

2017

SHIRE OF BEVERLEY DRAFT LOCAL
PLANNING SCHEME NO. 3

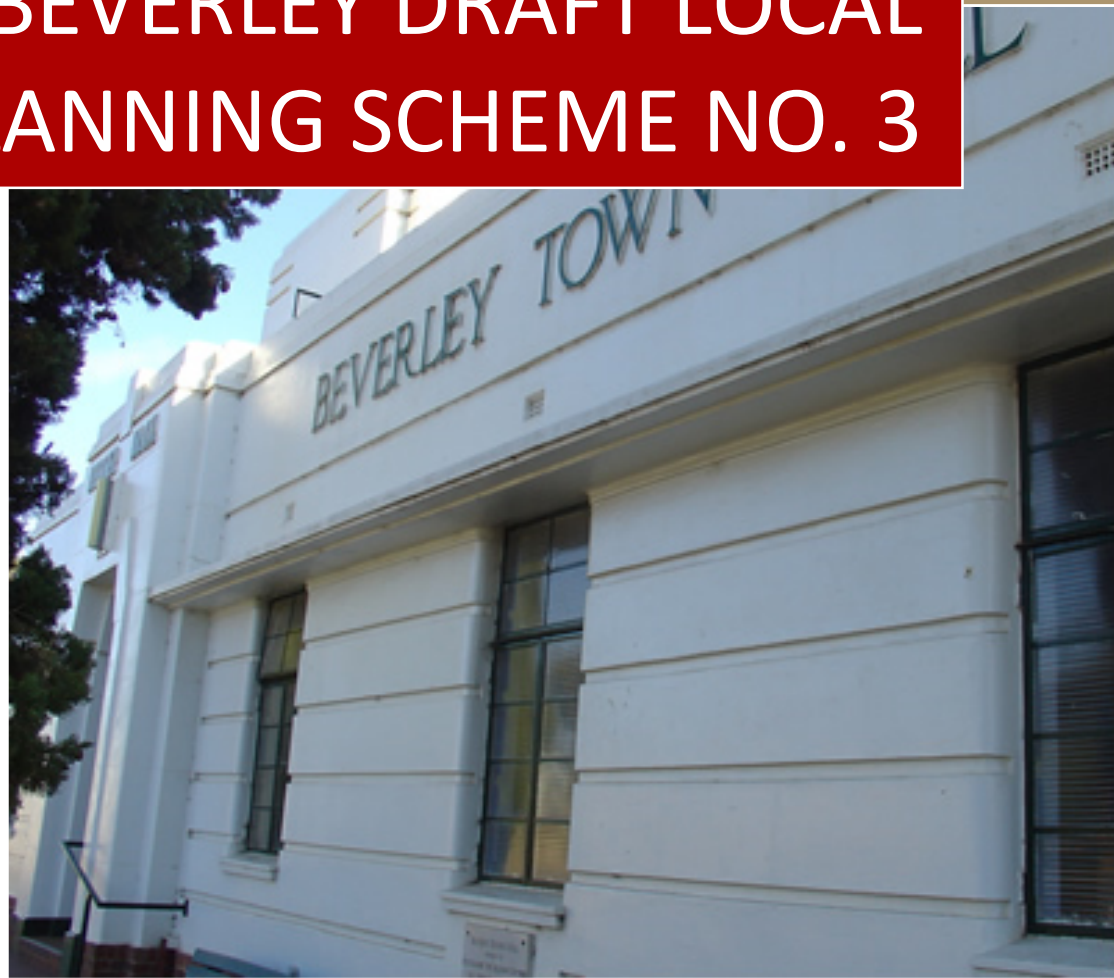


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Part 1 — Preliminary

1. Citation

This local planning scheme is the Shire of Beverley Local Planning Scheme No. 3.

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked –

Town Planning Scheme No. 2 gazetted on 26 April 1993.

4. Notes do not form part of Scheme

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

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

5. Responsibility for Scheme

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

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

7. Contents of Scheme

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

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;
- (b) the Scheme Map;
- (c) the following plans, maps, diagrams, illustrations or materials –
 - Scheme Maps 1-7.

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

8. Purposes of Scheme

The purposes of this Scheme are to –

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

9. Aims of Scheme

The aims of this Scheme are –

- (a) Encourage and control the orderly development of the Beverley Townsite and its surrounds;
- (b) Encourage and control land use proposals within the Rural Zone which are consistent with the continued viability of agricultural production, as well as the retention of rural character and local amenity;
- (c) Facilitate sustainable development that integrates economic, social and environmental goals for the district;
- (d) Facilitate the growth of the Beverley townsite in a land use pattern which reduces pressure to convert productive agricultural land to non-agricultural uses;
- (e) Facilitate the location of urban, rural residential and rural small holding development to maximise community benefits, seek appropriate levels of servicing and minimise future land use conflicts including on agricultural land;
- (f) Encourage a high standard of orderly development so as to promote and protect the health, safety, amenity and general economic and social well-being of the community;
- (g) Ensure development appropriately takes account of flooding, fire and other risks;
- (h) Support a townsite with housing variety, community identity and high levels of amenity;
- (i) Support appropriate tourism development and establish the conditions under which such land uses may be developed and maintained;

- (j) Protect and enhance the district's environmental values and natural resources by promoting ecologically sustainable land use and development;
- (k) Protect public drinking water source areas through the land planning process;
- (l) Facilitate the identification of land required for public purposes, conservation and recreation;
- (m) Facilitate a diverse and integrated network of open space, catering for both active and passive recreation, consistent with the needs of the community;
- (n) Encourage a better utilisation of existing infrastructure including the increased usage of sustainable energy sources;
- (o) Introduce, maintain and upgrade assets and infrastructure which meet community needs in a timely and cost effective manner;
- (p) Conserve land required for agricultural production and support opportunities for agricultural diversification and value adding;
- (q) Require subdivisions and development to address sustainability through the delivery of high quality design;
- (r) Safeguard and enhance the character and amenity of the district's built and natural environment;
- (s) Ensure there is a sufficient supply of serviced and suitable land for housing, rural living, commercial and industrial activities, community facilities, recreation and open space;
- (t) Assist employment and economic growth by identifying suitable land for retail, commercial, industrial and tourism developments, as well as identifying opportunities for home-based employment;
- (u) Appropriately manage and conserve key natural resources;
- (v) Assist in conserving and enhancing the area's environmental assets and natural resources and to promote ecologically sustainable land use and development;
- (w) Avoid or minimise land use conflicts due to the extraction of mining and basic raw materials; and
- (x) Ensure the extraction of basic raw materials occurs in accordance with best practice and addressing environmental and landscape considerations.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

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

12. Relationship with region planning scheme

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

Part 2 – Reserves

13. Regional Reserves

There are no regional reserves in the Scheme area.

14. Local reserves

(1) In this clause –

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

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

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

(3) The objectives for each local reserve are as follows –

Table 1 Reserve objectives

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental Conservation	<ul style="list-style-type: none"> • To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. • To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
State Forest	<ul style="list-style-type: none"> • To identify areas of State Forest.
Public Purposes	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure.
Railways	<ul style="list-style-type: none"> • To set aside land required for passenger rail and freight rail services.
Primary Distributor Road	<ul style="list-style-type: none"> • To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none"> • To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.

15. Additional uses for local reserves

There are no additional uses for land in local reserves that apply to this Scheme.

Part 3 – Zones and use of land

16. Zones

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

Zone name	Objectives
Residential	<ul style="list-style-type: none"> • To provide a range of housing and a choice of residential densities to meet the needs of the community, through the application of the Residential Design Codes. • To facilitate and encourage high quality design, building form and streetscape throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Rural Residential	<ul style="list-style-type: none"> • To provide for residential use in a rural setting, in locations in reasonable proximity to services and infrastructure. • To provide for lots sizes in the range of 1 ha to 4 ha. • To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land; • To conserve the natural environment as far as possible, and encourage the provision of vegetation and fauna corridors and revegetation of the land to adequately protect any areas or sites of conservation value; • To avoid increased risk to life and property through locating and designing land use, subdivision and development to avoid areas of flooding and extreme bushfire risk.
Rural Smallholding	<ul style="list-style-type: none"> • To provide for rural pursuits, hobby farming and residential use and support the operation of home based and small scale agricultural businesses; • To provide for lot sizes in the range of 4 ha to 40 ha; • To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land; • To avoid increased risk to life and property through locating and designing land use, subdivision and development to avoid areas of flooding and extreme bushfire risk.
Rural Zone	<ul style="list-style-type: none"> • To manage land use changes so that the specific local rural character of the zone is maintained or enhanced; • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use; • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially

Zone name	Objectives
	<p>the natural valley and watercourse system from damage;</p> <ul style="list-style-type: none"> • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone; • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Commercial	<ul style="list-style-type: none"> • To promote the commercial and activity centres as the principal focus for the district for shopping, professional and business activities; • To provide a range of shops, offices, restaurants and other commercial outlets in the activity centre; • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height style, materials, street alignment and design; • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality; • To provide for residential development only when it is combined with a commercial use.
Light Industry	<ul style="list-style-type: none"> • To provide for a range of industrial uses and service industries generally compatible with urban areas, which will not, by their nature impact upon the amenity of other properties in the area; • To ensure that where any development adjoins zoned or developed residential properties, such development is designed so as not to detract from the visual amenity of any adjoining residential areas.
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses; • To accommodate industry that would not otherwise comply with the performance standards of other industrial or commercial zones; • To seek to manage impacts such as noise, dust and odour within the zone.

17. Zoning table

The zoning table for this Scheme is as follows –

Table 2 Zoning table

USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Rural Residential	Rural Smallholding	Rural	Commercial	Light Industry	General Industry
Abattoir	X	X	X	A	X	X	X
Agriculture – extensive	X	D	D	P	X	X	D
Agriculture – intensive	X	X	A	D	X	X	X
Amusement parlour	X	X	X	X	D	X	X
Ancillary dwelling	P	D	D	D	D	X	X
Animal establishment	X	X	A	A	X	A	A
Animal husbandry - intensive	X	X	A	A	X	X	X
Art gallery	X	X	A	A	P	X	X
Bed and breakfast	A	A	A	D	P	X	X
Betting agency	X	X	X	X	D	X	X
Brewery	X	X	A	A	A	P	P
Bulky goods showroom	X	X	X	X	D	D	X
Cabin	X	A	A	A	X	X	X
Caravan Park	X	X	X	A	X	X	X
Caretaker's dwelling	X	X	X	X	D	D	D
Car park	X	X	X	X	D	X	X
Chalet	X	A	A	A	X	X	X
Child care premises	A	A	X	X	D	X	X
Cinema/theatre	X	X	X	X	D	X	X
Civic use	D	D	D	D	D	D	D
Club premises	X	X	X	A	D	X	X
Community purpose	A	A	A	A	P	X	X
Consulting rooms	A	X	X	X	P	X	X
Convenience store	X	X	X	X	P	X	X
Corrective institution	X	X	X	X	X	X	X

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USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Rural Residential	Rural Smallholding	Rural	Commercial	Light Industry	General Industry
Educational establishment	A	X	X	A	D	X	X
Exhibition centre	A	A	A	A	P	X	X
Family day care	D	D	D	D	D	X	X
Fast food outlet/lunch bar	X	X	X	X	D	D	D
Fuel depot	X	X	X	X	X	A	D
Funeral parlour	X	X	X	X	D	D	D
Garden centre	X	D	D	D	D	D	D
Grouped dwellings	D	X	X	X	D	X	X
Guest house	A	A	A	D	P	X	X
Holiday accommodation	D	X	X	X	X	X	X
Holiday house	D	X	X	D	X	X	X
Home business	A	A	A	D	X	X	X
Home occupation	D	D	D	D	X	X	X
Home office	P	P	P	P	X	X	X
Home store	A	X	X	X	X	X	X
Hospital	A	X	X	X	D	X	X
Hotel	X	X	X	X	P	X	X
Industry	X	X	X	X	X	X	P
Industry – extractive	X	X	X	A	X	X	X
Industry – light	X	X	X	X	X	P	P
Industry – primary production	X	X	X	D	X	X	X
Land drainage works	X	D	D	D	X	X	X
Market	X	X	X	A	D	X	X
Medical centre	A	X	X	X	D	X	X
Mining operations	X	X	X	D	X	X	X
Motel	X	X	X	X	D	X	X
Motor vehicle, boat or caravan sales	X	X	X	X	D	P	P
Motor vehicle repair	X	X	X	X	A	D	P

USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Rural Residential	Rural Smallholding	Rural	Commercial	Light Industry	General Industry
Motor vehicle wash	X	X	X	X	A	P	P
Nightclub	X	X	X	X	A	X	X
Office	X	X	X	X	P	D	D
Park home park	X	X	X	X	X	X	X
Place of worship	A	A	A	A	D	X	X
Public Utility	D	D	D	D	D	D	D
Reception centre	X	D	D	D	D	X	X
Recreation private	X	X	X	D	P	X	X
Repurposed dwelling	D	D	D	D	D	D	X
Resource recovery centre	X	X	X	X	X	X	X
Restaurant / Café	X	X	A	A	P	X	X
Restricted premises	X	X	X	X	A	X	X
Rural home business	X	A	A	D	X	X	X
Rural pursuit/hobby farm	X	D	D	P	X	X	X
Second-hand dwelling	D	D	D	D	D	D	X
Service station	X	X	X	X	D	D	D
Shop	X	X	X	X	P	X	X
Single House	P	P	P	D	D	X	X
Small bar	X	X	X	X	P	X	X
Tavern	X	X	X	X	A	X	X
Telecommunications infrastructure	A	A	A	D	A	D	D
Tourist development	X	A	A	A	P	X	X
Trade display	X	X	X	X	D	P	P
Trade supplies	X	X	X	X	D	D	D
Transport depot	X	X	X	A	X	D	D
Tree farm	X	X	X	D	X	X	X
Veterinary centre	X	X	A	D	D	D	D
Warehouse/storage	X	X	X	A	D	P	P

USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Rural Residential	Rural Smallholding	Rural	Commercial	Light Industry	General Industry
Waste disposal facility	X	X	X	X	X	X	X
Waste storage facility	X	X	X	X	X	X	X
Wind farm	X	X	X	A	X	X	X
Winery	X	X	A	D	X	X	X
Workforce accommodation	X	X	X	D	X	X	X

18. Interpreting zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

(2) The symbols used in the zoning table have the following meanings –

P means that the use is permitted if it complies with any relevant development standards or requirements of this Scheme;

I means that the use is permitted if it is incidental, ancillary or subordinate to the predominate use of the land and it complies with any relevant development standards or requirements of this Scheme;

D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions;

X means that the use is not permitted by this Scheme.

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

(3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless –
 - (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –
 - (a) a structure plan;
 - (b) an activity centre plan;
 - (c) a local development plan.

19. Additional uses

- (1) Table 3 sets out –
 - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that additional use.

