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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF SANDSTONE

**LOCAL PLANNING SCHEME
(No. 2)**

Preamble

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

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

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.

Scheme details

Shire of Sandstone

Local Planning Scheme No. 2

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

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF SANDSTONE

LOCAL PLANNING SCHEME (No. 2)

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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF SANDSTONE

LOCAL PLANNING SCHEME (No. 2)**PART 1—PRELIMINARY****1.1 Citation**

This local planning scheme is the Shire of Sandstone Scheme No. 2.

1.2 Commencement

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

1.3 Scheme revoked

The following local planning scheme is revoked—

Shire of Sandstone Town Planning Scheme No. 1, gazetted on 30 August 1996.

1.4 Notes do not form part of the 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.

1.5 Responsibility for Scheme

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

1.6 Scheme area

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

1.7 Contents of Scheme

1.7.1 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.

1.7.2 This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

1.8 Purposes of Scheme

The purposes of the Scheme are to—

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

1.9 Aims of Scheme

The aims of this Scheme are—

1.9.1 *Lifestyle and community identity*

To provide for the expansion of the Sandstone townsite through providing for a range of land uses that build on the existing strong sense of community identity and sense of place.

1.9.2 *Conservation and heritage*

To provide, where appropriate, for the preservation and protection, conservation and enhancement of areas, places and objects of cultural and natural heritage significance.

1.9.3 *Agriculture, mining and rural land use*

To ensure the protection of agricultural land by discouraging land uses and developments that may detract from the principle function of the land and result in the ad hoc fragmentation of rural land and the establishment of non-rural land uses and developments.

To facilitate mining within the Shire including any subsequent land uses and developments that are required as a result. Ensuring that mining related land uses and developments remain within the local government area and preferably in close proximity to the Sandstone townsite.

1.9.4 *Tourism*

To support tourism throughout the Shire including the expansion of the existing caravan park through providing for a range of accommodation types and embracing the historical and natural values of the Sandstone townsite.

1.9.5 *Residential Development*

Provide for a range of settlement options and lifestyle choices that make the Shire of Sandstone a more attractive place to live.

1.9.6 *Community services and infrastructure provision*

To provide for affordable and sustainable physical and social infrastructure and services commensurate with the needs of the local and broader community.

1.10 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.

1.11 Relationship with other local planning schemes

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

1.12 Relationship with region planning scheme

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

PART 2—RESERVES

2.1 Regional reserves

There are no regional reserves in the Scheme area.

2.2 Local reserves

2.2.1 In this clause—

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

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

2.2.2 Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

2.2.3 The objectives of each local reserve are as follows—

(a) Public Open Space

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.

(b) Environmental Conservation

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.

(c) Public Purposes

To provide for a range of essential physical and community infrastructure.

(d) Primary Distributor Road

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.

(e) District Distributor Road

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.

(f) Local Distributor Road

To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.

2.3 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

3.1 Zones

3.1.1 Zones are shown on the Scheme Map according to the legend on the Scheme Map.

3.1.2 The objectives of each zone are as follows—

(a) Rural Townsite Zone

- i. To provide for a range of land uses that would typically be found in a small country town.
- ii. To provide a flexible approach to development to encourage the growth of the Sandstone townsite.
- iii. Ensure the existing amenity and character of the Sandstone townsite is retained by ensuring the compatibility of considered land uses.
- iv. Ensure the efficient use of services and infrastructure within the Sandstone townsite.
- v. To ensure Sandstone is the focus for urban settlement.

(b) General Industry

- i. 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.
- ii. To accommodate industry that would not otherwise comply with the performance standards of light industry.
- iii. Seek to manage impacts such as noise, dust and odour within the zone.

(c) Rural

- i. To provide for the maintenance or enhancement of specific local rural character.
- ii. 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.
- iii. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- iv. 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.
- v. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
- vi. To facilitate mining operations within the Shire including the construction of workers accommodation where required.

3.2 Zoning Table

The zoning table for this Scheme is as follows—

TABLE 1: ZONING TABLE

Use Class	Rural Townsite	Rural	General Industry
Residential uses			
Single House	P	P	X
Grouped Dwelling	D	X	X
Multiple Dwellings	D	X	X
Workforce Accommodation	D	D	X
Caretaker's Dwelling	X	X	I
Residential Building	D	X	X
Park Home Park	D	D	X
Outbuilding	P	P	D
Ancillary Residential Uses			
Ancillary Dwelling	P	D	X
Family Day Care	A	X	X

