on the ground that the land is reserved for local authority purposes or for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

2.3.2 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing planning approval or granting it subject to conditions that are unacceptable to the applicant.

2.3.3 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning approval or of the grant of consent subject to conditions that are unacceptable to the applicant.

## PART III - ZONES

### 3.1 ZONES

3.1.1 There are hereby created the several zones set out hereunder:

RESIDENTIAL  
SPECIAL RESIDENTIAL  
TOWN CENTRE  
COMMERCIAL  
LIGHT INDUSTRIAL  
GENERAL INDUSTRIAL  
SPECIAL RURAL  
RURAL  
SPECIAL USE

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

### 3.2 ZONING TABLE:

*AMD 5 GG 9/12/05*

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meaning:

"P" means that the use is permitted by the Scheme.

"AA" means that the use is not permitted unless the Council has granted planning approval.

"SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 8.3.1.

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

3.2.3 A change in the use of land from one use to another is permitted if:

- (a) the Council 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.

- Note:
1. The planning approval of the Council is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
  2. The Council will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
  3. In considering an "AA" or "SA" use, the Council will have regard to the matters set out in clause 8.5.

4. The Council must refuse to approve any "X" use of the land. Approval to an "X" use of land may only proceed by way of an amendment to the Scheme.
- 3.2.4 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
  - 3.2.5 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 Council 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 8.3 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.

### **3.3 SPECIAL USE ZONES:**

No person shall use any land or any building or structure in a Special Use Zone, except for the purpose specified against the description of such land in Schedule 2 to the Scheme.

**TABLE 1 - ZONING TABLE**

AMD 5 GG 9/12/05

USES	RESIDENTIAL	SPECIAL RESIDENTIAL	TOWN CENTRE	COMMERCIAL	LIGHT INDUSTRIAL	GENERAL INDUSTRIAL	SPECIAL RURAL	RURAL
1 aged or dependent persons' dwelling	AA	X	X	X	X	X	X	X
2 agriculture-extensive	X	X	X	X	X	X	X	P
3 agroforestry	X	X	X	X	X	X	X	P
4 ancillary accommodation	AA	AA	X	X	X	X	AA	AA
5 ancillary tourist use	X	SA	AA	SA	SA	X	SA	AA
6 animal husbandry – intensive	X	X	X	X	X	X	X	SA
7 caretaker's dwelling	X	X	AA	AA	AA	AA	X	AA
8 civic building	AA	X	AA	AA	AA	X	X	X
9 club premises	X	X	AA	AA	X	X	X	AA
10 consulting rooms	SA	X	P	AA	X	X	X	X
11 education establishment	SA	X	SA	AA	X	X	X	AA
12 farm supply centre	X	X	X	AA	P	P	X	X
13 fuel depot	X	X	X	X	AA	P	X	X
14 grouped dwelling	AA	X	AA	AA	X	X	X	P
15 home business	SA	SA	AA	AA	X	X	SA	AA
16 home occupation	AA	AA	X	X	X	X	AA	AA
17 hotel	X	X	AA	SA	X	X	X	X
18 industry – cottage	SA	AA	X	X	X	X	AA	AA
19 industry – extractive	X	X	X	X	X	X	X	AA
20 industry – general	X	X	X	X	X	AA	X	X
21 industry – light	X	X	X	X	P	P	X	X
22 industry – noxious	X	X	X	X	X	SA	X	SA
23 industry – rural	X	X	X	X	X	SA	X	SA
24 industry – service	X	X	X	AA	P	P	X	X
25 intensive agriculture	X	X	X	X	X	X	X	AA
26 local shop	SA	X	P	AA	AA	AA	X	X
27 motel	SA	X	AA	AA	X	X	X	X
28 motor vehicle, boat or caravan sales	X	X	AA	P	P	P	X	X
29 motor vehicle repair	X	X	X	SA	P	P	X	X
30 office	X	X	P	P	AA	X	X	X
31 plantation	X	X	X	X	X	X	X	AA
32 plant nursery	SA	X	X	SA	P	AA	SA	SA
33 public recreation	P	P	P	P	P	P	P	P
34 public utility	AA	AA	AA	AA	AA	AA	AA	AA
35 residential building	AA	X	AA	AA	X	X	X	SA
36 restaurant	X	X	P	AA	X	X	X	AA
37 restricted premises	X	X	SA	X	SA	X	X	X
38 rural home business	X	X	X	X	X	X	SA	AA
39 rural pursuit	X	X	X	X	X	X	SA	P
40 service station	X	X	SA	SA	P	AA	X	SA
41 shop	X	X	P	SA	X	X	X	X
42 single house	P	P	AA	AA	X	X	P	P
43 take-away food outlet	X	X	AA	AA	X	X	X	X
44 tavern	X	X	AA	SA	X	X	X	X
45 transport depot	X	X	X	X	P	P	X	SA
46 veterinary centre	X	X	SA	AA	P	AA	AA	AA



**3.4 ADDITIONAL USE**  
*AMD 7 GG 21/11/06*

Despite anything contained in the Zoning Table, the land specified in Schedule 11 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 11 with respect to that land.

Note: An Additional Use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

## **PART IV - NON-CONFORMING USES**

### **4.1 NON-CONFORMING USE RIGHTS:**

No provision of the Scheme shall prevent:

- a) the continued use of any land or building for the purpose for which it was being lawfully used at the gazettal date of the Scheme; or
- b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

### **4.2 EXTENSION OF NON-CONFORMING USE:**

A person shall not alter or extend a non-conforming use or erect alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

### **4.3 CHANGE OF NON-CONFORMING USE:**

Notwithstanding anything contained in the Zoning Table the Council may grant its planning approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone.

### **4.4 DISCONTINUANCE OF NON-CONFORMING USE:**

- 4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.
- 4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the occupier of that property, and may enter into an agreement with the owner for that purpose.

### **4.5 DESTRUCTION OF BUILDINGS:**

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the building shall not be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

## **PART V - HERITAGE -       PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE**

### **5.1       PURPOSE AND INTENT:**

The purpose and intent of the heritage provisions are:

- a)       to facilitate the conservation of places of heritage value;
- b)       to ensure as far as possible that development occurs with due regard to heritage values.

### **5.2       HERITAGE LIST**

- 5.2.1    The Council shall establish and maintain a Heritage List of buildings, objects, structures and places considered by the Council to be of heritage significance and worthy of conservation.
- 5.2.2    For the purposes of this part, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990 (as amended)*, or such parts thereof as described in the Heritage List.
- 5.2.3    The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

### **5.3       DESIGNATION OF HERITAGE PRECINCTS**

- 5.3.1    The Council may designate an area of land to be a Heritage Precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.
- 5.3.2    The Council shall adopt for each Heritage Precinct a policy statement which shall comprise:
  - a)       a map showing the boundaries of the precinct;
  - b)       a list of any buildings, objects, structures or places of heritage significance; and
  - c)       objectives and guidelines for the conservation of the precinct.
- 5.3.3    The Council shall keep a copy of the policy statement for any designated Heritage Precinct with the Scheme documents for public inspection during normal office hours.
- 5.3.4    The procedure to be followed by the Council in designating a Heritage Precinct shall be as follows:
  - a)       the Council shall notify in writing each owner of land affected by the proposal;
  - b)       the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the proposal, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposal;
  - c)       the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to in paragraphs (a) and (b) above;
  - d)       the Council shall carry out such other consultations as it thinks fit;

- e) the Council shall consider any submissions made and resolve to designate the Heritage Precinct with or without modification or reject the proposal after consideration of submissions; and
  - f) the Council shall forward notice of its decision to the Heritage Council of WA.
- 5.3.5 The Council may modify or may cancel a Heritage Precinct or any policy statement which relates to it by following the procedure set out in clause 5.3.4.

#### **5.4 APPLICATIONS FOR PLANNING APPROVAL**

- 5.4.1 In dealing with any matters which may affect a Heritage Precinct or individual entry on the Heritage List, including any application for planning approval, the Council shall have regard to any heritage policy of the Council.
- 5.4.2 The Council may, in considering any application that may affect a Heritage Precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA, and those of any other relevant bodies, and take those views into account when determining the application.
- 5.4.3 Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a Heritage Precinct or individual entry listed on the Heritage List.

#### **5.5 FORMALITIES OF APPLICATION**

- 5.5.1 In addition to the application formalities prescribed in clause 5.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a Heritage Precinct, to provide one or more of the following to assist the Council in its determination of the application:
- a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
  - b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
  - c) a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
  - d) any other information which the Council indicates that it considers relevant.

#### **5.6 VARIATIONS TO SCHEME PROVISIONS**

- 5.6.1 Where desirable to facilitate the conservation of a place, area, building, object or structure of heritage value, or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the opinion of the Council the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:
- a) consult the affected parties by following one or more of the provisions dealing with advertising pursuant to clause 8.3.3; and

b) have regard to any expressed views prior to making its decision to grant the variation.