Table 3 Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	All Light Industrial zoned lots with frontage to Taylor Street, Beverley	Single Dwellings	The Additional Use is subject to: <ul style="list-style-type: none"> (i) the lot fronts Residential zoned land; (ii) The single dwelling complies with the R10 density requirements for the Residential Design Codes. (iii) A 5 metre wide driveway is provided to supply access to the rear of the lot; (iv) All Light Industry land use, including storage of material, associated parking and display of goods, is to the rear of the dwelling; (v) The front setback area is landscaped to a minimum depth of 1.5 meters; (vi) All signage complies with council's signage policy; and (vii) Subdivision of the residential portion of the land from the light industry portion will not be permitted.
A2	All General Industry zoned lots with frontage to Taylor Street, Beverley	Single Dwellings	The Additional Use is subject to: <ul style="list-style-type: none"> i) The single dwelling complies with the R10 density requirements for the Residential Design Codes. ii) A 5 metre wide driveway is provided to supply access to the rear of the lot; iii) All Light Industry land use, including storage of material, associated parking and display of goods, is to the rear of the dwelling; iv) The front setback area is landscaped to a minimum depth of 1.5 meters; v) All signage complies with council's signage policy; and vi) Subdivision of the residential portion of the land from the light industry portion will not be permitted.
A3	All Light Industry zoned lots with frontage to Taylor Street, Beverley	Single Dwellings	The Additional Use is subject to: <ul style="list-style-type: none"> i) The single dwelling complies with the R10 density requirements for the Residential Design Codes. ii) A 5 metre wide driveway is provided to supply access to the rear of the lot; iii) All Light Industry land use, including storage of material, associated parking and display of goods, is to the rear of the dwelling; iv) The front setback area is landscaped to a minimum

No.	Description of land	Additional use	Conditions
			depth of 1.5 meters; v) All signage complies with council’s signage policy; and vi) Subdivision of the residential portion of the land from the light industry portion will not be permitted.
A4	Lot 369 Council Road & part Lot 136 Vincent Street, Beverley	Caravan Park & Park Homes Park	Development shall be to the satisfaction of the Shire.

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

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

There are no special use zones which apply to this Scheme.

22. Non-conforming uses

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

23. Changes to non-conforming use

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

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following –
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government must –
 - (a) ensure that the register is kept up-to-date; and
 - (b) make a copy of the register available for public inspection during business hours at the offices of the local government.
 - (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 – General development requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must –
 - (a) make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. Modification of R-Codes

- (1) Residential development in the Commercial zone shall comply with the R40 code.
- (2) In areas shown on the Scheme Map with a density code of R10/25 or R12.5/25, the local government may support development and subdivision to the higher code where reticulated sewerage will be connected to the land.
- (3) With the exception of lot area all provisions of the R2 codes apply in the Rural Residential Zone.

27. Environmental conditions

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

28. Site and development standards

- (1) Access
 - (a) At the discretion of Council, no development shall occur on a lot without access to a suitably constructed public road to the satisfaction of the Local Government. Constructed Public Road shall mean a road which has a minimum standard of a graded and stabilised track within a dedicated road reserve.
 - (b) Unless otherwise approved, no development shall occur on a lot without legal access (i.e. an access easement).
 - (c) In considering an application to relax the requirements of Clauses (1)(a) and/or (1)(b) the Local Government shall give particular consideration to:
 - (i) Any alternative legal means of access to the lot;
 - (ii) The quality of any un-constructed road access provided to the lot;

- (iii) The costs and/or complexity involved in providing constructed road and/or legal access;
 - (iv) The type and quantity of traffic expected to be generated by the proposed development.
- (d) Vehicle access ways and circulation areas for all development, except single houses, ancillary accommodation and associated outbuildings, shall be designed so as to permit all vehicles, of a type that may reasonably be expected to visit the site on a regular basis, to enter and leave the site in a forward gear.
- (e) Should Council consider it a requirement for a proposed development to have access to a suitably constructed public road in terms of Clause 1 (a) the applicant may be required to pay a sum of money in or towards payment of the cost of construction of the road or part thereof.

(2) Site Requirements

Subject to the provisions of the Scheme, the minimum standards for development in the various zones are set out in Table 4.

Table 4 Site requirements

Zone	Minimum Setback			Maximum Plot Ratio	Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear			
Residential	As per Residential Design Codes					
Rural Residential	15m	10m	10m	-	-	-
Rural Smallholding	20m	10m	10m	-	-	-
Rural	35m	10m	10m	-	-	-
Commercial	Nil	Nil	Nil	1.5	75%	10% of site
Light Industry	7.5m	7.5m	Nil	0.5	50%	5% of site area [#]
General Industry	7.5m	7.5m	Nil	0.5	75%	5% of site area [#]

Landscaping to be located along street frontage(s).

(3) Parking

- (a) Except with the consent of the local government, a person shall not use or develop land for a purpose specified in Column 1 of Table 3 unless provision is made on the site for a number of car parking spaces not less than the number calculated in accordance with Column 2 of that Table shown opposite that purpose.
- (b) Where a calculation made in pursuance of subclause (b) results in a number which is not a whole number, the number of parking spaces required shall be the next highest whole number.

- (c) Where there is a use of land referred to in the Zoning Table for which no provision is made in respect of car parking spaces in Table 5, the car parking spaces required for that use of land shall be as determined by the local government.
- (d) The size of car parking spaces and the driveways providing entry to, or exit from, a parking area shall be in accordance with Table 6 and the explanatory figure in Figure 1.
- (e) Where car parking spaces are required to be provided pursuant to this Scheme, the local government may accept a cash payment in lieu of the provision of some or all of those car parking spaces, if:
 - (i) the payment is not less than the amount the local government estimates to be the cost to the owner of providing and constructing those spaces together with the amount the local government estimates to be the value of the land which would have been occupied by those spaces; and
 - (ii) payment is made prior to commencement of the development in respect of which those spaces are required to be provided or in accordance with the terms of an agreement made between the local government and the applicant for Development Approval for that development.
- (f) Any amount paid to the Local government under subclause (e), shall be held by the Local government, in a separate reserve account or trust account and shall be applied by the Local government:
 - (i) in providing car parking spaces or car parking facilities capable of serving the needs of the development in respect of which the payment was made and in the locality of that development; or
 - (ii) to the acquisition of land and the construction of buildings for the purpose referred to in paragraph (i) of this subclause.

Table 5 Parking requirements

Use/Development	Minimum number of carparking spaces required
Amusement Parlour	1 per 10m ² gross leasable area
Bed & Breakfast	1 per bedroom plus 1 per staff member
Caravan Park	1.5 per camp site
Child Care Premises	1 per staff member plus 1 per 8 children
Cinema/Theatre	1 per 4 seats
Club Premises	1 per 4 persons
Consulting Rooms	5 per consulting room plus 1 per staff member
Educational Establishment	Primary – 1.5 per classroom; Secondary – 2 per classroom
Hospital	1 per 5 beds plus 1 per staff member

Use/Development	Minimum number of carparking spaces required
Hotel	1 per room plus 1 per 5m ² public area
Industry	1 per 100m ² gross leasable area or 2 per unit, whichever is the greater
Motel	1 per unit plus 1 per 10m ² public restaurant
Motor Vehicle, Boat or Caravan Sales	1 per 45m ² gross floor area plus 1 per 100m ² open display area
Office	1 per 40m ² gross leasable area
Place of Worship	1 per 4 persons
Residential Building	0.5 per bedroom or bedspace
Restaurant	1 per 4 persons
Service Station	1.5 per service bay plus 1 per staff member
Shop	1 per 20m ² gross leasable area
Bulky Goods Showroom	1 per 60m ² gross leasable area
Tavern	1 per 5m ² public area
Warehouse	1 per 100m ² gross leasable area

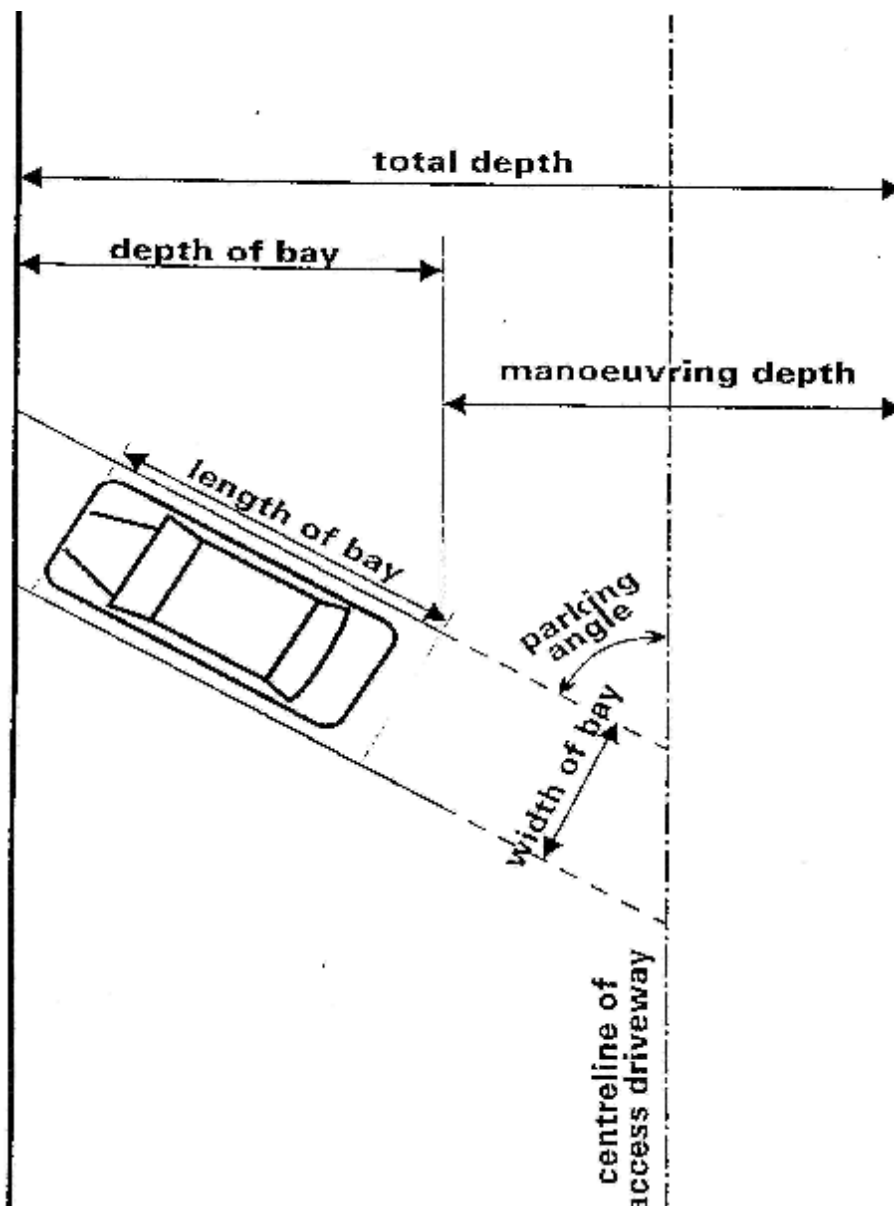
Note: Car parking spaces for the disabled to be provided in accordance with the Building Code of Australia.

Table 6 Parking dimensions

Parking Angle	Width of Bay (m)	Length Of Bay (m)	Depth of Bay (m)	Minimum Manoeuvring Depth (m)	Minimum Total Depth (m)
(A) ONE-WAY ACCESS					
90°	2.6	5.5	5.5	5.9	11.4
75°	2.6	5.5	6.0	5.3	11.3
60°	2.6	5.5	6.1	5.0	11.1
45°	2.6	5.5	6.1	3.6	9.7
30°	2.6	5.5	4.8	3.3	8.1
00° (parallel parking)	3.0	6.7	3.0	3.0	6.0
(b) TWO-WAY ACCESS					
90°	2.6	5.5	5.5	6.0	11.5
75°	2.6	5.5	6.0	6.0	12.0
60°	2.6	5.5	6.1	6.0	12.1

Parking Angle	Width of Bay (m)	Length Of Bay (m)	Depth of Bay (m)	Minimum Manoeuvring Depth (m)	Minimum Total Depth (m)
45°	2.6	5.5	6.1	6.0	12.1
30°	2.6	5.5	4.4	6.0	10.4
00° (parallel parking)	3.0	6.7	3.0	6.0	9.0

Figure 1 – Car parking diagram



(g) Provisions for Parking Access for Loading and Unloading Vehicles in the Commercial, Light Industry and General Industry zones

- (i) no land or buildings shall be developed unless provision is made for an area clear of the street for the purpose of loading or unloading goods or materials.
- (ii) the local government will seek to ensure that the majority of servicing vehicles will be able to leave and enter the street in a forward direction.
- (iii) parking, loading and unloading and access, complete with necessary drainage, signs and marking as required by the local government, shall be provided prior to any occupation of the development or at such time as may be agreed in writing between the local government and the developer.
- (iv) external servicing areas shall be established and maintained to the satisfaction of the local government.

(h) Parking of Commercial Vehicles in Residential and Rural Residential zones

No commercial vehicle in excess of 4.5 tonnes tare weight shall be permitted to be parked on any Residential or Rural Residential lot without planning consent of the local government unless:

- (i) provision is made for the vehicle to be housed in a garage or parked behind the building line;
- (ii) the vehicle together with its load does not exceed three metres in height;
- (iii) the vehicle forms an essential part of the lawful occupation of an occupant of the single house and that occupation, if carried on upon the lot, does not contravene the provisions of the Scheme; and
- (iv) the vehicle is not brought or taken from the land between the hours of midnight and 6.00 am.
- (v) no more than one commercial vehicle in excess of 4.5 tonnes shall be permitted to be parked.

(4) Zone Specific Development Standards

(a) Rural Residential Zone

- (i) Subdivision of Rural Residential zoned land shall generally achieve an average lot size of 2 ha, with a minimum of 1 ha. Consideration will be given to an average lot size below 2 hectares, on suitably located cleared land where appropriately justified. Achievement of the average lot size below 2 hectares will only be supported where the proposal appropriately addresses land capability, the provision of potable water supply and enhances the environmental qualities of the land and/or water, such as through revegetation of cleared land or eroded areas;
- (ii) Where a reticulated water supply is demonstrated to not be available, the Shire may consider a fit-for-purpose domestic potable water supply, which includes water for firefighting. The supply must be demonstrated, sustainable and consistent with the standards for water and health;
- (iii) In considering any application for development approval for a Rural Pursuit on Rural Residential zoned properties, local government shall

have regard to any relevant livestock stocking rate guidance of the State Department responsible for agriculture and any livestock stocking rate policy adopted by the Shire in order to preserve vegetation and amenity of the site and locality.