5.6.2 In granting variations under clause 5.6.1 the Council may enter into a heritage agreement under Part 4 of the *Heritage of Western Australia Act 1990 (as amended)* with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

## PART VI - ZONES - OBJECTIVES AND REQUIREMENTS

### 6.1 RESIDENTIAL ZONE

#### 6.1.1 Objectives

- a) to retain the single house as the predominant form of residential development in the town.
- b) to provide for lifestyle choice in and around the town with a range of residential densities.
- c) to allow for the establishment of non-residential uses subject to local amenities not being adversely affected.
- d) to achieve a high standard of residential development.

#### 6.1.2 Residential Development: Residential Design Codes AMD 5 GG 9/12/05

6.1.2.1 For the purpose of the Scheme "Residential Design Codes" means the Residential Design Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto (hereinafter called the "R Codes"). AMD 5 GG 9/12/05

6.1.2.2 A copy of the R Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.

6.1.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those Codes.

6.1.3 Site Requirements: In accordance with the R Codes.

#### 6.1.4 Development Requirements:

In areas shown on the Scheme Map with a density code of R12.5/25, the Council may permit a development density of up to R25 where:

- a) the development would be connected to the reticulated sewerage system; and
- b) the Council after following the advertising procedures in clause 8.3 is satisfied there will not be adverse impacts on local amenities.

### 6.2 SPECIAL RESIDENTIAL ZONE

#### 6.2.1 Objectives

- a) to provide for larger residential lots for lifestyle choice.
- b) to allow for the keeping of animals under stipulated conditions.
- c) to achieve a high standard of residential development on lots generally in the range of 2000 square metres to 9999 square metres.

6.2.2 Site Requirements: The following minimum building setbacks shall apply:

Front : 15.0m  
Rear : 15.0m  
Side : 10.0m

### 6.2.3 Development Requirements

- a) in addition to a building licence, the Council's planning approval is required for all development including a single house and such application shall be made in writing and be subject to the provisions of clause 8.2 of the Scheme.
- b) not more than one (1) dwelling per lot shall be erected but the Council may at its discretion, approve ancillary accommodation.
- c) in addition to other provisions of the Scheme that may affect it, any land that is included in a Special Residential zone shall be subject to those provisions as may be specifically set out against it in Schedule 3.
- d) except as may otherwise be provided for in Schedule 3, the minimum lot size should be no less than 2000m<sup>2</sup> or effective lot frontages not less than 20 metres; and building envelopes shall be confined to a maximum area of 20% of the lot area.
- e) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the Council.
- f) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- g) keeping of stock is subject to approval of the Council and shall be prohibited on lots of less than 8000 square metres.
- h) any person who keeps stock or who uses any land for the exercise or training of stock shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, and any other practice detrimental to the amenity of a Special Residential zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.

## 6.3 TOWN CENTRE ZONE

### 6.3.1 Objectives

- a) to ensure the town centre remains the principal place for business and administration within the District.
- b) to encourage a high standard of development including buildings, landscaping, and car parking.
- c) to ensure adequate provision is made for car parking to service development in the town centre.

### 6.3.2 Site Requirements: At the discretion of the Council, which may be guided by the following:

- a) lot size and frontage should generally be consistent with existing lots in the vicinity and capable of supporting development which complies with provisions of the Scheme;
- b) setbacks are to comply with the Building Code of Australia, and the Council will encourage building to the front boundary where this will be consistent with existing development on adjoining lots fronting the same street.

### 6.3.3 Development Requirements

- 6.3.3.1 Development shall not exceed two storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.
- 6.3.3.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the town centre the Council shall have regard to the following:
- a) the colour and texture of external building materials; the Council may require the building facade and side walls to be constructed in masonry;
  - b) building size, height, bulk, roof pitch;
  - c) setback and location of the building on its lot;
  - d) architectural style and design details of the building;
  - e) function of the building;
  - f) relationship to surrounding development; and
  - g) other characteristics considered by the Council to be relevant.
- 6.3.3.3 Landscaping shall complement the appearance of the proposed development and the town centre.
- 6.3.3.4 The layout of car parking provided in accordance with the provisions of clause 7.1 of the Scheme shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

## 6.4 **COMMERCIAL ZONE**

### 6.4.1 Objectives

- a) to provide for a range of commercial uses which complement the town centre.
- b) to exclude retail shopping which should be located within the town centre.
- c) to achieve a high standard of development and presentation including buildings, landscaping, and car parking.

### 6.4.2 Site Requirements

- 6.4.2.1 At the discretion of the Council which may be guided by the following:
- a) lot size and frontage should generally be consistent with existing lots in the vicinity and capable of supporting development which complies with provisions of the Scheme;
  - b) setbacks are to comply with the Building Code of Australia, and the Council will encourage building to the front boundary where this will be consistent with existing development on adjoining lots fronting the same street.
- 6.4.2.2 Notwithstanding the provisions of clause 6.4.2.1, for a lot in the Commercial zone which abuts a lot in the Residential zone setbacks shall comply with the Residential Planning Code applicable to the abutting lot.

### 6.4.3 Development Requirements

- 6.4.3.1 Development shall not exceed two storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.
- 6.4.3.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the town centre the Council shall have regard to the following:
- a) the colour and texture of external building materials; the Council may require the building facade and side walls to a building depth of three metres to be constructed in masonry;
  - b) building size, height, bulk, roof pitch;
  - c) setback and location of the building on its lot;
  - d) architectural style and design details of the building;
  - e) function of the building;
  - f) relationship to surrounding development; and
  - g) other characteristics considered by the Council to be relevant.
- 6.4.3.3 Landscaping shall be provided to complement the appearance of the proposed development and the town centre.
- 6.4.3.4 The layout of car parking provided in accordance with the provisions of clause 7.1 of the Scheme shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

## 6.5 **LIGHT INDUSTRIAL ZONE**

### 6.5.1 Objectives

- a) to encourage appropriate light industrial development with diverse employment opportunities.
- b) to provide for light industry to support development in the District.

### 6.5.2 Site Requirements: The following minimum building setbacks shall apply:

Front : 7.5m  
Rear : 7.5m  
Side : 5.0m on one side

### 6.5.3 Development Requirements:

The first five metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

## 6.6 GENERAL INDUSTRIAL ZONE

### 6.6.1 Objectives

- a) to make provision for industries which require larger sites, and by the nature of the industrial activity should be isolated from residential development.
- b) to encourage manufacture using produce from the District.
- c) to provide for employment opportunities for residents of the District.
- d) to take advantage of the attributes of location, availability of services, and transport facilities servicing the District.

### 6.6.2 Site Requirements: The following minimum building setbacks shall apply:

Front	:	20.0m
Rear	:	20.0m
Side	:	15.0m on one side

### 6.6.3 Development Requirements

- 6.6.3.1 The first five metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.
- 6.6.3.2 Provision shall be made to the satisfaction of the Council for the control of emissions from the site. Without limiting the generality of this clause, this shall include the control of liquid wastes, odour, dust, or smoke. The Council may seek advice from any public authority before determining an application for development on any site.

### 6.6.4 Special Requirements for Windee Ridge General Industrial Zone:

The provisions of this clause shall apply only to Locations 6344, 341, 347, 383, and 4933 Illareen and Bushy Lane Roads, Katanning.

- 6.6.4.1 Prior to the issue of planning approval for an industry in the General Industrial Zone, the Council will ascertain the appropriate buffer for that industry, and such industry may only be granted approval if the relevant buffer can be accommodated wholly within the zone.
- 6.6.4.2 Prior to subdivision or development the Council shall require the preparation and adoption of a Development Guide Plan for the land. Without limiting the generality of this clause the Development Guide Plan should show:
  - a) graduating buffer distances from the perimeter of the zone;
  - b) anticipated major roads;
  - c) creek lines, wetlands and associated areas, remnant vegetation and other areas worthy of protection;
  - d) the interface between the industrial and other land uses including the provision of landscaping;
  - e) the "core" area where the Council shall require significant industries to locate and which is to be sited having regard to the existence of nearby residential properties and prevailing site conditions sufficient to ensure all buffer distance are contained wholly within the General Industrial zone in accordance with clause 6.6.4.1.

- 6.6.4.3 Following receipt of a Development Guide Plan prepared in accordance with clause 6.6.4.2, the Council shall cause the plan to be advertised in accordance with the Scheme requirements.
- 6.6.4.4 A proposed Development Guide Plan shall be deemed refused by the Council where a decision on the proposal has not been determined by the Council within three (3) months of the Council's receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.
- 6.6.4.5 Where the Council rejects the Development Guide Plan, or attaches conditions or requires modification which the applicant considers unreasonable, the applicant shall have a right of appeal pursuant to Part V of the Act.
- 6.6.4.6 Notwithstanding clause 6.6.4.5 the applicant shall prior to exercising any right of appeal pursuant to Part V of the Act, submit the Development Guide Plan and the Council's resolution to the Commission and request the Commission make a determination.
- 6.6.4.7 All development shall be landscaped at the perimeter of the zone.
- 6.6.4.8 In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the Council may refer such proposals to the Department of Environmental Protection, and the granting of planning approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

## **6.7 SPECIAL RURAL ZONES**

### **6.7.1 Objectives**

- a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

### **6.7.2 General Provisions**

- a) before making provision for a Special Rural Zone, the Council will require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural Zone and such submission shall include:
  - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
  - (ii) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
  - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
  - (iv) in the absence of a Rural Strategy, it will be the responsibility of each applicant for rezoning to Special Rural to prepare a land suitability and capability assessment to the satisfaction of both the Council and the Commission.