(b) Rural Smallholding Zone

- (i) Subdivision of Rural Smallholding zoned land shall generally achieve lot sizes between 4 and 40 ha. Proposals are to appropriately address land capability and enhance the environmental qualities of the land and/or water, such as revegetation of cleared land or eroded areas;
- (ii) Rural Smallholding zones laid down under this Scheme have, subject to the provisions of the Scheme, been selected as areas where closer subdivision will be permitted to provide for a variety of land uses of a rural nature and also to make provision for retention/rehabilitation of the landscape and amenity, in a manner consistent with the proper and orderly planning of such areas.
- (iii) In considering any application for development approval for a Rural Pursuit on Rural Smallholdings zoned properties, the local government shall have regard to any relevant livestock stocking rate guidance of the State Department responsible for agriculture and any livestock stocking rate policy adopted by the Shire in order to preserve vegetation and amenity of the site and locality.
- (iv) In considering any application for development approval for a Rural Pursuit, the local government shall have regard to any relevant separation distance guidance of the State Departments responsible for health and for environment in order to preserve the amenity of the locality.
- (v) Where a reticulated water supply is demonstrated to not be available, the Shire may consider a fit-for-purpose domestic potable water supply, which includes water for firefighting. The supply must be demonstrated, sustainable and consistent with the standards for water and health;

(c) Rural Zone

- (i) Development approval is required for the erection of a single house in the Rural zone, in accordance with the provisions of Table 2.
- (ii) The local government may support the construction of up to 2 single houses, on lots greater than 60 hectares where the houses are to be occupied by employees (and their families).
- (iii) The local government may support the construction of up to 2 additional houses, on lots greater than 60 hectares, where the existing house is included on the local government's Municipal Heritage Inventory and /or on the State Heritage Register. The houses must be occupied by employees (and their families).
- (iv) The presence of more than one single house unit on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.
- (v) Where a reticulated water supply is demonstrated to not be available, the Shire may consider a fit-for-purpose domestic potable water supply,

- which includes water for firefighting. The supply must be demonstrated, sustainable and consistent with the standards for water and health;
- (vi) The siting and design of any buildings on any lot should not significantly impact on the natural vegetation or visual landscape amenity of the site.
 - (vii) The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.
 - (viii) Homestead lot subdivision on properties less than 100 ha will not be supported by the Local Government.
- (d) Light Industry Zone
- (i) Refuse Storage Areas – All developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.
 - (ii) Storage Yards – A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the Local government.
 - (iii) Fences – The minimum standard fence shall be a 1.8 metre link mesh security fence unless otherwise approved by the Local government.
- (e) General Industry Zone
- (i) Refuse Storage Areas – All developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.
 - (ii) Storage Yards – A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the Local government.
 - (iii) Fences – The minimum standard fence shall be a 1.8 metre link mesh security fence unless otherwise approved by the Local government.
- (f) Caretaker's Dwellings
- (i) Caretaker's dwellings may be permitted with the local government's discretion in the Commercial, Light Industry and General Industry Zones.
 - (ii) A caretaker's dwelling must be incidental to the predominant use of the site.
 - (iii) Only one caretaker's dwelling is permitted on each lot.
 - (iv) The total permitted floor area of a caretaker's dwelling in Light and General Industry zones is 100m², measured from the external face of walls.
 - (v) Open verandahs may be permitted, but if enclosed will form part of the total calculated floor area.
 - (vi) The local government may consider the use of notifications on title to advise prospective purchasers of potential impacts from noise, dust,

odour or amenity that may arise from the location of a residential land use within the zone.

- (vii) The local government will not consider applications for caretakers' dwellings prior to the primary site activity being either approved or constructed.
- (viii) Where simultaneous approval has been granted by the local government for both a caretaker's dwelling and the main activity on the same lot, the main activity must be developed and operational prior to occupation of the dwelling.
- (ix) Caretaker's dwellings should be carefully sited and constructed so the potential site (or estate) impacts from noise, dust, odour or amenity are minimised.
- (x) A caretaker's dwelling may only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the lawfully established or approved land use.

(g) Rural Pursuit

- (i) Notwithstanding anything contained in the Zoning Table, the Council may grant consent for a Rural Pursuit use within areas coded R2, R2.5 and R5 of the Residential zone.
- (ii) In considering any application for development approval for a Rural Pursuit, the Council shall have regard to any relevant livestock stocking rate guidance of the State department responsible for agriculture and any livestock stocking rate policy adopted by the Shire in order to preserve vegetation and amenity of the site and locality.
- (iii) In considering any application for development approval for a Rural Pursuit, the Council shall have regard to any relevant separation distance guidance of the State departments responsible for health and for environment in order to preserve the amenity of the locality.

(5) Requirement for consultation to commence mining

In considering proposals to commercially extract minerals, the local government may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.

29. Additional site and development requirements for areas covered by structured plan, activity centre plan or local development plan

There are no additional requirements that apply to this scheme.

30. Variations to site and development requirements

- (1) In this clause –

additional site and development requirements means requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with a site and development standard if the application is in relation to non-residential development.

- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government thinks fit.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development standard will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –
 - (a) consult the affected parties by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval set out in clause 67 of the deemed provisions; and
 - (b) the non-compliance with the site and development standard will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.
- (6) Subclauses 30 (1) to 30 (5) shall not apply to:
 - (a) development on land abutting an unconstructed road; or
 - (b) development on a lot which does not have frontage to a constructed road.

31. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant –
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

Part 5 — Special Control Areas

32. Operation of special control areas

- (1) The following Special Control Areas are shown on the Scheme Maps:
 - (a) Special Control Area No. 1 – Avon River Flood Prone Area
 - (b) Special Control Area No. 2 – Public Drinking Water Source Protection Area
 - (c) Special Control Area No. 3 – Basic Raw Materials Area
 - (d) Special Control Area No. 4 – Wastewater Infrastructure Buffer Area
- (2) In respect of the Special Control Area(s) shown in the Scheme Maps, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

33. Special Control Area 1 – Avon River Flood Prone Area

(1) Purpose

The purpose of the Avon River Flood Prone Special Control Area is to protect against possible adverse effects of flood events, to avoid development that would negatively impact upon the river and to ensure development is undertaken in such a manner it does not impact upon the floodway

(2) Application Requirements

Development approval is required to construct or extend a single house or other building, and/or to carry out any other form of development on any land affected by this Special Control Area.

(3) Development Standards and Considerations

In considering any rezoning request, subdivision or development application the Local government will have regard to the following:

- (a) More intensive development such as residential, industrial or rural residential subdivision, will generally not be supported within this Special Control Area.
- (b) Development applications for land within the Avon River Flood Fringe Area should not be approved where it could reasonably be expected that the development may result in:
 - (i) an obstruction to major river flows and increased flood levels upstream;
 - (ii) the removal of or damage to riparian vegetation or other nearby vegetation which influences the waterway; or
 - (iii) harm to water quality or habitat values of the waterway.
- (c) Public works or community facilities may be permitted within the Avon River Flood Fringe Area, subject to advice from the Department of Water that such

public works can be designed and located in a manner so as to minimise flood risk, property damage and obstruction to river flow.

- (d) For those areas within the Avon River Flood Fringe Area where the Department of Water has identified the flood plain boundary, development will be subject to a minimum habitable floor level of 0.5m above the predicted 1 in 100 year flood level.

(4) Referral of Applications

In considering any application for development approval on any land identified within the Shire of Beverley Avon River Flood Study as being located within the flood fringe area or which could be affected by a 1:100 year flood event, as defined by the Department of Water, the local government will require the application be referred to the Department of Water for consideration and comment, prior to The local government's determining the application.

34. Special Control Area No. 2 – Public Drinking Water Source Protection Areas

(1) Purpose

To identify the proclaimed Public Drinking Water Source Areas (PDWSA) and to ensure that land use and development within PDWSAs are compatible with the protection and long-term management of water resources for public water supply.

(2) Application Requirements

Development approval is required to construct or extend a single house or other building, or to carry out any other form of development on any land affected by this Special Control Area.

(3) Development Standards and Considerations

- (a) In determining land uses and development proposals within Special Control Areas, the Local government will have due regard to relevant State Government policies, including Statement of Planning Policy No. 2.7 and the most recent Department of Water Land Use Compatibility Tables for PDWSA's.
- (b) In determining proposals, the Local government is to have due regard to any comments or recommendations from Department of Water, and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination.

(4) Referral of Applications

The Local government is required to refer any development application which involves the following activities to the Department of Water for advice prior to determination of the application:

- (a) Potential for increased nutrient loading, in particular point source for nutrients, e.g. poultry farm, piggery;
- (b) Application of fertilisers and pesticides;

- (c) Storage of chemicals, fuels and other potentially polluting substances;
- (d) Substantial increase in run-off; and
- (e) Any other impact which the local government considers could have an impact on the quality of public drinking water.

35. Special Control Area No. 3 – Basic Raw Materials Areas

(1) Purpose

To identify and protect important basic raw material resources and provide for their extraction and use in accordance with the State Government's planning policy on basic raw materials.

(2) Application Requirements

Development approval is required to construct or extend a single house or other building, or to carry out any other form of development on any land affected by this Special Control Area.

(3) Development Standards and Considerations

In determining land uses and development proposals within this Special Control Area, the local government will have due regard to relevant State Government policies, including *State Planning Policy 2.5*.

(4) Referral of Applications

The Local government is required to refer development applications to the Department of Mines and Petroleum for advice prior to determination of the application.

36. Special Control Area No. 4 – Wastewater Infrastructure Buffer Areas

(1) Purpose

To ensure compatibility of land use and development with wastewater infrastructure.

(2) Application Requirements

Development approval is required to develop a sensitive land use (as defined by the Environmental Protection Authority) on any land in this Special Control Area.

(3) Development Standards and Considerations

In considering any rezoning request, subdivision or development application the Local government will have regard for the following:

- (a) the proximity to the emission source and estimated level of impact and/or risk on the use or development;

- (b) the sensitivity of the proposed use or development to off-site emissions or risk; and
- (c) any other relevant planning consideration.

(4) Referral of Applications

The Local government is required to refer development applications; and any proposed planning mechanism or planning policy relating to the SCA area to the relevant wastewater service provider for comment prior to determination.

Part 6 – Terms referred to in Scheme

Division 1 – General definitions used in Scheme

37. Terms used

- (1) If a word used in this Scheme is listed in this clause the meaning of the word is as set out below –

building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
building height	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.
commencement day	means the day this Scheme comes into effect under section 87(4) of the Act.
commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
floor area	has meaning given in the Building Code.
frontage	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces.
incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.
minerals	has the meaning given in the <i>Mining Act 1978</i> section 8(1).

net lettable area (nla)	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas – (a) stairs, toilets, cleaner’s 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 those facilities are not for the exclusive use of occupiers of the floor or building.
non-conforming use	has the meaning given in the <i>Planning and Development Act 2005</i> section 172.
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
precinct	means a definable area where particular planning policies, guidelines or standards apply.
predominant use	means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.
retail	means the sale or hire of goods or services to the public.
short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;
wall height	in relation to a wall of a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.
wholesale	means the sale of goods or materials to be sold by others.

- (2) A word or expression that is not defined in this scheme –
- (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act – has the same meaning as it has in the R-Codes.

Division 2 – Land use terms used in Scheme

38. Land use terms used

1. If this Scheme refers to a category of land use that is listed in this provision the meaning of that land use is as set out below -

abattoir	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
agriculture – extensive	means premises used for the raising of stock or crops, including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry - intensive.
agriculture – intensive	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following – <ol style="list-style-type: none">(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;(b) the establishment and operation of plant or fruit nurseries;(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);(d) aquaculture.
amusement parlour	means premises – <ol style="list-style-type: none">(a) that are open to the public; and(b) that are used predominantly for amusement by means of amusement machines including computers; and(c) where there are 2 or more amusement machines.
animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.
animal husbandry – Intensive	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.
art gallery	means premises – <ol style="list-style-type: none">(a) that are open to the public; and(b) where artworks are displayed for viewing or sale.
bed and breakfast	means a dwelling – <ol style="list-style-type: none">(a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and(b) containing not more than 2 guest bedrooms and one guest bathroom.
betting agency	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .
brewery	means premises the subject of a producer’s licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988;

- bulky goods showroom** (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
- (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and childrens' goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools; or
- (b) used to sell by retail goods and accessories by retail if —
- (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
- caravan park** means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5 (1).
- caretaker's dwelling** means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
- car park** means premises used primarily for parking vehicles whether open to the public or not but does not include —
- (a) any part of a public road used for parking or for a taxi rank; or
 - (b) any premises in which cars are displayed for sale.
- child care premises** means premises where —
- (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or
 - (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided;
- cinema/theatre** means premises where the public may view a motion picture or theatrical production.
- civic use** means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
- club premises** means premises used by a legally constituted club or association or other body of persons united by a common interest.

commercial vehicle parking	means premises used for parking of one or 2 commercial vehicles but does not include — (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land.
community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
convenience store	means premises — (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m ² net lettable area.
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided.
Fast food outlet/lunch bar	means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten — (a) without further preparation; and (b) primarily off the premises.
fuel depot	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used — (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle.
funeral parlour	means premises used — (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services.
garden centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
guest house	means a dwelling or part of a dwelling occupied by a person but containing rooms used to accommodate short-term guests for hire or reward.

- holiday accommodation** means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
- holiday house** means a single dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast.
- home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation –
- (a) does not involve employing more than 2 people who are not members of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 50 m²; and
 - (d) does not involve the retail sale, display or hire of any goods; unless the sale, display or hire is done by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
- home occupation** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –
- (a) does not involve employing a person who is not a member of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 20 m²; and
 - (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
 - (e) does not involve the retail sale, display or hire of any goods; unless the sale, display or hire is done only by means of the Internet; and
 - (f) does not –
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
 - (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
 - (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

home office	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation – (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling.
home store	means a shop attached to a dwelling that – (a) has a net lettable area not exceeding 100 m ² ; and (b) is operated by a person residing in the dwelling.
hospital	means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1).
hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes – (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
industry – extractive	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes – (a) the processing of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.
industry – light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
industry – primary production	means premises used – (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses.

land drainage works	means all work undertaken, on lots/locations which have any potential for significant off-site impacts, in the interest of altering contours, directing land or storing stormwater and/or natural water runoff, through or on any property, via landfill or construction such as contour banks, dams or any on-site building stormwater runoff system.
market	means premises used for the display and sale of goods from stalls by independent vendors.
medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
mining operations	means premises where mining operations, as that term is defined in the Mining Act 1978 section 8(1) is carried out.
motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.
motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans.
motor vehicle repair	means premises used for or in connection with – (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres.
motor vehicle wash	means premises primarily used to wash motor vehicles.
nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
office	means premises used for administration, clerical, technical, professional or similar business activities.
park home park	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions.
recreation – private	means premises that are – (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
repurposed dwelling	means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

- resource recovery centre** means premises other than a waste disposal facility used for the recovery of resources from waste.
- restaurant/café** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*.
- restricted premises** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of –
- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); and
 - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or smoking-related implements;
- rural home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation –
- (a) does not involve employing more than 2 people who are not members of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 200 m²; and
 - (d) does not involve the retail sale, display or hire of any goods, unless the sale, display or hire is done only by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.
- rural pursuit/hobby farm** means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier’s household —
- (a) the rearing, agistment, stabling or training of animals;
 - (b) the keeping of bees;
 - (c) the sale of produce grown solely on the premises.
- second-hand dwelling** means a dwelling that has been used in a different location, and has been dismantled and transported to another location, or is about to be dismantled and transported to another location, but does not include a new modular or transportable dwelling.
- service station** means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –
- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or
 - (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

shop	means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
small bar	means premises the subject of a small bar licence granted under the Liquor Control Act 1988.
tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide — (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.
trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises — (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.
transport depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including — (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.
tree farm	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5.
veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

warehouse/storage	means premises including indoor or outdoor facilities used for — (b) the storage of goods, equipment, plant or materials; or (c) the display or sale by wholesale of goods.
waste disposal facility	means premises used – (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste.
waste storage facility	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.
wind farm	means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use.
winery	means premises used for the production of viticultural produce and associated sale of the produce.
workforce accommodation	means premises, which may include modular or relocatable buildings, used – (a) primarily for the temporary accommodation of workers engaged in construction, resource, agricultural or other industries: and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule 1 – Additions to deemed provisions

In addition to the provisions of Schedule 2, Part 6, Clause 61, the following do not require development approval:

- (i) exempted classes of advertisements listed in the table below:

Table 7 Exempted classes of advertisements

Land use and/or development	Exempted advertisement	Maximum size
Dwellings	One professional name plate as appropriate.	0.2 m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2 m ²
Places of worship, meeting halls and places of public assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2 m ²
Cinemas, theatres and drive-in theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5 m ²
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.	N/A
Industrial and warehouse premises	A maximum of 4 advertisements applied to or affixed to the wall of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free standing advertisement signs not exceeding 5 metres in height above ground level.	Total area of any such advertisement shall not exceed 15m ² . Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major grounds and complexes	All signs provided that in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A

Land use and/or development	Exempted advertisement	Maximum size
Public Places and reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; and	N/A
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the discretion of a Government department, public authority or the Council of a municipality; and	N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway property and reserves	Advertisement signs exhibited on such land provided that each advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisement within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2 m ²

- (ii) a rural pursuit in the Rural Zone where, including the erection, alteration or extension of any buildings used in conjunction with that use, where the development complies with the provisions of the Scheme.
- (iii) tree farming in the Rural Zone where the aggregate planted area is less than 20 hectares.

Schedule 2 – Rural Residential Zone

Table 8 Rural Residential zone

Area	Particulars of Land	Requirements of Zone
<i>RRes 1</i>	<p>All of the land in the Beverley townsite bounded by:</p> <p>(a) Burt Street, townsite boundary, Langsford Street, Chipper Street and Richardson Street.</p> <p>(b) Avon River, Lukin Street, Nicholas Street, and Chipper Street</p>	<p>Subdivision which will have the effect of increasing the number of lots shall not be permitted.</p>
<i>RRes 2</i>	<p>Locations 11039 and 16251 Simmons Road, Beverley.</p>	<ol style="list-style-type: none"> 1. Subdivision is to be generally in accordance with the Plan of subdivision certified by the Shire Clerk and approved by the Commission. 2. All lots of less than 2 hectares resulting from subdivision shall be connected to a reticulated public water supply system as a condition of subdivisional approval. 3. On lots resulting from subdivision and which are not connected to the reticulated water supply system, no dwelling shall be constructed or approved for construction unless a minimum of 92,000 litres domestic water storage tank or other approved potable water supply and storage facility is established with the dwelling. 4. Areas for revegetation shown in the Subdivision Guide Plan shall as a condition of planning consents issued for lots be planted with the number and species of trees and shrubs and shall be maintained to the satisfaction of the Council after seeking advice from the Department of Agriculture.
<i>RRes 3</i>	<p>Avon Location 29048 Bethany Road, Beverley</p>	<ol style="list-style-type: none"> 1. Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Shire Clerk and approved by the Commission. The minimum lot size shall be not less than 2.0 hectares. 2. No dwelling shall be constructed or other approved potable water supply and storage facility is established with the dwelling. 3. On-site effluent disposal shall be the responsibility of the individual landowners.

		<p>4. The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of Western Australia.</p>
<i>RRes 4</i>	Lot 3 Simmons Road, Beverley	<p>1. Subdivision is to be generally in accordance with the Outline Development Plan certified by the Chief Executive Officer and approved by the Western Australian Planning Commission.</p> <p>2. All lots if less than 2 hectares resulting from subdivision shall be connected to a reticulated public water supply system as a condition of subdivision approval.</p> <p>3. On lots resulting from subdivision and which are not connected to the reticulated water supply system, no dwelling shall be constructed or approved for construction unless a minimum of 92,000 litres domestic water storage tank or other approved potable water supply and storage facility is established with the dwelling.</p> <p>4. Buffer and areas for re-vegetation shown in the Outline Development Plan shall be planted with the number and species of trees and shrubs, and shall be maintained thereafter to the satisfaction of Council, after seeking advice from Agriculture Western Australia, as a condition of subdivision approval.</p> <p>5. The subdivider shall prepare and implement a Fire Management Plan prior to clearance of subdivision that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the Council and the Fire Emergency Services Authority.</p>
<i>RRes 5</i>	Part Lot 3 Langsford Street, Beverley	<p>1. The Council shall not support any application for subdivision of the land into Rural Residential lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for a whole or part of the area.</p> <p>2. A Subdivision Guide Plan for the subdivision of land into Rural Residential lots shall have</p>










		<p>regard to the objectives set out in this zone and shall include the following provisions:</p> <ul style="list-style-type: none"> (a) Minimum lot size of 2 ha; (b) Protection and rehabilitation of natural areas and features including existing native vegetation and drainage lines; (c) Building envelopes shall be identified for each lot in accordance with the following: <ul style="list-style-type: none"> (i) Be at least 40m from any adjoining lots where farming is or can potentially occur; (ii) Located to ensure that existing vegetation and drainage lines are protected and maintained; and (iii) Located to address any other environmental management issues identified by the Council. (d) Identify areas outside building envelopes that will be revegetated with native species including a 40 metres native vegetated buffer from lot boundaries that abut farming land. (e) Any other matter deemed relevant by the Council. <p>3. No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate permitted (P) uses and discretionary (D) uses listed in the zoning table; prior to any such clearing, the developer of the estate/landowner shall seek and obtain the written consent of the Council.</p> <p>4. The subdivider shall prepare and implement an Emergency Management and Fire Management Plan, the construction of the strategic firebreaks depicted on the Subdivision Guide plan, water supplies and equipment and any other fire management requirements deemed necessary, to the specification and satisfaction of the local authority.</p> <p>5. At the time of the building application for each lot a plan of the site shall be submitted</p>
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		<p>by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>6. Memorials to be incorporated on all titles advertising landowners and successors thereof that the land is affected by aircraft noise.</p>
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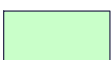
Appendix 1 – Scheme Maps

LEGEND










LOCAL SCHEME RESERVES

	ENVIRONMENTAL CONSERVATION		PRIMARY DISTRIBUTOR ROAD
	PUBLIC PURPOSES		DISTRICT DISTRIBUTOR ROAD
	RAILWAYS		LOCAL DISTRIBUTOR ROAD
	PUBLIC OPEN SPACE		LOCAL ROAD
	STATE FOREST		

ZONES

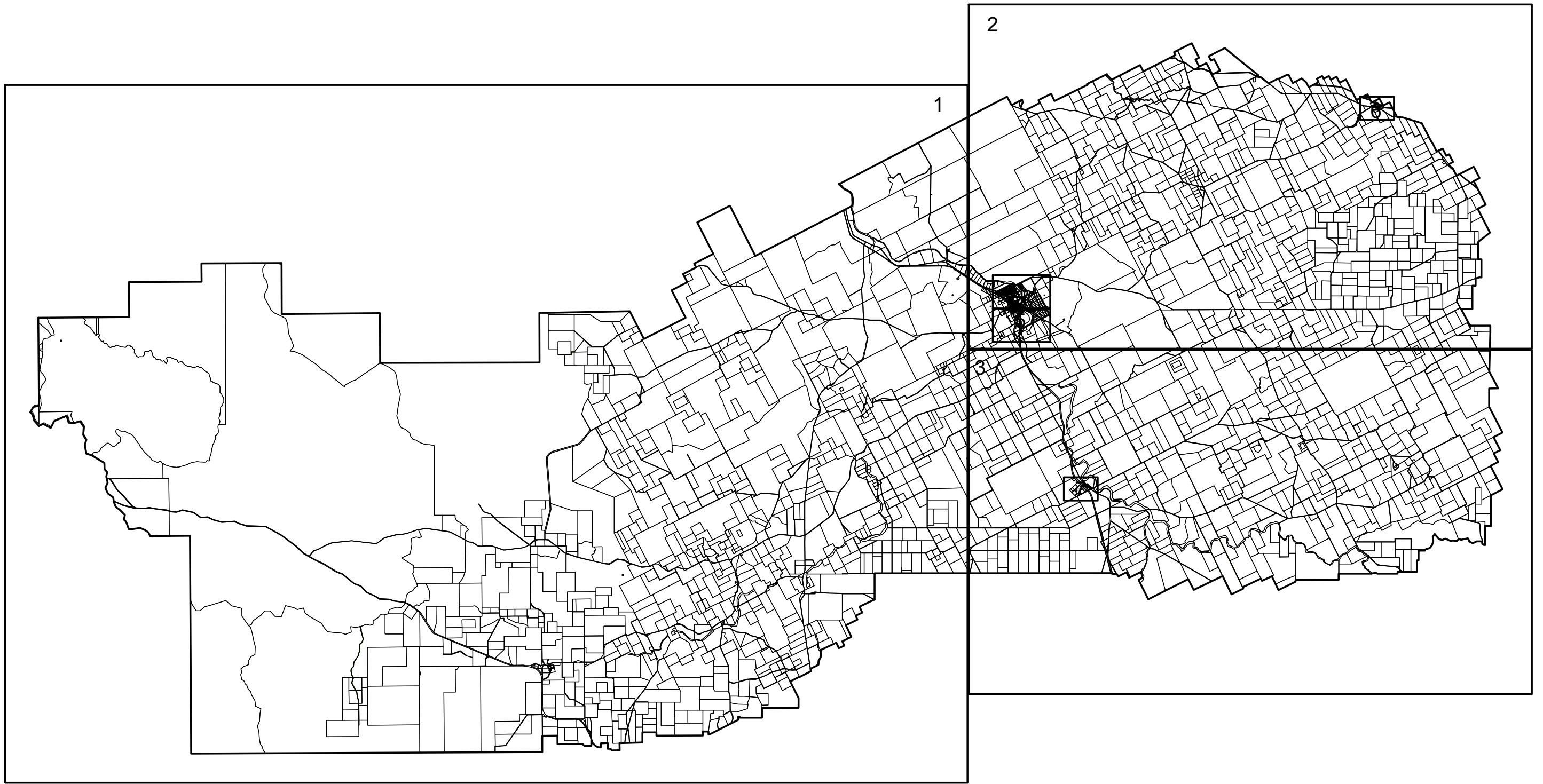
	RESIDENTIAL		COMMERCIAL
	RURAL RESIDENTIAL		LIGHT INDUSTRY
	RURAL SMALLHOLDING		GENERAL INDUSTRY
	RURAL		

OTHER

	R CODES		ADDITIONAL USES
	SCHEME BOUNDARY		
	LOCAL GOVERNMENT BOUNDARY		
	TOWN SITE - LAND ACT		
	AVON RIVER FLOOD PRONE AREA SPECIAL CONTROL AREA		
	PUBLIC DRINKING WATER SOURCE PROTECTION AREA SPECIAL CONTROL AREA		
	BASIC RAW MATERIALS AREA SPECIAL CONTROL AREA		
	WASTEWATER INFRASTRUCTURE BUFFER AREA SPECIAL CONTROL AREA		

SHIRE OF BEVERLEY

LOCAL PLANNING SCHEME NO. 3 (DISTRICT SCHEME)



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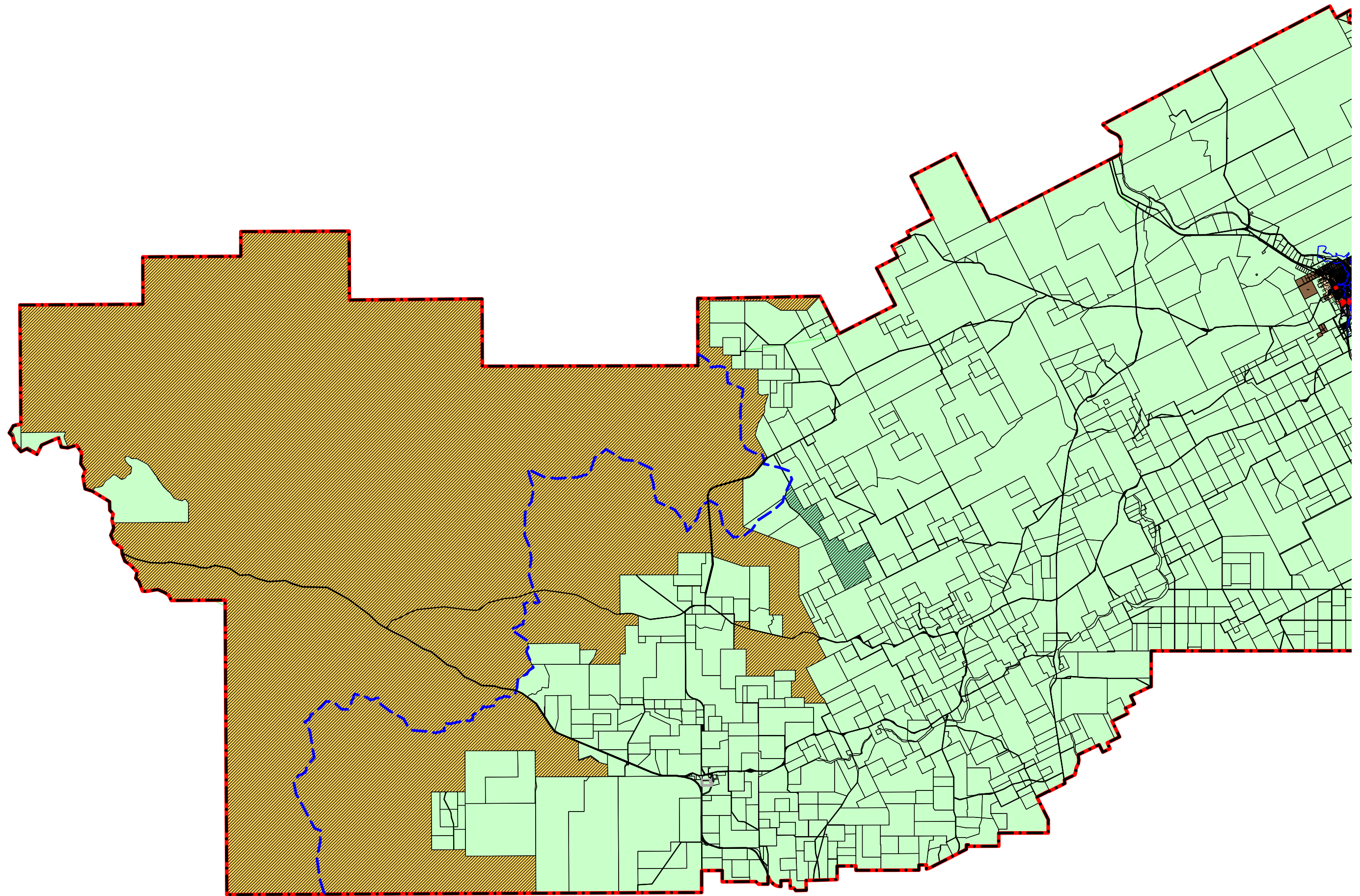
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SHIRE OF BEVERLEY
TOWN PLANNING SCHEME NO 3
SHEET INDEX