- b) the Scheme provisions for a specific Special Rural Zone shall include a plan of subdivision showing, amongst other things:
  - (i) the proposed subdivision including lot sizes and dimensions.
  - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate.
  - (iii) those physical features it is intended to conserve.
- c) in addition to the plan of subdivision, the Scheme provisions for a specific Special Rural Zone shall specify:
  - (i) any facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid or solid waste disposal, etc).
  - (ii) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.
  - (iii) any special provisions appropriate to secure the objectives of the zone.
- d) the provisions for controlling subdivision and development in specific Special Rural Zones shall be as laid down in Schedule 4 and future subdivision will generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer.

6.7.3 Site Requirements: The following minimum building setbacks shall apply:

Front	:	15.0m
Rear	:	10.0m
Side	:	10.0m

6.7.4 Development Requirements

6.7.4.1 Development in a Special Rural Zone shall comply with the following:

- a) in addition to a building licence, the Council's planning approval is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of clause 8.2 of the Scheme.
- b) not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation.
- c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the Council.
- d) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a special rural zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking

such action shall be recoverable by the Council from the landowner.

6.7.4.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following:

- a) the colour and texture of external building materials;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) relationship to surrounding development;
- f) provision to be made for bush fire control; and
- g) other characteristics considered by the Council to be relevant; and

## 6.8 RURAL ZONE

### 6.8.1 Objectives

- a) to ensure the continuation of broad-hectare farming as the principal landuse in the District and encouraging where appropriate the retention and expansion of agricultural activities.
- b) to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.
- c) to allow for facilities for tourists and travellers, and for recreation uses.

6.8.2 Site Requirements: The following minimum building setbacks shall apply:

Front	:	50.0m
Rear	:	15.0m
Side	:	15.0m

### 6.8.3 Subdivision:

Having regard to the prime agricultural importance of land in the zone the Council will only recommend to the Commission support for further subdivision of existing lots where:

- a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- b) the lots are for farm build-up purposes;
- c) the lots are for specific uses such as recreation facilities and public utilities; or
- d) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists.

### 6.8.4 Feedlots:

In considering an application for development of a feedlot in the Scheme Area the Council shall have regard to Guidelines for Environmental Protection as set out in the "National Guidelines for Beef Cattle Feedlots in Australia" published by the Standing Committee on

Agriculture Report No. 47 and shall determine an application in accordance with the Scheme.

## **6.9 SPECIAL USE ZONES**

### **6.9.1 Statement of Intent:**

Special Use zones will apply where the Council wants to have specific landuse control and/or development requirements. This may be on land where a mix of landuses is appropriate but which are not readily captured by the terms of a specific zone.

### **6.9.2 Development Requirements:**

The Council shall determine development requirements and building setbacks which shall be shown in Schedule 2 having regard to the provisions of the Scheme and:

- a) the nature and extent of the proposed development;
- b) the Building Code of Australia;
- c) the nature of existing developments and building setbacks thereto on adjoining lots;
- d) the zoning in the Scheme of adjoining lots; and
- e) orderly and proper planning in the locality, and the maintenance of local amenities.

## **PART VII - GENERAL DEVELOPMENT REQUIREMENTS**

### **7.1 CAR PARKING REQUIREMENTS:**

- 7.1.1 A person shall not develop or use any land or erect use or adapt any building for the purpose indicated in Schedule 5 unless car parking spaces as specified in Schedule 5 are provided and such spaces are constructed and maintained in accordance with the Scheme.
- 7.1.2 When considering any development application, the Council shall have regard to and may impose conditions on the provision of car parking spaces and the details of locating and designing the required spaces, landscaping, and pedestrian spaces on the lot. In particular, the Council shall take into account and may impose conditions concerning:
- a) the proportion of car spaces to be roofed or covered;
  - b) the means of access to each car space and the adequacy of any vehicle manoeuvring area;
  - c) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;
  - d) the extent to which car spaces are located within required building setback areas;
  - e) the locations of proposed public footpaths, vehicular crossing, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
  - f) the suitability and adequacy of proposed screening or landscaping; and
  - g) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for landscaping and pedestrian space.
- 7.1.3 The parking spaces shall measure not less than the dimensions as shown in Schedule 5 for the type of parking layout adopted, except that the Council may exercise absolute discretion to vary the number or dimension of spaces where to do so would allow for retention of existing vegetation worthy of such retention.
- 7.1.4 Parking bays shall be serviced by all necessary accessways, and the parking area shall be surfaced to the satisfaction of the Council.
- 7.1.5 Where the Council so decides, it may accept cash payment in lieu of the provision of parking spaces but only subject to the following requirements:
- a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme plus the value, as determined by the Valuer General or a Licensed Valuer appointed by the Council, of that area of the land which would have been occupied by the parking spaces.
  - b) payments made under this clause shall be paid into a parking fund to be used for the provision of public car parking facilities. The Council may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.

### **7.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS:**

- 7.2.1 Clause 7.2.2 shall not apply to:

- a) development in respect of which the Residential Design Codes apply under this Scheme, or *AMD 5 GG 9/12/05*
- b) development on land abutting an unconstructed road, or
- d) development on a lot which does not have frontage to a constructed road.

7.2.2 Subject to clause 7.2.1, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

### **7.3 DEVELOPMENT LIMITED BY LIQUID WASTE DISPOSAL:**

Notwithstanding anything elsewhere appearing in the Scheme, the Council may refuse to issue planning applicable for any development if in the opinion of the Council adequate provision is not made or cannot reasonably be made for the disposal of liquid wastes from the development.

### **7.4 SUPPLY OF POTABLE WATER:**

As a condition of the issue of a building licence each dwelling shall be provided with a supply of potable water either from a reticulated system, or an underground bore, or a rainwater-storage system with a minimum capacity of 92,000 litres to the satisfaction of the Council. The Council may consult with Agriculture Western Australia to determine roof catchment area required for an adequate rainwater storage system.

### **7.5 LAND LIABLE TO FLOODING:**

Notwithstanding anything elsewhere appearing in the Scheme development of land defined by the Council as being liable to flooding or inundation shall be subject to the following:

- a) in addition to a building licence, the Council's planning approval is required for all development including permitted ("P") uses and such application shall be made in accordance with the provisions of the Scheme.
- b) in determining an application for planning approval the Council shall consult with the Water Authority of Western Australia.
- c) development which includes a building or structure shall not be permitted unless in accordance with recommendations of the Water and Rivers Commission.

### **7.6 TRANSPORTED DWELLINGS:**

7.6.1 Within the Scheme Area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area; or the building has been specifically constructed as a transportable dwelling.

- 7.6.2 An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.

## **7.7 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS:**

Notwithstanding anything elsewhere appearing in the Scheme where an application for planning approval is made in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the Council may either:

- a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- b) approve the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- c) require such other arrangements are made for permanent access as shall be to the satisfaction of the Council.

## **7.8 HOME OCCUPATION:**

7.8.1 An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

7.8.2 If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may:

- a) revoke the approval; or
- b) require the occupier of the land in respect of which the home occupation approval is issued to implement those measures specified by the Council and which in the opinion of the Council will remove the nuisance or annoyance.

## **7.9 USE OF SETBACK AREAS**

7.9.1 No person shall in any zone use the land between a street alignment and the distance that buildings are required to be set back from such street alignment for any purpose other than one or more of the following:

- a) a means of access;
- b) the daily parking of vehicles;
- c) the loading and unloading of vehicles; or
- d) landscaping which only in the Town Centre and Commercial Zones and then only with the specific approval of Council may include an awning, pergola, or similar structure and when in front of a take away food outlet or restaurant may provide for alfresco dining.

7.9.2 The setback area shall not be used for the parking of vehicles which are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste of manufacture.

## **7.10 RADIO MASTS, TELEVISION ANTENNAE, AND SATELLITE DISHES:**

Radio masts, television antennae, and satellite dishes whether used for commercial or domestic purposes shall be located or positioned on land or buildings so that the Council is satisfied there

will not be adverse impacts on local amenities.

## **7.11 CONTROL OF ADVERTISEMENTS**

### 7.11.1 Power to Control Advertisements:

- a) for the purpose of the Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such planning approval is required in addition to any licence pursuant to the Council's Signs, Hoarding and Bill Posting Bylaws.
- b) applications for the Council's approval pursuant to this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form required by the Council giving details of the advertisement(s) to be erected, placed or displayed on the land.

### 7.11.2 Existing Advertisements:

Advertisements which:

- a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this part referred to as "existing advertisements", may except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

### 7.11.3 Consideration of Applications:

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

### 7.11.4 Exemptions from the Requirement to Obtain Consent:

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of clause 7.11.1 paragraph (a) the Council's prior consent is not required in respect of those advertisements listed in Schedule 6 which for the purpose of this clause are referred to as "exempted advertisements". The exemptions listed in Schedule 6 do not apply to places, buildings, conservation areas or landscape protection zones which are either:

- a) listed by the National Trust; or
- b) listed on the register of the National Estate; or
- c) included in the Heritage List; or
- d) in a Heritage Precinct.