SCALE 1 : 250,000







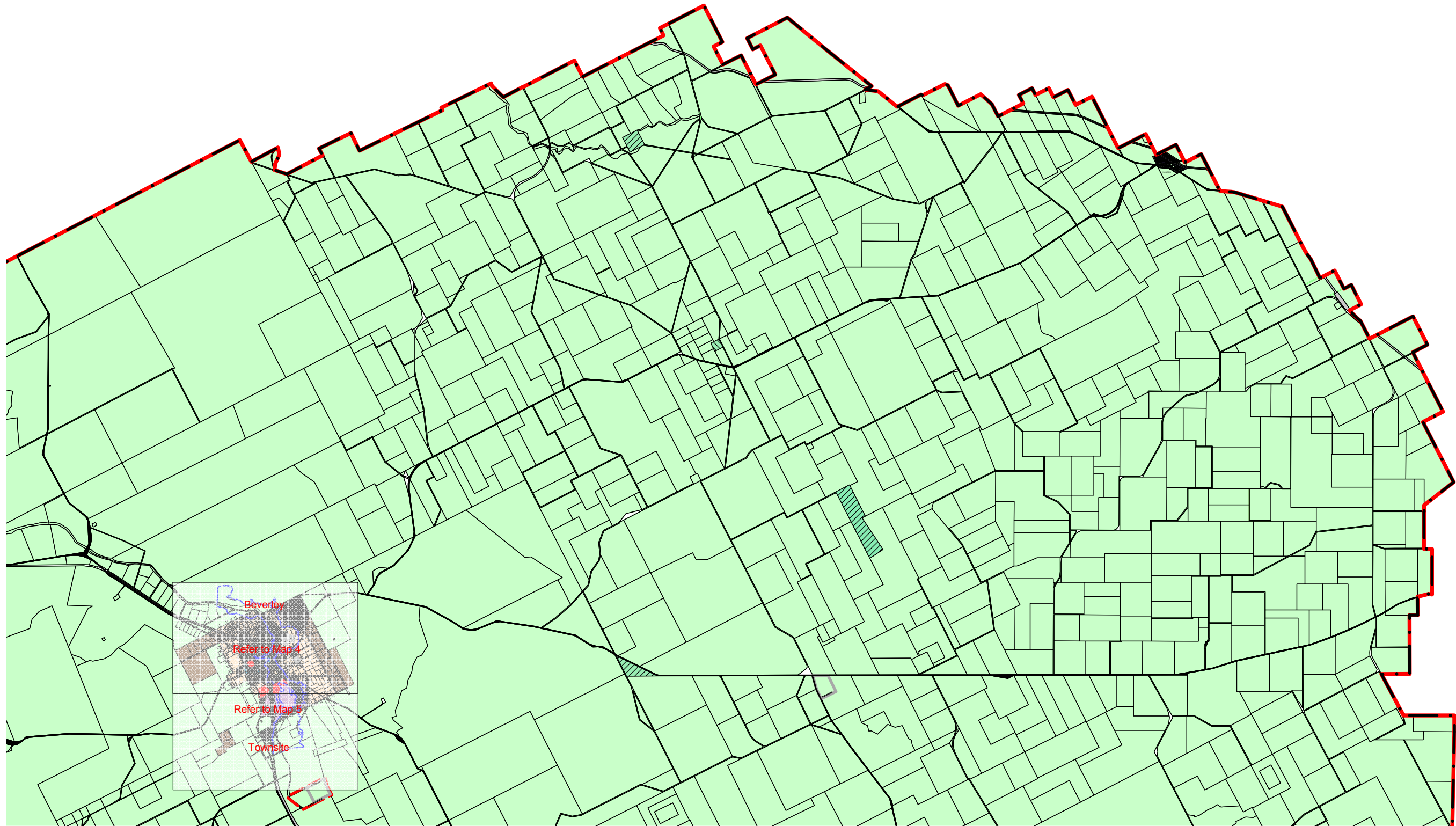
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SHIRE OF BEVERLEY
 TOWN PLANNING SCHEME NO 3
 (DISTRICT SCHEME)



 SCALE 1: 170,000

MAP OVERVIEW



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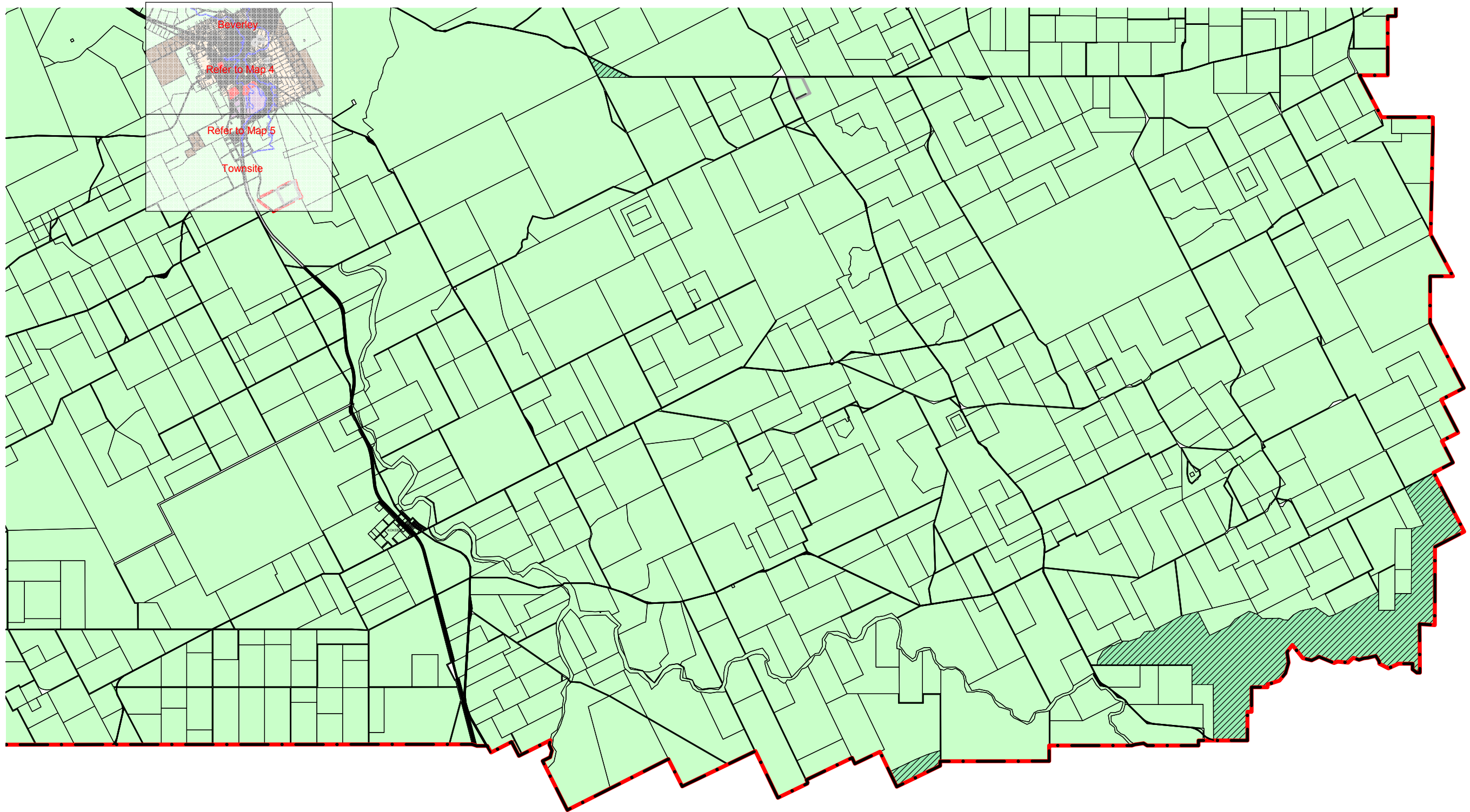
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SHIRE OF BEVERLEY
 TOWN PLANNING SCHEME NO 3
 (DISTRICT SCHEME)



SCALE 1: 100,000

MAP OVERVIEW



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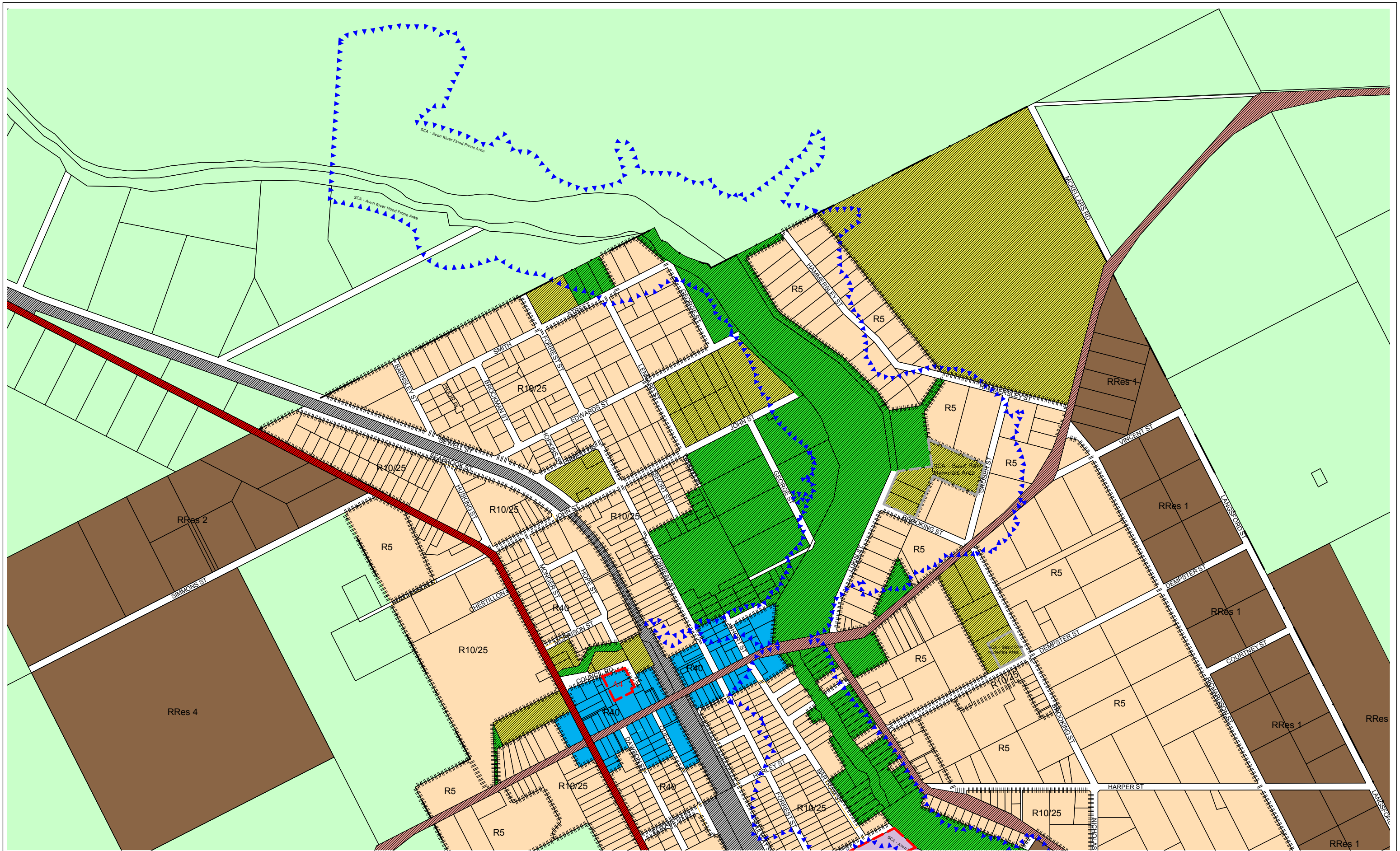
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SHIRE OF BEVERLEY
TOWN PLANNING SCHEME NO 3
 (DISTRICT SCHEME)

N

 SCALE 1: 100,000

MAP OVERVIEW



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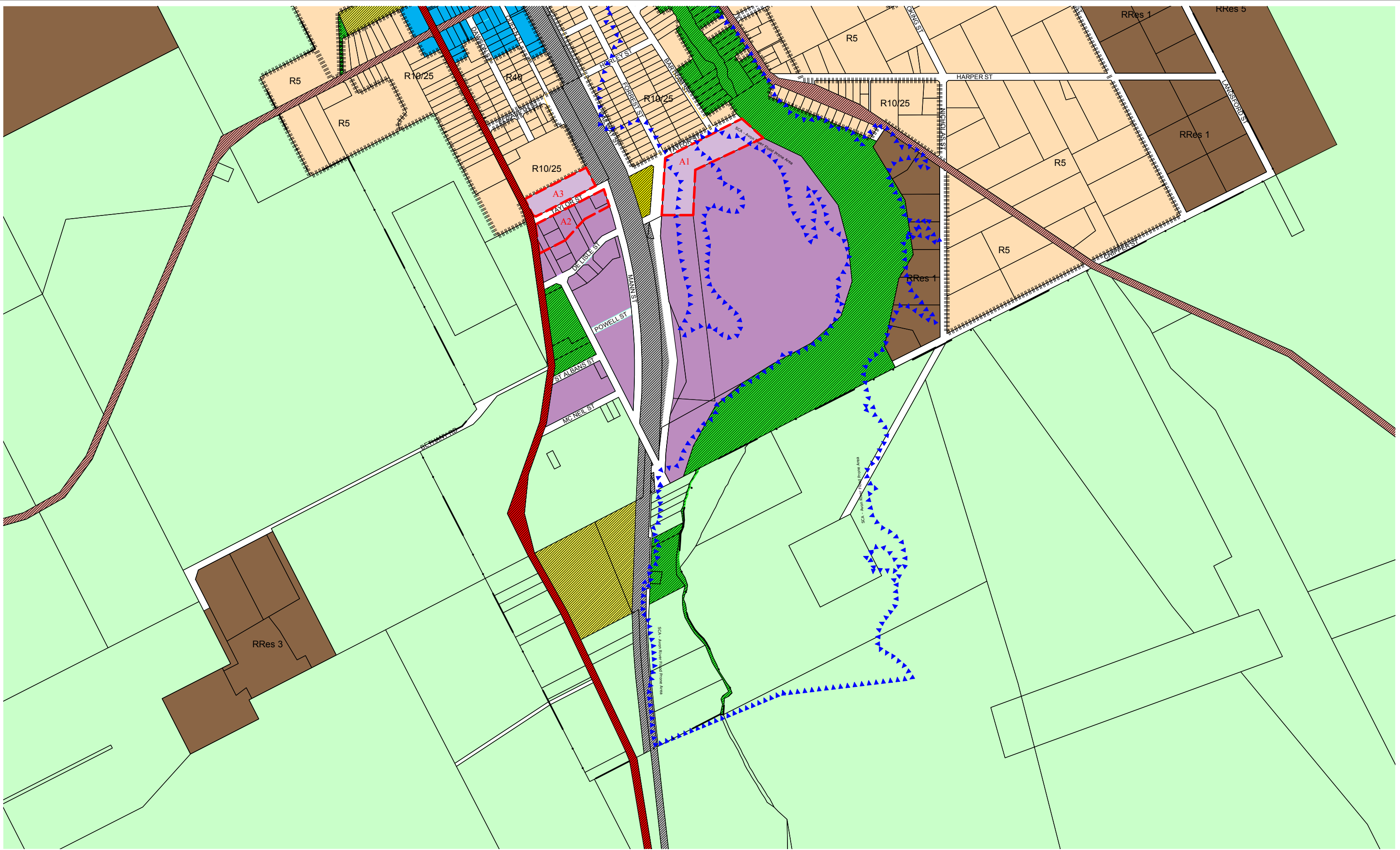
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SHIRE OF BEVERLEY
TOWN PLANNING SCHEME NO 3
(DISTRICT SCHEME)

N

SCALE 1: 10,000

MAP OVERVIEW



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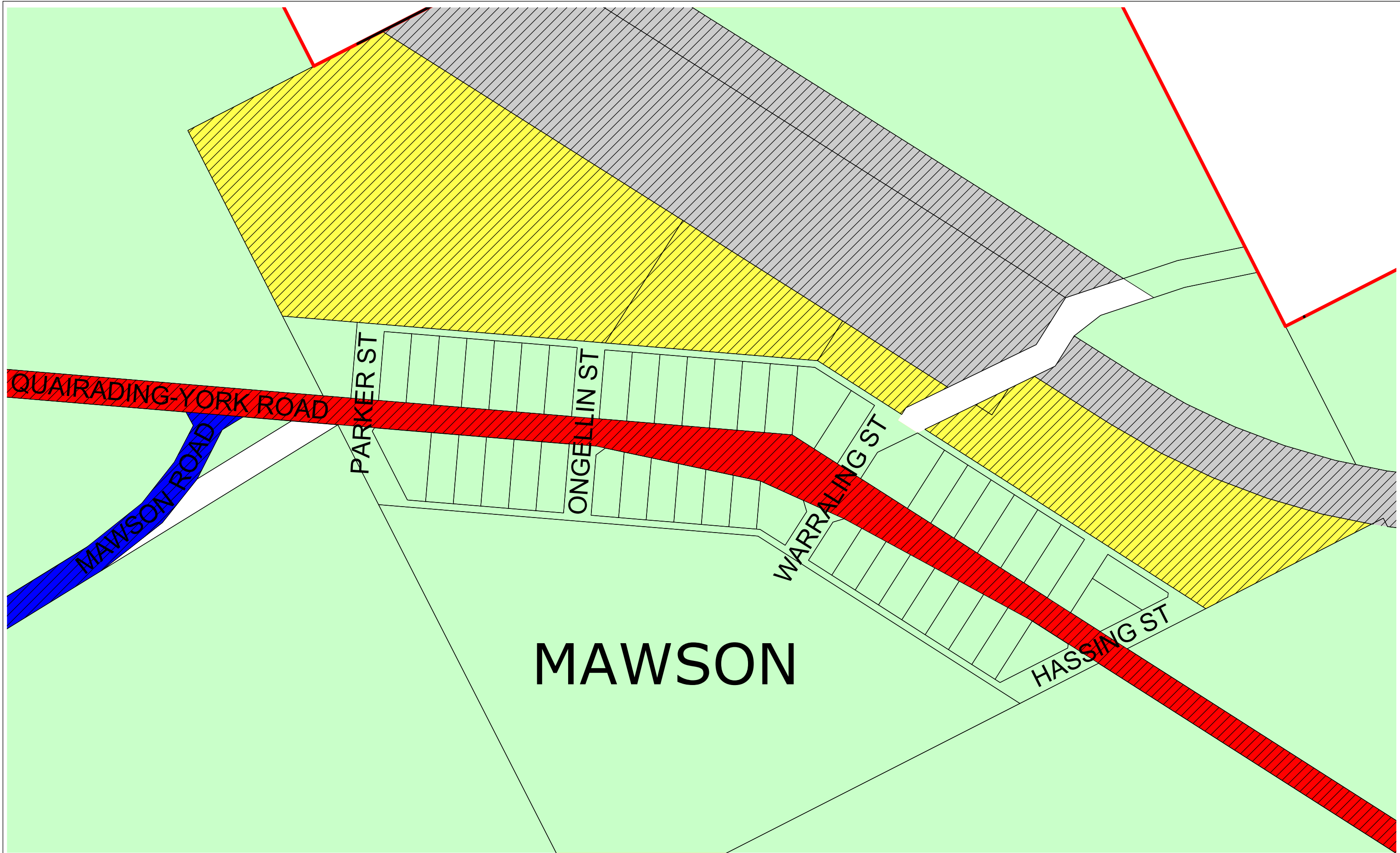
SHIRE OF BEVERLEY
 TOWN PLANNING SCHEME NO 3
 (DISTRICT SCHEME)

N

GDA
 GEODETIC DATA AUTHORITY OF AUSTRALIA

SCALE 1: 10,000



MAP OVERVIEW
TOWN PLANNING SCHEME MAP NO. 5 of 7



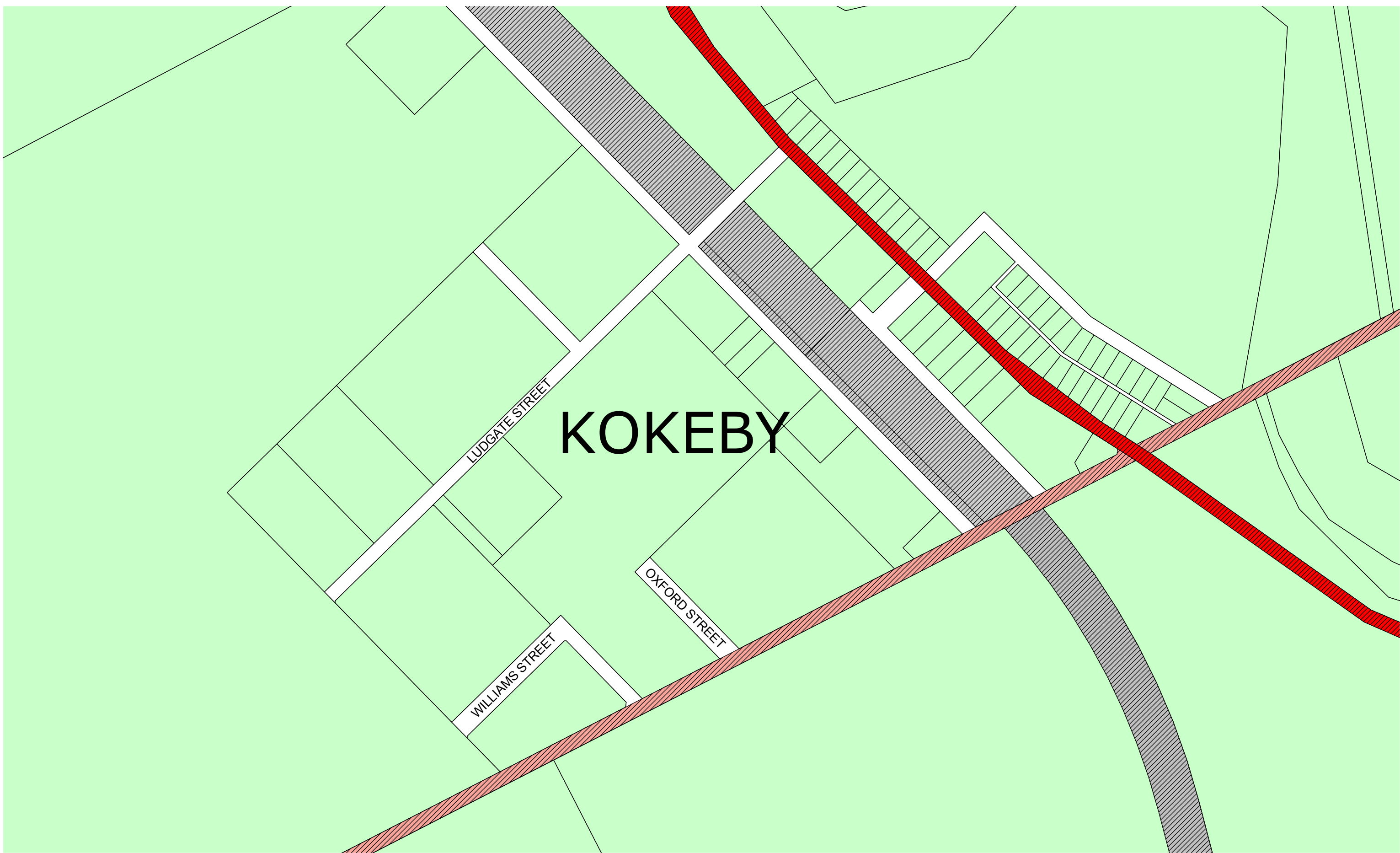
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SHIRE OF BEVERLEY
 TOWN PLANNING SCHEME NO 3
 (DISTRICT SCHEME)



 SCALE 1: 2,500



MAP OVERVIEW



Produced by the Shire of Brookton.

Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation. Consultation with the respective Local Government should be made to view a legal version of the Scheme. Please advise the Department of Planning of any omissions or errors in the document. Base Information Supplied by the Western Australian Land Information Authority.

SHIRE OF BEVERLEY
 TOWN PLANNING SCHEME NO 3
 (DISTRICT SCHEME)

 
 SCALE 1: 5,000

MAP OVERVIEW

Schedule of Submissions

Shire of Beverley Draft Local Planning Scheme No. 3

Note: All submissions are noted, however the terminology of “Dismiss”, “Upheld”, or “Partially Upheld” is typically used as convention for recommendations to the Western Australian Planning Commission (WAPC). In the Council’s Recommendation column, if a submission is only “Noted”, it does not make it clear to the WAPC whether the Council agrees or does not agree with the submission. If a submission is “Upheld”, it means that Council agrees that the Draft Local Planning Scheme should be modified as a result of the submission. If a submission is “Dismissed”, it means that no modifications are recommended.

No.	Name/Address	Summary of Submission	Council’s Comments	Council’s Recommendation
1	Department of Agriculture & Food PO Box 483 Northam WA 6401	<p>The Local Planning Scheme text refers to Agriculture Western Australia (p 24 and p 46), the Department of Agriculture (p 45) and the State Department responsible for agriculture (p 23 and p 25). The Department of Agriculture and Food, Western Australia will become part of the new Department of Primary Industries and Regional Development from 1 July. This new department will bring agriculture together with the staff and functions of the departments of Fisheries and Regional Development and nine Regional Development Commissions.</p> <p>Suggestion: For consistency with the style of language used in the document when matters relate to other government departments, it is suggested that ‘Agriculture Western Australia’ and ‘Department of Agriculture’ be replaced with ‘the State Department responsible for agriculture’.</p>	The submission to change the reference to ‘the State Department responsible for Agriculture’ throughout the Scheme Text document is supported.	That the submission be <u>upheld</u> .
2	Housing Authority Lvl 1, 99 Plain Street East Perth WA 6004	<p>Housing commends the Shire’s efforts to review the Local Planning Scheme to address appropriate planning changes for future development and growth in the Shire and streamlining the document for greater usability.</p> <p>We find the proposed LPS to be easily legible and provide greater clarity surrounding the zoning, their objectives and the land use permissibility within. Additionally, the increase in residential</p>	The submission is noted.	That the submission be <u>dismissed</u> .

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		<p>densities in and close to the Town Centre are supported.</p> <p>The Housing Authority therefore has no objections to the proposed LPS3.</p>		
3	<p>Department of Water Swan Avon Region 7 Ellam Street Victoria Park WA 6100</p>	<p>The Department of Water (DoW) has assessed the proposal and would like to provide the following advice:</p> <p>Urban Water Management</p> <p>Local government authorities play a critical role in the implementation of Better Urban Water Management (BUWM) (WAPC, 2008) through the assessment of water management reports, ensuring infrastructure is constructed in accordance with approved urban water management plans and subdivision guidelines, and enforcing requirements through their role in the State's planning process.</p> <p>There are a number of actions the Shire of Beverley can take to move towards a more water sensitive and climate resilient local government. These include ensuring that appropriate consideration for total water cycle management is given at all stages of the planning process and that Water Sensitive Urban Design (WSUD) and Best Management Practices (BMP) are implemented within the local government boundaries by both the shire and private industry (i.e. developers, business, residents).</p> <p>The Shire of Beverley is in a unique position to implement WSUD through residential, commercial, industrial and rural development and renewal projects and retrofitting ageing infrastructure. Retrofitting should be considered in existing developed areas where the hydrologic,</p>	<p>The submission is noted.</p> <p>It is respectfully submitted that the Department of Water's submission addresses a number of issues that requires ongoing consideration by the Shire when assessing development proposals within the Shire's jurisdiction.</p> <p>It is submitted that the Draft Shire of Beverley Local Planning Scheme No. 3 (LPS 3) provides a statutory enabling framework to achieve the outcomes as sought by amongst others the Department of Water when considering development in the broader sense.</p> <p>LPS 3 introduces <i>Public Drinking Water Source Protection Areas</i> as a '<i>Special Control Area</i>', which affords statutory protection of specifically delineated areas within the Scheme area and these are aligned with the Mundaring Weir Catchment Area.</p> <p>LPS 3 also introduces the <i>Avon River Flood Prone Area – Special Control Area</i>. Any development proposed within these <i>Special Control Areas</i> requires referral to the Department of Water for advice prior to Council making a determination on the relevant development application.</p> <p>It is also noted that some implied interventions proposed by the Department of Water, albeit</p>	<p>That the submission be dismissed.</p>