### 7.11.5 Discontinuance:

Notwithstanding the scheme objectives and clause 7.11.4 where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of the Scheme, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or

otherwise modify the advertisement within a period of time specified in the notice.

7.11.6 Derelict or Poorly Maintained Signs:

Where in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the Council may by notice in writing require the advertiser to:

- a) repair, repaint or otherwise restore the advertisement to a standard specified by the Council in the notice, or
- b) remove the advertisement.

7.11.7 Notices:

- a) "the advertiser" shall be interpreted as any one or any group comprised of the landowner, occupier, or licensee.
- b) any notice served in exceptional circumstances pursuant to clause 7.11.5 or pursuant to clause 7.11.6 shall be served upon the advertiser and shall specify:
  - (i) the advertisement(s) the subject of the notice;
  - (ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
  - (iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.
- c) any person upon whom a notice is served pursuant to this clause may appeal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and, shall thereafter have effect according to that decision.

7.11.8 Scheme to Prevail:

Where the provisions of this clause are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.

7.11.9 Enforcement and Penalties:

The offences and penalties provisions specified in the Scheme apply to the advertiser in this clause.

## **PART VIII - PLANNING APPROVAL**

### **8.1 DEVELOPMENT OF LAND**

*AMD 5 GG 9/12/05*

- 8.1.1 Subject to clause 8.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning approval of the Council under the Scheme.
- 8.1.2 The planning approval of the Council is not required for the following development of land:
- a) the use of land in a reserve, where such land is held by the Council or vested in a public authority;
    - (i) for the purpose for which the land is reserved under the Scheme; or
    - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
  - b) except as otherwise provided in the Scheme;
    - (i) the use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
    - (ii) the erection on a lot of a single house including ancillary outbuildings in a zone where the use is a permitted ("P") use in the zone in which that land is situated.
    - (iii) the erection of a boundary fence.
  - c) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
  - d) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building.
  - e) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.
  - f) home office.

### **8.2 APPLICATION FOR PLANNING APPROVAL:**

Every application for planning approval shall be made in the form prescribed in Schedule 7 and shall be accompanied by such plans and other information as is required by the Scheme.

- 8.2.1 Unless the Council waives any particular requirement every application for planning approval shall be accompanied by:
- a) a plan or plans to a scale of not less than 1:500 showing:
    - (i) street names, lot number(s), north point and the dimensions of the site;
    - (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
    - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;

- (iv) the location, number, dimensions, and layout of all car parking spaces intended to be provided;
  - (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
  - (vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
  - (vii) the nature and extent of any open space and landscaping proposed for the site.
- b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain.
  - c) any other plan or information that the Council may reasonably require to enable the application to be determined.

### **8.3 ADVERTISING OF APPLICATIONS:**

8.3.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of clause 8.3.3.

8.3.2 Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of clause 8.3.3.

8.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:

- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.

8.3.4 The Notice referred to in clause 8.3.3 paragraphs (a) and (b) shall be in the form contained in Schedule 8 with such modifications as circumstances require.

8.3.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

### **8.4 CONSULTATION WITH OTHER AUTHORITIES:**

8.4.1 In determining any application for planning approval the Council may consult with any other statutory, public, or planning authority and with any other party it considers appropriate.

8.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.

## 8.5 MATTERS TO BE CONSIDERED BY THE COUNCIL:

The Council in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the Council under clause 9.6, any heritage policy statement for a designated area adopted under clause 5.3.2, and any other plan or guideline adopted by the Council under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990* or which is included in the Heritage List under clause 5.2, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire, or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to develop on adjoining land or on other land in the locality but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring, and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;

- (s) whether public utility services are necessary and, if so, whether they are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submission received on the application;
- (z) the comments or submissions received from any authority consulted under clause 8.4;
- (za) the need to protect Aboriginal sites of significance as required under the *Aboriginal Heritage Act 1972*;
- (zb) potential impacts of noise, dust light, risk and other pollutants on surrounding land uses; and
- (zc) any other planning consideration the Council considers relevant.

## **8.6 DETERMINATION OF APPLICATION**

8.6.1 In determining any application for planning approval the Council may:

- a) grant its approval with or without conditions; or
- b) refuse to grant its approval.

8.6.2 The Council shall convey its decision to the applicant in the form prescribed in Schedule 9 to the Scheme.

8.6.3 Where the Council grants planning approval, that approval:

- a) continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved; and
- b) lapses if the development has not substantially commenced before the expiration of that period.

8.6.4 Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the development is permitted.

## **8.7 DEEMED REFUSAL**

8.7.1 Subject to clause 8.7.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

8.7.2 An application for planning approval which is subject of a notice under clause 8.3.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

- 8.7.3 Notwithstanding that an application for planning approval may be deemed to have been refused under clauses 8.7.1 or 8.7.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 day or 90 day period specified in those clauses, and that decision shall be regarded as being valid.

## **8.8 APPROVAL OF EXISTING DEVELOPMENT**

- 8.8.1 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring the Council's approval prior to the commencement of development.
- 8.8.2 The application to the Council for approval under clause 8.8.1 shall be made on the form prescribed in Schedule 7.
- 8.8.3 A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of approval under this clause it is permissible.
- 8.8.4 The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval.

## **PART IX - ADMINISTRATION**

### **9.1 POWERS OF THE SCHEME:**

In implementing the Scheme the Council has, in addition to all other powers vested in it, the following powers:

- a) the Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- b) the Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act.
- c) the Council may deal with or dispose of any land which it has acquired pursuant to the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit.
- d) an officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being served.
- e) the Council may require a proponent for planning approval to pay the costs of the advertising of the proposal under clause 8.3 of the Scheme.

### **9.2 OFFENCES**

9.2.1 A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:

- a) otherwise than in accordance with the provisions of the Scheme;
- b) unless all consents required by the Scheme have been granted and issued;
- c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with; and
- d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

9.2.2 A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.

### **9.3 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS**

9.3.1 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

9.3.2 The Council may recover expenses under Section 10(2) of the Act in a Court of competent jurisdiction.

### **9.4 COMPENSATION:**

Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to Section 11 of the Act is six (6) months after the date of publication of the Scheme in the *Government Gazette*.

## **9.5 RIGHTS OF APPEAL:**

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

## **9.6 PLANNING POLICIES**

9.6.1 The Council may prepare a planning policy (hereinafter called “a Policy”) which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply:

- a) generally or in a particular class of matter or in particular 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 a Policy so prepared.

9.6.2 A Policy shall become operative only after the following procedures have been completed:

- a) the Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- b) policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- c) the Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

9.6.3 The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.

9.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in clause 9.6.2.

9.6.5 A Policy may be rescinded by:

- a) preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and
- b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the Scheme Area.

9.6.6 A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

9.6.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

## **9.7 DELEGATION**

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- 9.7.1 The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- 9.7.2 The CEO may delegate to any employee of the Council the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 9.7.1.
- 9.7.3 The exercise of the power of delegation under clause 9.7.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.
- 9.7.4 Sections 5.45 and 5.46 of the *Local government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

## SCHEDULE 1 - DEFINITIONS

abattoir: means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

absolute majority: has the same meaning given to it in the *Local Government Act 1960 (as amended)*.

Act: means the *Town Planning and Development Act, 1928 (as amended)*.

advertisement: means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.

agriculture – extensive: means premises used for the raising of stock or crops but does not include intensive agriculture or animal husbandry – intensive; AMD 5 GG 9/12/05

agroforestry: means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare; AMD 5 GG 9/12/05

amusement facility: means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

amusement machine: means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

amusement parlour: means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

ancillary tourist use: means premises used for: AMD 5 GG 9/12/05

- (a) recreation or entertainment,
- (b) consumption of food and / or beverages,
- (c) the sale of produce,
- (d) the sale of arts and crafts, and / or,
- (e) conducting excursions for tourists,

where such use is incidental to and directly related to the predominant use of the land;

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) and other livestock in feedlots; AMD 5 GG 9/12/05

aquaculture: has the same meaning given to the term in the *Fish Resources Management Act 1994*; AMD 5 GG 9/12/05

battle-axe lot: means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

bed and breakfast: means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast; AMD 5 GG 9/12/05

Builder's storage yard: means any land or buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

Building Code of Australia: means the *Building Code of Australia 1988 (as amended)*.

building envelope: means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.

camping area: means land used for the lodging of persons in tents or other temporary shelter.

caravan park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

caretaker's dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

civic building: means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.

civic use: means land and buildings used by a public authority or the Council, for administrative, recreational or other purpose.

club premises: means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988 (as amended)* or not and which building or premises are not otherwise classified under the provisions of the Scheme.

commercial vehicle: means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the *Vehicle Sales Regulations 1976 (as amended)*, a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes.

Commission: means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985 (as amended)*.

conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:

- a) enable the cultural heritage significance of that place or precinct to be retained; and
- b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilization, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

constructed road: means a track that has been graded and stabilised within a gazetted road reserve.

consulting rooms: means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.

cultural heritage significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

curtilage: in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.

development: shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

- a) is likely to change the character of the place or the external appearance of any building; or
- b) would constitute an irreversible alteration to the fabric of any building.

District: means the Municipal District of the Shire of Katanning.

dog kennels: means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

education establishment: means a school or other educational centre, but does not include a reformatory.

facade: means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.

farm supply centre: means the use of premises for the supply of vegetable seed, fertilizers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment; AMD 5 GG 9/12/05

feedlot: DELETED BY AMD 5 GG 9/12/05

fuel depot: means any land or building used for the storage and sale in bulk of solid, liquid, or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

gazettal date: means the date of which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.

gross floor area: shall have the same meaning as "floor area" in the *Building Code of Australia 1988 (as amended)*.

heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

heritage list: means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990 (as amended)*, or such parts thereof as described in the Heritage List.

hobby farm: means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.

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: AMD 5 GG 9/12/05

- (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 neighbourhood;
- (c) does not occupy an area greater than 50 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 as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and

- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

home occupation: means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that:

- a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- c) does not detract from the residential appearance of the dwelling or domestic outbuilding;
- d) does not entail employment of any person not a member of the occupier's household;
- e) does not occupy an area greater than 20m<sup>2</sup>;
- f) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- i) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.

home office: means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

hotel: means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act 1988 (as amended)* and may include a betting agency operated in accordance with the *Totalisator Agency Betting Board Act 1960 (as amended)*, but does not include a motel, tavern, or boarding house the subject of a limited hotel licence or other licence granted under that Act.

incidental use: means a use of premises which is ancillary and subordinate to the predominant use:  
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industry: means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:

- a) the winning, processing or treatment of minerals;
- b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing, or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- c) the generation of electricity or the production of gas;
- d) the manufacture of edible goods,

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the

wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:

- (i) the carrying out of agriculture,
- (ii) on-site work on buildings or land,
- (iii) in the case of edible goods the preparation of food for retail sale from the premises.

industry - cottage: means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which in the opinion of the Council:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;
- c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- d) does not occupy an area greater than 50m<sup>2</sup>;
- e) does not display a sign exceeding 0.2m<sup>2</sup> in area.

industry - extractive: means an industry which involves:

- a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- b) the production of salt by the evaporation of salt water.

industry - general: means an industry other than a cottage, extractive, hazardous, light, noxious, rural, or service industry.

industry - hazardous: means an industry which, when in operation and when all measures proposed to minimize its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural, or service industries.

industry - light: means an industry:

- a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater or other waste products; and
- b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, electricity, sewerage facilities, or any other like services.

industry – mining: means land used commercially to extract minerals from the land; AMD 5 GG 9/12/05

industry - noxious: means an industry which is an offensive trade within the meaning of Schedule 2 of the *Health Act 1911* but where an offensive trade is also included as a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations, Schedule 2 of the *Health Act 1911* prevails and includes a landfill site, but does not include a fish shop, dry cleaning

premises, laundromat, piggery, poultry farm or rabbit farm.

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industry - rural: means an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

industry - service: means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

intensive agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:

- a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- b) the establishment and operation of plant and fruit nurseries;
- c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- d) the development of land for the keeping, rearing or fattening of rabbits (for either meat, or fur production), and other livestock in feedlots;
- e) dairy milking sheds;
- f) the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type;
- g) aquaculture.

land: shall have the same meaning given to it in and for the purpose of the Act.

local shop: means a building or part of a building wherein the only goods offered for sales are foodstuffs, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop.

lodging house: shall have the same meaning as is given to it in and for the purposes of the *Health Act, 1911 (as amended)*.

lot: shall have the same meaning given to it in and for the purposes of the Act and "allotment" has the same meaning.

market: means land and buildings used for a fair, a farmer's or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall-holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

medical centre: means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988 (as amended)* has been granted.

motor vehicle and marine sales: AMD 5 GG 9/12/05

motor vehicle, boat or caravan sales: means premises used to sell or hire motor vehicles, boats or caravans; AMD 5 GG 9/12/05

motor vehicle repair: means land and buildings used for the mechanical repair and overhaul of motor

vehicles including tyre recapping, retreading, panel beating, spray painting and chassis re-shaping.

nett lettable area (NLA): means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas:

- a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- b) lobbies between lifts facing other lifts serving the same floor;
- c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

non-conforming use: means any use of land or building which was lawful immediately prior to the coming into operation of the scheme, but is not in conformity with the provisions of the Scheme.

office: means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial service, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

owner: in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:

- a) is entitled to the land for an estate in fee simple in possession; or
- b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- c) is a lessor or licensee from the Crown; or
- d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

piggery: ~~DELETED BY AMD 5 GG 9/12/05~~

place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- a) an area of land situated in the bed of any watercourse or lake;
- b) any works or buildings situated there, their contents relevant to the purpose of the Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- c) as much of the land beneath the place as is required for the purposes of its conservation.

plantation: has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia (1997)* published by the Department of Conservation and Land Management and the Australian Forest Growers; AMD 5 GG 9/12/05

plant nursery: means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.

potable water: means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water" published by the World Health Organization.

poultry farm: DELETED BY AMD 5 GG 9/12/05

predominant use: means the primary use of premises to which all other uses carried out on the land or buildings are subordinate, incidental or ancillary; AMD 5 GG 9/12/05

premises: means land or buildings; AMD 5 GG 9/12/05

private recreation: means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

produce store: means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

public amusement: means land and buildings used for the amusement or entertainment of the public, with or without charge.

public authority: shall have the same meaning given to it in and for the purposes of the Act.

public recreation: means land used for a public park, public gardens, playground or other grounds for recreation which are normally open to the public without charge.

public utility: means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

public worship: means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.

restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant.

restoration: means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

restricted premises: means any land or building, part or parts thereof, used or designed to be used primarily for the sale of 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 publications pursuant to the *Indecent Publications and Articles Act 1902 (as amended)*; or
- 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.

retail: means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom, or take-away food outlet.

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: AMD 5 GG 9/12/05

- (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 neighbourhood;
- (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 as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does

not involve the presence, use or calling of more than 3 vehicles, with vehicles not being more than 25 tonnes gross weight; and

- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

rural pursuit: means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- a) the rearing or agistment of goats, sheep, cattle or beasts of burden;
- b) the stabling, agistment or training of horses;
- c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial, or industrial gardens;
- d) the sale of produce grown solely on the lot;

but does not include intensive agriculture.

salvage yard: means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

schedule: means a schedule to the Scheme.

service station: means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repair to motor vehicles, or wrecking of vehicles.

shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in the Scheme.

short-stay accommodation: means the occupation of a chalet, caravan, camp, or any other form of accommodation approved by the Council, by persons for a period of not more than a total of three months in any one twelve month period.

showroom: means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature; AMD 5 GG 9/12/05

stable: means any land, building, or structure used for the housing, keeping, and feeding of horses, asses, or mules and associated activities.

stockyards: means any land, building or other structure used for holding and/or sale of animal stock.

substantially commenced: means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development; AMD 5 GG 9/12/05

take-away food outlet: means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises.

tavern: means land and buildings the subject of a Tavern License granted under the provisions of the *Liquor Licensing Act, 1988 (as amended)*.

telecommunications infrastructure: means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network; AMD 5 GG 9/12/05

trade display: means premises used for the display of trade goods and equipment for the purpose of advertisement; AMD 5 GG 9/12/05

transport depot: means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

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; AMD5GG9/12/05

veterinary hospital: *DELETED BY AMD 5 GG 9/12/05*

zone: means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

## SCHEDULE 2 - SPECIAL USE ZONES

AMD 4 GG 24/9/04; 5 GG 9/12/05

No.	PARTICULARS OF LAND	SPECIAL USE
SU 1.	Lots 38 and 43 Amherst, Avon, and Beaufort Streets, Katanning	Church, private education establishment
SU 2.	Lots 85 and 86 Amherst Street, Katanning  <i>AMD 4 GG 24/9/04</i>	Private club premises and such other associated uses as may be approved by the Council in accordance with the Scheme.
SU 3.	Lot 3 Tait Terrace, Braeside Road, Synnott Avenue, and Carinyah Gardens, Katanning	Private club and recreation
SU 4.	Part Lot 131 Kobeelya Avenue, Brownie Street, Katanning	Church, private education establishment, conference facilities, hostel and such other associated uses as may be approved by the Council in accordance with the Scheme
SU 5.	Lot 2, 130, and 4 Round Drive, Katanning	Private club and recreation, and golf course
SU 6.	Lot 10 and Ptn Location 1619 Round Drive, Katanning	Private gun club
SU 7.	Lot 412 Dijon Street, Katanning	Community centre and such other associated uses as may be approved by the Council in accordance with the Scheme.
SU 8.	Part Lot 3 Great Southern Highway and Trimmer Road, Katanning	Abattoir, water storage, stockyards, skin drying sheds and such other associated uses as may be approved by the Council in accordance with the Scheme
<del>SU 9.</del>	<del>Location 964 Great Southern Highway/Kojonup Road/Kierle Street, Katanning</del>  <i>DELETED BY AMD 8 GG 28/8/07</i>	<del>Short stay accommodation/caravan park/motel and such other associated uses as may be approved by the Council in accordance with the Scheme</del>

## SCHEDULE 3 - SPECIAL RESIDENTIAL ZONE

In addition to the requirements for land within the zone set out in clause 6.2 the following more particular requirements shall apply to the localities in the Schedule.