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		<p>ecological and water quality requirements have not been adequately addressed. Planning in advance creates opportunities for retrofitting in areas reaching redevelopment potential. Improved water management can lead to improved natural features and use of public open space, enhanced recreational opportunities and reduced flooding risk. For more information regarding the implementation of BUWM that could be considered and adopted to achieve best practice WSUD developments, please refer to <i>Guidance note 5 - The role of local government</i> which is available on the DoW's website at www.water.wa.gov.au under <i>Planning for the future / Water and land use planning / Better urban water management</i>.</p> <p>Further information can also be accessed from the New Water Ways website www.newwaterways.org.au under <i>Policy and Regulations</i>.</p> <p><u>Public Drinking Water Source Area Protection</u> The Mundaring Weir Catchment Area proclaimed under the <i>Country Areas Water Supply Act 1947</i> (CAWS) is located within the Shire of Beverley. <i>The Mundaring Weir Catchment Area Drinking Water Source Protection Plan</i> (DoW, 2007) should be used to guide State and local government land use planning decisions. It should be recognised in the relevant Shire's Town Planning Schemes, consistent with the Western Australian Planning Commission's (WAPC) <i>Statement of Planning Policy No. 2.7 - Public Drinking Water Source Policy</i>. The Plan should also be used as a guide for protecting the quality of water in the Public Drinking Water Source Area.</p> <p>According to <i>Water Quality Protection Note 25</i>:</p>	<p>sensible, reaches beyond the scope and mandate of a Local Planning Scheme as afforded by the Planning & Development Act 2005.</p> <p>It should be noted that the 2014 WAPC endorsed Local Planning Strategy supports a range of options, strategies and actions complementing the outcomes as sought by the Department.</p>	

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		<p><i>Land use compatibility tables for Public Drinking Water Source Areas (LUCT) (DoW, 2016) land uses that are incompatible within Public Drinking Water Source Area's (PDWSA) should be refused by decision making authorities or referred to the Department of Water for advice.</i></p> <p>Land uses that are considered compatible with conditions should be referred to the DoW for advice on the conditions required. Acceptable land uses are considered to be consistent with the management objectives of the applicable priority area and do not require the Department's advice.</p> <p>For more information refer to the DoW website under <i>Urban water / Drinking water</i>.</p> <p>Please note that the DoW does not generally assess nutrient loading or regulate discharge to the environment (this is managed by the Department of Environment Regulation) or chemical storage (Department of Mines and Petroleum).</p> <p><u>Floodplain Management</u> The principal role of Local Government in floodplain management is the implementation of floodplain management strategies, via land and development controls through statutory planning and by various building regulations. Councils are encouraged to incorporate floodplain management strategies and guidelines into their Town Planning Schemes or into a Council Policy Statement. Local Government should also actively promote and sustain flood awareness at the community level and make a significant contribution to flood emergency management and planning.</p>		

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		<p>For more information regarding floodplain management please refer to <i>Water facts 14 – Floodplain management</i> (WRC, 2000), and the DoW website under <i>Planning for the future / Flood planning and mapping</i>.</p> <p><u>Waterways Management</u> The DoW supports land planning authorities to integrate water and land use planning to identify, protect, manage and where possible enhance waterways and other water dependent ecosystems in accordance with WAPC's <i>State Planning Policy 2.9: Water Resources</i>.</p> <p>For more information regarding considering waterways in planning and development including flood, foreshore area and stormwater management, and waterways restoration please refer to the DoW website under <i>Water topics / Waterways / Managing our waterways</i>.</p> <p><u>Non-Potable Water Supply</u> The DoW encourages early consideration of water requirements and water source availability for development, as well as the consideration of alternative fit-for-purpose water sources and maximum efficiency of water use. For more information refer to the DoW website under <i>Urban water / Recycling and efficiency</i>.</p>		
4	Department of Education 151 Royal Street East Perth WA 6004	The Department of Education has reviewed the document and advises that it has no objections to the proposed purposes and aims of the Scheme.	The submission is noted.	That the submission be <u>dismissed</u> .
5	Department of Environment Regulation	DER has no comment on this matter in reference to regulatory responsibilities under the <i>Environmental Protection Act 1986</i> and the	The submission is noted.	That the submission be <u>dismissed</u> .

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	Locked Bag 33 Cloisters Square WA 6000	<i>Contaminated Sites Act 2003.</i>		
6	Main Roads WA PO Box 194 Northam WA 6401	Main Roads WA (MRWA) has determined from the information provided that the proposed scheme plan will not have an adverse impact on the MRWA network and therefore advises no objection to the plan.	The submission is noted.	That the submission be <u>dismissed</u> .
7	Water Corporation PO Box 100 Leederville WA 6902	<p>The Water Corporation provided comment on the Draft Local Planning Strategy in a letter dated 25th July 2011. While most of the comments have been addressed in the draft planning scheme, there are some issues with delineation of the Beverley Wastewater Treatment Plant (WWTP) odour buffer on the scheme map and the provisions pertaining to it in the planning scheme text. Recommended changes are outlined below:</p> <p>1. Nomenclature: The scheme refers to <i>Wastewater Infrastructure Buffer Area Special Control Area</i>. This should be renamed to <i>'Wastewater Treatment Plant Odour Buffer Special Control Area'</i> in both the scheme text and scheme map. Wastewater infrastructure is a more general term which could be interpreted to include conveyance pipes and pump stations.</p> <p>2. Scheme Map: While reference is made to a Special Control Area (SCA) pertaining to the Beverley Wastewater Treatment Plant Odour Buffer, the odour buffer does not appear on the scheme map. It appears that the boundary of the land occupied by the odour buffer has been included instead. The correct odour buffer, as depicted by the attached, should be included instead. This information is also available through the Landgate SLIP system or can be obtained from the Water Corporation's spatial system called ESInet https://www.watercorporation.com.au/home/build</p>	<p>The submission is noted.</p> <p>The designation in LPS 3 of the <i>Special Control Area No. 4 – Wastewater Infrastructure Buffer Areas</i> is based on contemporary best planning convention and consultations that was had with the Department of Planning to align the LPS 3 with the Model Provisions for Planning Schemes. It is respectfully submitted that the relevant Clauses in the LPS 3 addresses the concerns as raised by the Water Corporation.</p> <p>If directed to do so by the WAPC the Shire will concede that a modification in nomenclature of the <i>Special Control Area</i> be made to reflect the wishes of the service provider, as well as modifying the Scheme Map to delineate the Odour Buffer.</p>	That the submission be <u>partially upheld</u> should supporting direction from the WAPC be received.

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		<p><i>rs-and-developers/subdividing/our-spatial-database</i></p> <p>3. Scheme Provisions: The provisions pertaining to the <i>Special Control Area No. 4</i> should be renamed to <i>Wastewater Treatment Plant Odour Buffer</i>. Each sub-section should be reworded as follows:</p> <p>(1) Purpose: To prevent land use conflict and protect the communities infrastructure investment by ensuring that odour sensitive land uses are not permitted in the wastewater treatment plant odour buffer.</p> <p>(2) Application requirements: Local government approval is required to develop any land in this Special Control Area.</p> <p>(3) Development standards and considerations: In considering any application for development in the Special Control Area, the Local Government shall have due regard to State Planning Policy 4.1 State Industrial Buffers and EPA Guidance Statement No. 3 - Separation Distances between Industrial and Sensitive Land Uses.</p> <p>(4) Referral of applications: The Local Government is required to refer rezoning, subdivision and development applications proposed in the Special Control Area to the relevant wastewater service provider for comment prior to determination.</p>		
8	Department of Aboriginal Affairs PO Box 3153 East Perth WA 6892	The DAA has reviewed the information and provides the following comments. The DAA can confirm that the Shire extent includes four Aboriginal sites, eight 'Lodged' heritage places and three 'Stored Data' places. A 'Lodged' status on the Aboriginal Heritage Inquiry System (AHIS) indicates that information on a particular Aboriginal heritage place has been lodged with DAA, however it is yet to be assessed by the Aboriginal Cultural Material Committee (ACMC)	The submission is noted. The ongoing compliance with the <i>Aboriginal Heritage Act 1972</i> when considering development is acknowledged.	That the submission be <u>dismissed</u> .

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		<p>against the criteria of the Aboriginal Heritage Act 1972 (the AHA). A 'Stored Data' status indicates that information on those places have been assessed by the ACMC and determined as not meeting the criteria of a site under the AHA.</p> <p>All land owners and users have obligations under the AHA and it is expected that Aboriginal heritage within the Shire is managed in accordance with the obligations as detailed under the AHA.</p> <p>To assist in undertaking activities in accordance with the AHA, please refer to the Aboriginal Heritage Due Diligence Guidelines (the Guidelines) to guide land owners, users and developers with planning and considering Aboriginal heritage during proposed works. It is suggested that the Shire familiarise itself with the Guidelines and raise awareness of the Guidelines within the Shire. A copy of the Guidelines can be found on the DAA website at: <i>http://www.daa.wa.gov.au/heritage/land-use/</i>.</p>		
9	Department of Local Government and Communities GPO Box R1250 Perth WA 6844	The Department of Local Government and Communities appreciates and acknowledges the Shire's request for comment, but has no submission to make in this instance.	The submission is noted.	That the submission be <u>dismissed</u> .
10	Department of Mines & Petroleum 100 Plain Street East Perth WA 6004	<p>The Department of Mines and Petroleum (DMP) has reviewed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.</p> <p>We refer you to State Planning Policy 2.5 and the associated Rural Planning Guidelines Version 3 (page 15) published in December 2016 by the</p>	<p>The submission is noted.</p> <p>The Zoning Table in Section 17 of LPS 3 already designates 'Mining Operations' as a 'D' use in 'Rural' zoned areas.</p> <p>Possible proposed Mining Operations is not deemed appropriate in any other zone and</p>	That the submission be <u>dismissed</u> .

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		<p>WAPC. In particular, with reference to the proposed zoning table in section 17, please note that the guidelines recommend the use of 'D' for 'Mining Operations' for all zones and states that an 'X' use should not be used for this purpose. The exception to this is where the Mining Act does not apply, for instance in the case of 'Mineral to Owner' land. Please refer to the Rural Planning Guidelines (page 16) for an example of how to deal with 'Mineral to Owner' land in your zoning table if such land does occur within your Shire.</p>	<p>hence the 'X' (not permissible use) is recommended to be retained in the Zoning table.</p> <p>Although the <i>Mining Act 1978</i> can potentially permit mining in any zone to commence, LPS 3, under Clause 28(5), provides for the invocation of Section 120 of the <i>Mining Act 1978</i>, i.e. to inform the Minister for Mines and the Minister for Planning that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.</p>	
11	<p>Department of Fire & emergency Services PO Box P1174 Perth WA 6844</p>	<p>The Department of Fire and Emergency Services (DFES) provide the following comments with regard to <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> (SPP 3.7) and the <i>Guidelines for Planning in Bushfire Prone Areas</i> (Guidelines).</p> <p>Local Planning Strategies provide the most effective means of preventing inappropriate development in unsuitable locations where an extreme bushfire hazard exists. It is now a requirement of a Strategy to be informed by a bushfire hazard level (BHL) assessment of any bushfire hazard issues for those areas identified for townsite/urban expansion or land use intensification.</p> <p>The Beverley and Brookton Local Planning Strategy was endorsed in March 2014, prior to the release of SPP 3.7 and Guidelines, and as such</p>	<p>The submission is noted.</p> <p>The compilation of the Shire of Brookton & Beverley Local Planning Strategy was indeed a precursor to the compilation of the draft Local Planning Scheme No. 3, and the latter is informed by the former.</p> <p>The Shire of Brookton & Beverley Local Planning Strategy - <i>Section 6.11 – Bushfire Management</i>, states that the aims of the Strategy are to:</p> <ul style="list-style-type: none"> • <i>adopt a precautionary approach to bush fire risks;</i> • <i>ensure the protection of life and property and reduce the impacts on the environment from bush fire; and</i> • <i>ensure that environmental assets and landscape qualities are not unnecessarily compromised by fire management</i> 	<p>That the submission be <u>dismissed</u>.</p>

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		<p>no BHL assessment was undertaken. It is noted that the Strategy does include broad statements to ensure that no future development will be located in areas with an extreme bushfire risk; and that a BHL assessment should be undertaken.</p> <p>It is assumed this assessment has not been undertaken to support the preparation of the LPS. If the draft Scheme includes areas for expansion or intensification, it is important for this assessment be undertaken to satisfy the requirements of the SPP 3.7 and Guidelines.</p> <p>Assessment</p> <p>1. General Comments</p> <p>i. Significant portions of the local government area are designated as bushfire prone on the <i>Map of Bush Fire Prone Areas</i> and therefore trigger the application of provisions of SPP 3.7.</p> <p>ii. At this broader strategic level, there is a need for an understanding of what the bushfire risks are, so that an informed decision can be made for areas identified for expansion or further intensification of land use.</p> <p>2. Policy Measure</p> <p>i. Policy Measure 6.3 of SPP 3.7 applies to this proposal, and states: <i>Any strategic planning proposal to which policy measure 6.2 applies is to be accompanied by the following information prepared in accordance with the Guidelines:</i></p> <p>a) (i) <i>the results of a BHL assessment determining the applicable hazard level(s) across the subject land, in accordance with the methodology set out in the Guidelines. BHL assessments should be prepared by an accredited Bushfire Planning Practitioner; or</i></p>	<p><i>measures.</i></p> <p>The Local Planning Strategy continues to state that:</p> <p>The Council's strategy is to:</p> <ul style="list-style-type: none"> • <i>adopt the Planning for Bush Fire Protection Guidelines (edition 2), and future updates, in its assessment of planning proposals;</i> • <i>control the location of development and use of land to avoid placing inappropriate developments in areas that have moderate and extreme bush fire risks;</i> • <i>require intensification of land use and development to only be located in areas where the performance criteria and acceptable solutions set out in Planning for Bush Fire Protection can be achieved;</i> • <i>not support proposals in areas classified as "extreme" fire risk without permanent and realistic hazard level reduction measures being implemented; and</i> • <i>consider fire hazard in the context of other considerations such as environmental impact, vegetation retention and landscape protection.</i> <p><i>Actions</i></p> <p><i>The Council will:</i></p> <ul style="list-style-type: none"> • <i>investigate funding options to commission the preparation of a bushfire hazard assessment for the district. As part of this, the investigations will identify bushfire prone areas as set out in the Australian Standard 3959 (or any updates) and in the Building Code of Australia;</i> • <i>require the submission of a Fire Management Plan or more detailed bushfire hazard analysis in structure plans</i> 	

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		<p>(ii) where the lot layout of the proposal is known, a BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines. The BAL Contour Map should be prepared by an accredited Bushfire Planning Practitioner; and</p> <p>b) the identification of any bushfire hazard issues arising from the relevant assessment; and</p> <p>c) clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.</p> <p>3. Bushfire Hazard Level (BHL) assessment</p> <p>i. A BHL assessment provides a 'broad brush' means of determining the potential intensity of a bushfire for an area. This assessment assists in determining the suitability of land contained within strategic planning proposals for future subdivision and development. It is a pre-development tool used to inform decision making at subsequent planning stages to ensure a holistic understanding of the bushfire risk.</p> <p>ii. A BHL assessment should be prepared for all areas identified for land use intensification within the draft Scheme that are designated as bushfire prone. This assessment can be a stand-alone document that informs the draft Scheme, or can form part of the document itself.</p> <p>iii. There is also an opportunity to understand the bushfire risk for existing developed areas, and if found to be 'extreme' bushfire protection measures that will help to reduce this risk (including improved vehicular access and egress; increased hazard separation; improved water infrastructure; implementation of fire</p>	<p>and other proposals where considered appropriate by the Council; and</p> <ul style="list-style-type: none"> ensure there are appropriate fire management practices and designs for development particularly where land adjoins land managed by the Department of Parks and Wildlife, other State Government agencies or the local government. <p>State Planning Policy 3.7 – Planning in Bushfire Prone Areas under section 6.1 states that:</p> <p><i>Higher order strategic planning documents such as frameworks, region schemes and sub-regional structure plans should include high level consideration of relevant bushfire hazards when identifying or investigating land for future development.</i></p> <p>Subsequent to the WAPC endorsement of the Shire of Brookton and Beverley Local Planning Strategy, the Fire and Emergency Services Commissioner issued the <i>Map of Bushfire Prone Areas</i>. Also, during December 2015 the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> were Gazetted.</p> <p>The Deemed Provisions in the latter now forms part of every Local Planning Scheme in Western Australia by default. Section 78A deals extensively with Bushfire Risk Management when considering new development and <i>Bushfire Prone Areas</i> are referenced herein.</p> <p>It is therefore respectfully submitted that a regime is now in place to properly consider</p>	

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		<p>management strategies and vegetation management) should be identified.</p> <p>iv. Appendix Two of the Guidelines outlines the methodology for undertaking a BHL assessment.</p> <p>v. Required outcomes of the assessment are to:</p> <ul style="list-style-type: none"> • identify areas of low or moderate BHL that are most suitable for land use intensification; • improve bushfire risk and develop strategies for existing areas of extreme BHL; • identify vegetated areas with high conservation values, including nature or conservation reserves where clearing would not be supported; • evaluate the appropriateness of areas identified for intensification of land use; • identify improvements required to the broader road network to ensure that vehicular access and egress is available and safe during a bushfire event; <p>4. Opportunities and Constraints Assessment</p> <p>i. An opportunities/constraints assessment can address issues related to the bushfire protection criteria that have arisen following the BHL assessment, including:</p> <table border="1" data-bbox="577 1125 1160 1398"> <thead> <tr> <th data-bbox="577 1125 869 1157">Protection Criteria</th> <th data-bbox="869 1125 1160 1157">Key considerations</th> </tr> </thead> <tbody> <tr> <td data-bbox="577 1157 869 1398">Element 1: Location</td> <td data-bbox="869 1157 1160 1398"> <ul style="list-style-type: none"> • Consider the landscape context of the proposal, including the type and extent of vegetation, topography (particularly land with slopes of >10 degrees), areas of possible fire-runs and </td> </tr> </tbody> </table>	Protection Criteria	Key considerations	Element 1: Location	<ul style="list-style-type: none"> • Consider the landscape context of the proposal, including the type and extent of vegetation, topography (particularly land with slopes of >10 degrees), areas of possible fire-runs and 	<p>Bushfire Risk in regard to new development within the Shire's jurisdiction and that the enabling framework afforded by the LPS 3 will complement this regime.</p> <p>It is respectfully submitted that the requirement to do a Bushfire Hazard Level (BHL) assessment is not deemed to be appropriate at this time as no new townsite or urban expansion beyond the existing footprint is proposed in the Scheme area.</p> <p>Where intensification is proposed new development will need to comply with the requirements of <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas</i>, and would essentially be applicant driven.</p>	
Protection Criteria	Key considerations							
Element 1: Location	<ul style="list-style-type: none"> • Consider the landscape context of the proposal, including the type and extent of vegetation, topography (particularly land with slopes of >10 degrees), areas of possible fire-runs and 							

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			<p>evacuation options.</p> <ul style="list-style-type: none"> • Identify areas which represent an extreme bushfire risk that cannot be managed and should not be supported for development. • Areas most suitable for land use intensification are where the bushfire hazard is low or moderate. • Identify conservation areas including TEC, heritage sites, Bush Forever, nature reserves or national parks that may constrain a location. • Identify areas that would require clearing to achieve an appropriate BAL rating. • Identify vulnerable and high risk land uses, and critical infrastructure. 		
		Element 2: Siting & design	<ul style="list-style-type: none"> • Identify interfaces between development and bushfire prone vegetation which may require increased setbacks to achieve an appropriate BAL rating (in accordance with AS3959). 		
		Element 3: Vehicular access	<ul style="list-style-type: none"> • Consider the wider road network and identify any limitations to the provision of 		

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			<p>multiple access routes both at the local and district levels.</p> <ul style="list-style-type: none"> • Identify vehicular access routes that provide safe access and egress to two different destinations. • Identify opportunities to improve access and egress for existing development including incorporating emergency access ways and fire service access routes where no alternative exists. 		
		Element 4: Water	<ul style="list-style-type: none"> • In reticulated areas, highlight locations of hydrants and existing water infrastructure. • In non-reticulated areas, it will be necessary to demonstrate the availability of alternative water supplies for firefighting purposes. 		
		<p>ii. It is critical at this level of the planning process that the work undertaken to determine the bushfire hazard is connected spatially within the draft Scheme and linked to the suitability of land for further intensification and if any additional development controls should be implemented.</p> <p><u>Recommendation – Insufficient Information</u> DFES advice is to seek a Bushfire Hazard Level assessment to inform bushfire risk management measures, for those areas of the draft Scheme</p>			

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		<p>that propose townsite or urban expansion, or land use intensification to ensure that bushfire risk can be managed to avoid any increase in the threat of bushfire to people, property and infrastructure. The assessment should demonstrate to the fullest extent possible how compliance with the bushfire protection criteria can be achieved.</p>		
12	<p>Department of Health PO Box 8172 Perth Business Centre WA 6849</p>	<p>1. Planning Scheme Content</p> <p>It is noted within the planning scheme, that good public health is not specifically recognised as part of the aims. Good public health outcomes are dependent on good planning schemes and strategies. The aim of the scheme should include a direct reference to 'enhancing the public health of the community'.</p> <p>Clause 9 (f) may be amended to insert 'public' before 'health' in the second line.</p> <p>Although the proposed scheme encourages 'positives' outcomes for the Shire, it does not address potential negative issues in relation to such outcomes/developments. The Shire of Beverley could consider a provision within the scheme to require a 'health risk assessment' for a proposal. The 'health risk assessment' should include the benefits and negatives of the proposal and include public health, social and environmental impacts.</p> <p>For your reference, consider the enHealth document '<i>Risky Business</i>' – A resource to manage environmental health risks specifically tailored for local governments.</p>	<p>The submission is noted.</p> <p>It is recommended that Clause 9 (f) of LPS 3 be amended to insert '<i>public</i>' before '<i>health</i>' to specifically recognise the importance of general good public health.</p> <p>It is prudent to note that the preamble to the <i>Planning & Development Act 2005</i> (the enabling legislation for the LPS 3) reads as follows: <i>'An Act to provide for a system of land use planning and development in the State and for related purposes'</i>.</p> <p>It can be seen that the primary focus of this legislation is <i>land use planning and development</i>. By extension, LPS 3 emulates this focus on land use planning and development – and although its primary focus is not, and should not be Public Health, the important overarching concern of promoting good public health in any human endeavour is acknowledged. Other Acts of Parliament exist though that addresses issues relating specifically to public health.</p> <p>Stating the scheme does not address potential negative outcomes in relation to developments is incorrect. All Development Applications</p>	<p>That the submission be <u>partially upheld</u>.</p>

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		<p>2. Water Supply and Wastewater Disposal</p> <p>The scheme should require that proposed developments are required to connect to scheme water and reticulated sewerage in accordance with the Draft <i>Country Sewerage Policy</i> (as appropriate).</p> <p>The scheme should also advise that where sewer is not available, approval is required for any on-site waste water treatment process.</p> <p>Any water management plan including the utilisation of recreational water and any waste water recycling is to comply with DOH guidelines and requirements.</p> <p>The scheme should require that a sufficient supply of potable water is of the quality specified under the <i>Australian Drinking Water Quality Guidelines 2004</i>.</p> <p>3. Public Health Impacts</p> <p>DOH has a document on <i>'Evidence supporting the creation of environments that encourage healthy active living'</i> which may assist you with planning elements related to this scheme.</p> <p>Industrial Estates and Precincts – enclosed is a draft scoping tool that highlights public health issues that should be addressed and incorporated into any proposed industrial estate/precinct.</p> <p>4. Toxicology Programs and Services</p> <p>The proposed planning scheme is to</p>	<p>appropriately assessed are more often than not conditionally approved. Conditions of Planning Approval are framed and strictly enforced through Local Governments as part of their land use management & compliance mandate. Proposed Developments not deemed appropriate for any number of reasons, including potential adverse public health impacts or any other anticipated negative outcome, are refused.</p> <p>Should an Environmental Health Officer in the employ of the Shire determine that a Development Application requires a favourable 'health risk assessment' before consideration by Council, this can be requested from the applicant, or can be made a condition of planning approval prior to commencement of development.</p> <p>The most valuable Resources and Guidelines available to Local Governments and developers mentioned in the submission are duly noted. It is respectfully submitted that, because of, amongst others, the dynamic nature of these Guidelines, and as industry evolves and research dictates, it is not best practice or convention to include these resources within any Statutory Local Planning Scheme.</p>	

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		<p>acknowledge and incorporate separation distances in accordance with the EPA Environmental Assessment Guideline (EAG) 3 'Guidance for the assessment of Environmental Factors No. 3 – <i>Separation Distances between Industrial and Sensitive Land Uses</i>'.</p> <p>The scheme should also acknowledge the DOH's <i>Guidelines for the Separation of Agricultural and Residential Land Use</i> as a means to help avoid conflict and potential adverse health effects and nuisance impacts from chemical use, dust and other rural pursuits.</p> <p>5. Land Use Planning for Natural Hazards</p> <p>Another document '<i>Land Use Planning for Natural Hazards</i>' can also guide the use of land to effectively reduce risk and enhance sustainability for areas prone to hazards such as flooding (including storm surge), fire, landslide, earthquake, strong wind and coastal erosion.</p>		
13	State Heritage Office PO Box 7479 Cloisters Square WA 6850	<p>1. The draft scheme has been prepared in accordance with the deemed provisions as set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, which we support.</p> <p>2. The Local Planning Scheme will enable the Shire to create a heritage list. The heritage list is a statutory instrument which allows the Shire to consider the heritage of a place as part of its decision-making process for proposed development.</p> <p>It should be noted that Part 3 Clause 8(2) of the deemed provisions states that the heritage list</p>	<p>That submission is noted.</p> <p>The Shire is at present in the process of reviewing its Heritage Inventory and is taking due note of the minimum statutory requirements and best practise in this regard.</p>	<p>That the submission be <u>dismissed</u>.</p>

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation
		<p><i>'must set out a description of each place and the reason for its entry in the heritage list'</i>. The heritage list should also provide detail on whether the building is identified as having a significant interior, as new provisions require planning approval for interior works only where a place has been designated as having such interior.</p> <p>We recommend the Shire begins planning to create a heritage list which meets these requirements as part of its review of its planning framework.</p> <p>Please note that the State Heritage Office is currently revising its Heritage List guidelines and an updated version will be released shortly, which will reflect the new Planning Regulations.</p>		
14	Western Power Locked Bag 2520 Perth WA 6001	<p>Thank you for submitting your due diligence request to Western Power in relation to your proposed work. Your proposal is being reviewed, and we will contact you directly for more information if required.</p> <p>This email should not be considered to be an approval or non-objection to your works.</p>	The submission is noted.	That the submission be <u>dismissed</u> .
15	Tourism WA GPO Box X2261 Perth WA 6000	Tourism WA has no comment to make on LPS3 but is pleased to note that opportunities for tourism development are considered in the document. Tourism WA would also like to take this opportunity to commend the Shire on the recent development of the Beverley Tourism Plan and Framework document which I understand was devised in association with the Beverley Tourism Steering Committee. Together, the LPS and Tourism document provide a basis to support the	The submission is noted.	That the submission be <u>dismissed</u> .

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation
		growth of tourism in this area.		
16	Shire of York PO Box 22 York WA 6302	The Shire of York has no comments in relation to the Shire of Beverley Draft Local Planning Scheme No. 3.	The submission is noted.	That the submission be <u>dismissed</u> .
17	Shire of Corrigin PO Box 221 Corrigin WA 6375	I wish to advise that the Shire of Corrigin has no comment to offer on draft Local Planning Scheme No. 3. The Shire congratulates you and your team for progressing the statutory and strategic focus of the Shire in the form of draft Local Planning Scheme No. 3.	The submission is noted.	That the submission be <u>dismissed</u> .
18	City of Armadale Locked Bag 2 Armadale WA 6992	The City supports the update and review of the Scheme. The City does not have any specific comments on the draft.	The submission is noted.	That the submission be <u>dismissed</u> .

**SCHEDULE OF MODIFICATIONS PROPOSED TO
SHIRE OF BEVERLEY DRAFT LOCAL PLANNING SCHEME NO. 3**

A: SCHEME TEXT:

1. Remove *'Draft'* from the document title page and content headers;
2. Remove photo from front page and include Beverley Logo;
3. Modify Clause 24. (4) to read *'...in the register in relation...'*;
4. Modify Clause 28. (4)(f)(viii) to read *'... prior to the primary site activity being commenced.'*
5. Remove *'February 2017'* & *'For Public Consultation'* from content footers;
6. Replace references in the text from *'Agriculture Western Australia'* and *'Department of Agriculture'* to *'State Department responsible for Agriculture'*;
7. If directed to do so by WAPC, modify the nomenclature of the *'Special Control Area – Wastewater Infrastructure Buffer Areas'* to *'Special Control Area – Wastewater Treatment Plant Odour Buffer Area'*;
8. Modify Clause 9(f) to insert *'public'* before *'health'*;
9. Modify *'Table 4 Site Requirements'* for Light Industry and General Industry, side and rear minimum setbacks, from *'7.5m'* & *'Nil'* to *'as required by the Local Government'* respectively.

B: ZONING MAPPING:

1. Show the newly named *'Anzac Lane'* off Vincent Street as a *'road'* and not as zoned *'Commercial'*;
2. Show the full length of Bethany Road as *'road'* and not as zoned *'Rural Residential 3'*;
3. If directed to do so by WAPC, modify the *'Special Control Area – Wastewater Infrastructure Buffer Areas'* to *'Special Control Area – Wastewater Treatment Plant Odour Buffer Area'* and expand the Odour Buffer as per advice from Water Corporation;