PARTICULARS OF LAND	REQUIREMENTS
<p>Lot 3 of Katanning Agricultural Area Lot 54</p>	<ol style="list-style-type: none"> <li data-bbox="655 456 1385 577">1 The minimum lot size should be no less than 4000 square metres. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer.</li> <li data-bbox="655 611 1385 853">2 Dwellings and all ancillary buildings shall be constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall be of colour(s) and textures which are essentially natural and earthy. All such materials shall be to the satisfaction of the Council and shall be compatible with the rural character of the locality.</li> <li data-bbox="655 887 1385 1066">3 Dwellings shall be restricted to a maximum height of 9.0 metres and ancillary buildings shall be restricted to a maximum height of 5.0 metres. The height of buildings shall be measured vertically from the mean natural surface of that part of the land contained within the boundaries of the building.</li> <li data-bbox="655 1099 1385 1189">4 Radio mast, TV antenna, and satellite dish shall be located such that they do not detract from the local visual amenity or cause offence to neighbouring properties.</li> <li data-bbox="655 1223 1385 1615">5 No clearing of vegetation shall occur within any lot except for the following:               <ol style="list-style-type: none"> <li data-bbox="719 1312 1385 1368">a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954 (as amended)</i></li> <li data-bbox="719 1402 1385 1491">b) Clearing within the approved Building Envelope as may be reasonably required to construct an approved building and curtilage thereto.</li> <li data-bbox="655 1525 1385 1615">c) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the Council</li> </ol> </li> <li data-bbox="655 1648 1385 1771">6 At the time of application for planning approval for a dwelling, each lot owner will be required to plant, and maintain for a period of two years, 20 trees capable of growing to at least three metres in height.</li> <li data-bbox="655 1805 1385 1917">7 Each lot shall be required to be serviced with a reticulated water supply, underground power, and telecommunications. The provision of these services shall be the responsibility of the subdivider.</li> </ol>

## SCHEDULE 3 - SPECIAL RESIDENTIAL ZONE (Cont'd)

PARTICULARS OF LAND	REQUIREMENTS
<p>Lot 3 of Katanning Agricultural Area Lot 54 (Cont'd)</p>	<p>8 a) The disposal of liquid and/or solid wastes shall be carried out by the installation of an Aerobic Treatment Unit (ATU) or similar system, to the satisfaction of the Council and the Health Department of Western Australia.</p> <p>b) No dwelling shall be occupied without the prior approval and installation of such a disposal system.</p>
	<p>9 The keeping and rearing of stock shall not be permitted within the subdivision on any lot less than 8000 square metres in area.</p>
	<p>10 Boundary fencing shall comprise non-electrified stock proof wire or ring-lock fencing to a maximum height of 1.2 metres above the natural surface of the land, with posts being a split jarrah, or treated pine. Internal fencing for courtyards, swimming pools or tennis courts, etc shall comprise materials other than asbestos cement, tyres or corrugated iron.</p>
	<p>11 Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 metres or such greater distance as the Council may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</p>
	<p>12 A building envelope, with an area that is no greater than 20% of the lot area must be approved by the Council and identified on a plan for each lot within the subdivision. No development shall occur on any lot unless a building envelope has been identified and approved by the Council.</p>
	<p>13 The Council will not permit secondhand relocated/or transported dwellings or ancillary buildings to be located on any lot within the subdivision. New transportable dwellings and/or ancillary buildings may be permitted subject to the provisions of the Scheme.</p>
	<p>14 No dams or lakes shall be created on any lot without the prior approval of the Council.</p>
	<p>15 All land and buildings shall be kept in a clean and tidy condition.</p>

## SCHEDULE 4 - SPECIAL RURAL ZONES

In addition to the requirements for land within the zone set out in clause 6.7 the following more particular requirements shall apply to the localities in the Schedule.

PARTICULARS OF LAND	REQUIREMENTS
<p>Land within the Pinwernying Townsite and North Katanning Townsite Areas bounded by Forrest Road, Carew Street, Dumbleyung Road, Marmion Road, Warren Road, Van Zuilecom Road, Ranford Road, Dumbleyung Road, Climie Road, and Brooking Road, Katanning.</p>	<p>Notwithstanding the provisions of clause 6.7.3 of the Scheme the front setback to Dumbleyung Road shall be not less than 30.0 metres. The minimum lot size should be no less than 2.0 hectares.</p>
<p>Land bounded by Kojonup Road, Ramsden Street, Shirley Street, McLeod Street, Moore Street, railway reserve, Gully Street, Mills Street, and Prosser Street, Katanning.</p>	<p>The Council will not recommend to the Commission support for further subdivision, but this shall not preclude the Council recommending to the Commission support for a rationalisation of lot boundaries provided no additional lots are created and the resultant lot sizes and shapes are to the satisfaction of the Council. the minimum lot size should be no less than 2.0 hectares.</p>
<p>Pt Katanning Agricultural Area Lot 70</p>	<ol style="list-style-type: none"> <li>1. The minimum lot size should be no less than 1.0 hectare. Subdivision shall generally be in accordance with the Subdivision guide Plan certified by the Chief Executive Officer.</li> <li>2. Dwellings and all ancillary buildings shall be constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall be of colour(s) and textures which are essentially natural and earthy. All such materials shall be to the satisfaction of the Council and shall be compatible with the rural character of the locality.</li> <li>3. Dwellings and all ancillary buildings shall be restricted to a maximum 7.5 metres height measured vertically from the mean natural surface of that part of land contained within the boundaries of the building.</li> <li>4. No clearing of vegetation shall occur within any lot except for the following: <ol style="list-style-type: none"> <li>a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954 (as amended)</i>.</li> <li>b) Clearing within an area of 1000m<sup>2</sup> containing the dwelling, as may be reasonably required to construct an approved building and curtilage thereto.</li> <li>c) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by Council.</li> </ol> </li> </ol>

## SCHEDULE 4 - SPECIAL RURAL ZONES (Cont'd)

PARTICULARS OF LAND	REQUIREMENTS
<p>Pt Katanning Agricultural Area Lot 70 (Cont'd)</p>	<ol style="list-style-type: none"> <li data-bbox="759 338 1394 524">5. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance as the Council may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</li> <li data-bbox="759 555 1394 674">6. At the time of application for planning approval for a dwelling the owner will be required to plant and maintain for a period of two years 30 trees capable of growing to at least 3 metres in height.</li> <li data-bbox="759 705 1394 824">7. Each lot shall be serviced with a reticulated water supply, electricity and telecommunications. The provisions of these services shall be the responsibility of the subdivider.</li> <li data-bbox="759 855 1394 1503">8. <ol style="list-style-type: none"> <li data-bbox="826 855 1394 974">a) The disposal of liquid wastes shall be carried out by the installation of an effluent disposal system approved by the Council and the Health Department of Western Australia.</li> <li data-bbox="826 1005 1394 1124">b) Effluent disposal areas shall be set back a minimum of 30 metres from any water course or dam or as otherwise approved by the Council.</li> <li data-bbox="826 1155 1394 1370">c) Effluent disposal systems must be designed to the satisfaction of the Council to overcome potential problems associated with high water tables, average conditions, deep bleached sands or similar constraints of the particular site on which they are to be installed.</li> <li data-bbox="826 1402 1394 1503">d) No dwelling shall be occupied without the prior approval and installation of such a disposal system.</li> </ol> </li> <li data-bbox="759 1534 1394 1742">9. The keeping and rearing of stock shall be permitted for domestic purpose only and shall not exceed one horse or one cow, or two sheep or goats. Stock for agricultural purposes may be kept and reared on land prior to subdivision in accordance with the Plan of Subdivision referred to in Item 1 of this part of the Schedule.</li> <li data-bbox="759 1774 1394 1982">10. Any fence, other than a fence which may be required by the Council to be erected around a swimming pool, shall comprise non-electrified stock proof wire or ring-lock fencing to a maximum height of 1.2 metres above the natural surface of the land, with posts being split jarrah or treated pine.</li> <li data-bbox="759 2013 1394 2092">11. No dam or artificial lake shall be created on any lot without the prior approval of the Council.</li> </ol>

## SCHEDULE 4 - SPECIAL RURAL ZONES (Cont'd)

PARTICULARS OF LAND	REQUIREMENTS
<p>Lots E41 and E42 of Pt Kojonup Location 256 and Kojonup Locations 2979 and 304.</p>	<ol style="list-style-type: none"> <li>1. The minimum lot size should be no less than 1.0 hectare. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer.</li> <li>2. Dwellings and all ancillary buildings shall be constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall be of colour(s) and textures which are essentially natural and earthy. All such materials shall be to the satisfaction of the Council and shall be compatible with the rural character of the locality.</li> <li>3. Dwellings and all ancillary buildings shall be restricted to a maximum 7.5 metres height measured vertically from the mean natural surface of that part of land contained within the boundaries of the building.</li> <li>4. No clearing of vegetation shall occur within any lot except for the following: <ol style="list-style-type: none"> <li>a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954 (as amended)</i>.</li> <li>b) Clearing within an area of 1000m<sup>2</sup> containing the dwelling, as may be reasonably required to construct an approved building and curtilage thereto.</li> <li>c) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by Council.</li> </ol> </li> <li>5. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 metres or such greater distance as the Council may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</li> <li>6. At the time of application for planning approval for a dwelling the owner will be required to plant and maintain for a period of two years 50 trees capable of growing to at least 3 metres in height.</li> <li>7. The Council may request the Commission to impose conditions at the time of subdivision for the provision of power and telecommunications.</li> </ol>

## SCHEDULE 4 - SPECIAL RURAL ZONES (Cont'd)

PARTICULARS OF LAND	REQUIREMENTS
<p>Lots E41 and E42 of Pt Kojonup Location 256 and Kojonup Locations 2979 and 304. (Cont'd)</p>	<p>8. Each dwelling shall be provided with a supply of potable water, in the form of a water tank with a minimum capacity of 135 kilolitres and shall be linked to a suitable rainfall catchment with a surface area of not less than 150m<sup>2</sup>. Any auxiliary holding tanks which may be required shall not exceed a capacity of 10 kilolitres. Water supply tanks are to be fitted with camlock fittings providing access to 25 per cent of the tank capacity for bush fire fighting purposes.</p> <p>9. a) The disposal of liquid wastes shall be carried out by the installation of an effluent disposal system approved by the Council and the Health Department of Western Australia.</p> <p>b) Effluent disposal areas shall be set back a minimum of 30 metres from any water course or dam or as otherwise approved by the Council.</p> <p>c) Effluent disposal systems must be designed to the satisfaction of the Council to overcome potential problems associated with high water tables, average conditions, deep bleached sands or similar constraints of the particular site on which they are to be installed.</p> <p>d) No dwelling shall be occupied without the prior approval and installation of such a disposal system.</p> <p>10. The keeping and rearing of stock shall be permitted for domestic purpose only and shall not exceed one horse or one cow, or two sheep or goats. Stock, for agricultural purposes, may be kept and reared on land prior to subdivision in accordance with the Plan of Subdivision referred to in Item 1 of this part of the Schedule.</p> <p>11. Stocks may be permitted on all lots provided that this does not require the removal of vegetation and that stock numbers are maintained at levels in accordance with the standards of good husbandry to the satisfaction of Agriculture WA.</p> <p>12. Any fence, other than a fence which may be required by the Council to be erected around a swimming pool, shall comprise non-electrified stock proof wire or ring-lock fencing to a maximum height of 1.2 metres above the natural surface of the land, with posts being a split jarrah or treated pine.</p>

## SCHEDULE 4 - SPECIAL RURAL ZONES (Cont'd)

PARTICULARS OF LAND	REQUIREMENTS
Lots E41 and E42 of Pt Kojonup Location 256 and Kojonup Locations 2979 and 304. (Cont'd)	13. No dam or artificial lake shall be created on any lot without the prior approval of the Council.

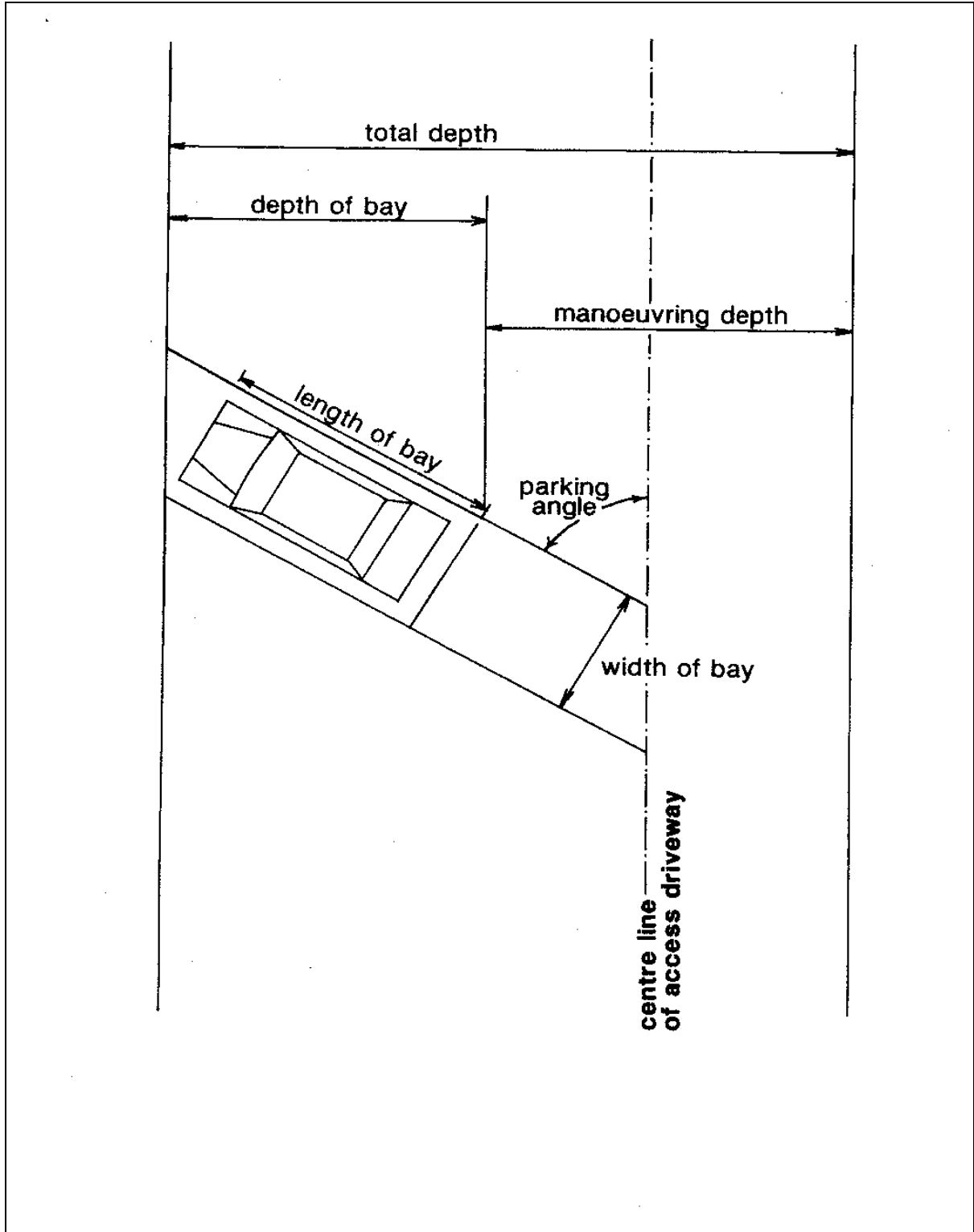
## SCHEDULE 5 - CAR PARKING REQUIREMENTS

USE	NUMBER OF PARKING SPACES
1 SHOPPING	<p>Six (6) spaces for every 100 square metres of Nett Lettable Area (NLA).</p> <p><b>Notes:</b></p> <p>(i) Parking bays for the vehicles of disabled persons shall be provided in all shopping centres in the ratio of 1 bay for 100 car parking spaces. such bays will be clearly marked "DISABLED DRIVER ONLY".</p>
2 HOTEL, MOTEL, TAVERN, CLUB, PRIVATE HOTEL, LODGING HOUSE, RESTAURANT, NIGHTCLUB, PLACE OF PUBLIC ASSEMBLY	<p>Where applicable to the particular use:</p> <p>Thirty-four (34) spaces for every 100 square metres of drinking area other than public lounge drinking areas;</p> <p>One (1) space for every four (4) seats which an eating area is designed to provide, or twenty-five (25) spaces for every 100 square metres of eating area or part thereof, whichever produces the greater number of parking spaces;</p> <p>One (1) space for every bedroom;</p> <p>One (1) space for every six (6) seats provided or capable of being provided in assembly areas, or twenty-two (22) spaces for every 100 square metres of assembly area, whichever produces the greater number of car parking spaces;</p> <p>Twenty-two (22) spaces for every 100 square metres of beer garden or outdoor drinking area.</p>
3 OFFICE	Five (5) spaces for every 100 square metres of NLA.
4 HEALTH CENTRE, CLINIC, CONSULTING ROOMS	Four (4) space for every consulting room up to two (2) such rooms and two (2) for every additional consulting room.
5 WAREHOUSE, SHOWROOM, INDUSTRY, WITH THE EXCEPTION OF A FACTORY UNIT BUILDING	Four (4) spaces for up to the first 200 square metres of NLA and thereafter one (1) space for every additional 100 square metres of NLA or part thereof.
6 FACTORY UNIT BUILDING	As prescribed for warehouse, or two (2) spaces for every factory unit, whichever produces the greater number of car parking spaces.
7 VETERINARY HOSPITAL, CLINIC, OR SURGERY	Four (4) spaces for every 100 square metres of NLA
8 PLANT NURSERY	A minimum of twelve (12) spaces plus any additional spaces as may be determined by the Council taking into account the specific nature and extent of the development.
9 DWELLINGS	As set out in the Residential Design Codes. <i>AMD 5 GG 9/12/05</i>

## MINIMUM DIMENSIONS OF PARKING SPACES

Parking Angle	Width of Bay (Metres)	Length of Bay (Metres)	Depth of Bay (Metres)	Minimum Manoeuvring (Metres)	Total (Metres)
90°	2.4	5.4	5.4	6.0	11.4
	2.6	5.4	5.4	5.9	11.3
	2.7	5.4	5.4	5.8	11.2
75°	2.4	5.4	5.9	5.4	11.3
	2.6	5.4	5.9	5.3	11.2
	2.7	5.4	6.0	4.8	10.8
60°	2.4	5.4	5.9	5.2	11.1
	2.6	5.4	6.0	5.0	11.0
	2.7	5.4	6.0	4.8	10.8
45°	2.4	5.4	5.9	4.0	9.9
	2.6	5.4	6.0	3.6	9.6
	2.7	5.4	6.0	3.3	9.3
30°	2.4	5.4	4.8	3.3	8.1
	2.6	5.4	4.8	3.3	8.1
	2.7	5.4	4.8	3.3	8.1
0° (Parallel Parking)	3.0	6.7	3.0	3.0	6.0
	3.0	6.7	3.0	3.0	6.0
	3.0	6.7	3.0	3.0	6.0
<b>TWO WAY ACCESS</b>					
90°	2.4	5.4	5.4	6.0	11.4
	2.6	5.4	5.4	6.0	11.4
	2.7	5.4	5.4	6.0	11.4
75°	2.4	5.4	5.9	6.0	11.9
	2.6	5.4	6.0	6.0	11.9
	2.7	5.4	6.0	6.0	12.0
60°	2.4	5.4	5.9	6.0	11.9
	2.6	5.4	6.0	6.0	12.0
	2.7	5.4	6.0	6.0	12.0
45°	2.4	5.4	5.9	6.0	11.9
	2.6	5.4	6.0	6.0	12.0
	2.7	5.4	6.0	6.0	12.0
30°	2.4	5.4	4.4	6.0	10.4
	2.6	5.4	4.4	6.0	10.4
	2.7	5.4	4.4	6.0	10.4
0° (Parallel Parking)	3.0	6.7	3.0	6.0	9.0
	3.0	6.7	3.0	6.0	9.0
	3.0	6.7	3.0	6.0	9.0

## LAYOUT OF PARKING BAYS



## SCHEDULE 6 - EXEMPTED ADVERTISEMENTS

AMD 5 GG 9/12/05

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Dwellings	One professional nameplate as appropriate	0.2m <sup>2</sup>
Home Business or Home Occupation	One advertisement describing the nature of the home business or 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 Local Laws	Not Applicable
Industrial and Warehouse Premises	<p>A maximum of four 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 and excluding signs which are connected to a pole, wall, or other building.</p> <p>A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.</p>	<p>Total area of such advertisements are not to exceed 15m<sup>2</sup></p> <p>Maximum permissible total area is not to exceed 10m<sup>2</sup> and individual advertisement signs are not to exceed 6m<sup>2</sup>.</p>
Showroom, racecourses, 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.	Not Applicable
Public Places and Reserves	<p>Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>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, and</p> <p>Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p>
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.	No sign is to exceed 2m <sup>2</sup> in area.

## SCHEDULE 6 – EXEMPTED ADVERTISEMENTS (Cont'd)

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Advertisements within Buildings	All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable
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>
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
(a) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>
(b) Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above	5m <sup>2</sup>
(c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height	One sign as for (a) above	10m <sup>2</sup>
	One additional sign showing the name of the project builder.	5m <sup>2</sup>
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
Property transactions  Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign is not to exceed an area of 2m <sup>2</sup>
(b) Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above.	Each sign is not to exceed an area of 5m <sup>2</sup>
(c) Large properties comprised of shopping centre, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.	One sign as for (a) above.	Each sign is not to exceed an area of 10m <sup>2</sup>
Display Homes  Advertisement signs displayed for the period over which homes are on	(a) One sign for each dwelling on display.	2m <sup>2</sup>

## SCHEDULE 6 – EXEMPTED ADVERTISEMENTS (Cont'd)

display for public inspection.		
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## SCHEDULE 6 – EXEMPTED ADVERTISEMENTS (Cont'd)

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
	(b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m <sup>2</sup>

# SCHEDULE 7 – FORM OF APPLICATION FOR PLANNING APPROVAL

AMD 5 GG 9/12/05

## APPLICATION FOR PLANNING APPROVAL

### OWNER DETAILS:

Name .....

Address ..... Post Code .....

Phone (work)..... (home) ..... Fax..... E-Mail .....

Contact Person .....

Signature..... Date .....

Signature..... Date .....

***The signature of the landowner(s) is required on all applications. This application will not proceed without that signature.***

### APPLICANT DETAILS:

Name .....

Address ..... Post Code .....

Phone (work)..... (home) ..... Fax..... E-Mail .....

Contact Person for correspondence .....

Signature..... Date .....

### PROPERTY DETAILS:

Lot No ..... House/Street No. .... Location No.....

Diagram or Plan No. .... Certificate of Title No. .... Folio .....

Diagram or Plan No. .... Certificate of Title No. .... Folio .....

Title Encumbrances (eg, easements, restrictive covenants) .....

Street Name ..... Suburb .....

Nearest Street Intersection .....

Existing Building/Land Use .....

Description of proposed development and/or use .....

Nature of any existing buildings and/or use .....

Approximate cost of proposed development.....

Estimated time of completion .....

<b>OFFICE USE ONLY</b>	
Acceptance Officer's Initials .....	Date Received .....
Council's Reference No. ....	

# SCHEDULE 8 – ADDITIONAL INFORMATION FOR ADVERTISEMENTS

AMD 5 GG 9/12/05

## ADDITIONAL INFORMATION FOR ADVERTISEMENTS

(NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM)

1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....  
.....

2. Details of Proposed Sign:

- (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):

.....

- (b) Height:..... Width:..... Depth: .....

- (d) Height above ground level - (to top of advertisement):.....

- (to the underside):.....

- (e) Materials to be used .....

Illuminated:	Yes/No	If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:
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.....

3. Period of time for which advertisement is required:.....

4. Details of signs (if any) to be removed if this application is approved:

.....  
.....  
.....  
.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of Advertiser(s):  
(if different from landowners)

.....

Date:

# SCHEDULE 9 – NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

Town Planning and Development Act 1928

SHIRE OF KATANNING

TOWN PLANNING SCHEME NO. 4

## NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

The Council has received an application to use and/or develop land for the following purpose and public comments are invited.

LOT NO. .... STREET.....  
SUBURB .....  
PROPOSAL.....  
.....  
.....

Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the Council in writing on or before the ..... day of.....

.....  
CHIEF EXECUTIVE OFFICER

.....  
DATE

# SCHEDULE 10 - NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

AMD 5 GG 9/12/05

Town Planning and Development Act 1928

SHIRE OF KATANNING

TOWN PLANNING SCHEME NO. 4

## NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

LOCATION: .....

LOT: ..... PLAN/DIAGRAM: .....

VOL: NO: ..... FOLIO NO: .....

Application Date: ..... Received on: .....

Description of proposed development: .....

The application for planning approval is:

- granted subject to the following conditions:
- refused for the following reason(s):

CONDITIONS /REASONS FOR REFUSAL:

.....  
.....  
.....  
.....  
.....  
.....

**Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

**Note 2:** Where an approval has so lapsed, no development is to be carried out without the further approval of the Council having first been sought and obtained.

**Note 3:** If an applicant is aggrieved by this determination there is a right of appeal under Part V of the Town Planning and Development Act 1928. An appeal must be lodged within 60 days of the Council's determination.

.....  
CHIEF EXECUTIVE OFFICE

.....  
DATE

## SCHEDULE 11 - ADDITIONAL USES

No.	Description of Land	Additional use	Conditions
A 1	Part of Lot 201 Warren Road, Katanning  <i>AMD 7 GG 21/11/06</i>	Micro brewery & associated commercial elements; casual & formal outdoor recreation area, outdoor formal function, toilet facilities, caretaker's residence, related parking plus other associated/related tourism uses which Council may approve.	Planning approval from the Council is required for all development.  Development plans shall have regard for the amenity of, and potential impacts upon, residential and other sensitive uses in the locality.

**ADOPTION**

Adopted by Resolution of the Council of the Shire of Katanning at the meeting of the Council held on the sixth day of December 1995.

.....  
PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

**FINAL APPROVAL**

1 Adopted by Resolution of the Council of the Shire of Katanning at the meeting of the Council held on the 12th day of February 1997 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....  
PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.5 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

2 RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....  
CHAIRPERSON OF THE WESTERN AUSTRALIAN PLANNING COMMISSION

.....  
DATE

3 FINAL APPROVAL GRANTED

.....  
MINISTER FOR PLANNING

.....  
DATE 27 NOVEMBER 1997