Use Class	Rural Townsite	Rural	General Industry
Home Business	P	D	X
Home Occupation	P	P	X
Home Office	P	P	X
Tourism Uses			
Bed and Breakfast	D	D	X
Camping Ground	D	D	X
Caravan Park	D	D	X
Guest House	D	D	X
Holiday Accommodation	D	D	X
Holiday House	D	D	X
Motel	D	X	X
Licensed Premises			
Hotel	D	X	X
Liquor Store	D	X	X
Tavern	D	X	X
Commercial Uses			
Amusement Parlour	D	X	X
Betting Agency	D	X	X
Bus Depot	D	X	D
Café	D	D	X
Car Park	D	X	P
Child Care Premises	A	X	A
Cinema/Theatre	D	X	X
Consulting Rooms	D	X	X
Convenience Store	D	X	X
Farm Supply Centre	D	X	D
Fast Food Outlet	A	X	X
Funeral Parlour	D	X	D
Home Store	D	X	X
Lunch Bar	D	X	D
Medical Centre	D	X	X
Motor Vehicle, Boat, Caravan Sales	D	X	A
Office	D	X	X
Restaurant	D	X	X
Restricted Premises	X	X	A
Plant Nursery	D	X	D
Service Station	D	X	D
Shop	D	X	X
Showroom	D	X	P
Storage	D	X	P
Trade Display	D	X	P
Veterinary Centre	D	D	D
Warehouse	D	X	P
Industrial Uses			
Fuel Depot	X	X	D
Industry	X	X	D
Industry—General	X	X	D

Use Class	Rural Townsite	Rural	General Industry
Industry—Light	A	X	P
Industry—Cottage	A	D	P
Industry—Service	A	D	A
Motor Vehicle Repairs	D	X	D
Salvage/Wrecking Yard	X	X	D
Transport Depot	A	D	D
Rural Uses			
Animal Establishment	X	D	X
Animal Husbandry	X	D	X
Agriculture—Extensive	X	P	X
Agriculture—Intensive	A	P	X
Rural Pursuit	X	D	X
Industry—Extractive	X	D	X
Industry—Rural	X	D	X
Mining Operations	X	D*	X
Stockyards	X	D	D
Community Uses			
Civic Use	D	X	D
Club Premises	D	X	A
Community Purpose	D	X	D
Educational Establishment	A	D	D
Hospital	A	X	X
Place of Worship	D	X	A
Recreation—private	D	D	X
Telecommunications Infrastructure	D	D	D

* 'Mining operations' covered by the *Mining Act 1978* is exempt from the requirement for development approval and will be determined in accordance with the *Mining Act 1978*.

3.3 Interpreting zoning table

3.3.1 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.

3.3.2 The symbols used in the zoning table have the following meanings—

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

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;

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

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

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

(A symbol must appear in the cross-reference of a use class against all the zoned in the zoning table)

- 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.

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

3.3.4 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.

3.3.5 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.

3.3.6 If a 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.

3.3.7 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.

3.4 Additional uses

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

3.5 Restricted uses

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

3.6 Special use zones

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

3.7 Non-conforming uses

3.7.1 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.

3.7.2 Subclause (3.7.1) 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.

3.7.3 Subclause (3.7.1) 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.

3.8 Changes to a non-conforming use

3.8.1 A person must not, without development approval—

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

3.8.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

3.8.3 A local government may only grant development approval for a change of use of land referred to in subclause (3.8.1)(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.

3.9 Register of non-conforming uses

3.9.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

3.9.2 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.

3.9.3 If the local government prepares a register under subclause 3.9.1 the local government—

- (a) must ensure that the register is kept up-to-date; and
- (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
- (c) may publish a copy of the register on the website of the local government.

3.9.4 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

4.1 R-Codes

4.1.1 The R-Codes, modified as set out in clause 4.2, are to be read as part of this Scheme.

4.1.2 The local government—

- (a) must 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.

4.1.3 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.

4.1.4 The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (4.1.3).

4.2 Modification of R-Codes

There are no modifications to the R-Codes.

4.3 State Planning Policy 3.6 to be read as part of Scheme

4.3.1 State Planning Policy 3.6—Development Contributions for Infrastructure, modified as set out in clause 4.4, is to be read as part of this Scheme.

4.3.2 The local government—

- (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

4.4 Modifications to State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

4.5 Other State planning policies to be read as part of the Scheme

There are no other State planning policies that are read as part of the Scheme.

4.6 Modifications to State planning policies

There are no modifications to a State planning policy that, under clause 4.5 is to be read as part of the Scheme.

4.7 Environmental conditions

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

4.8 Additional site and development requirements

4.8.1 The Table in Schedule 2 and clauses 4.12 to 4.26 set out requirements relating to development that are additional to those set out in the R-Codes, activity centres plan, local development plans or State or local planning policies.

4.8.2 To the extent that a requirement referred to in subclause (4.8.1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (4.8.1) prevails.

4.9 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

There are no additional site and development requirements that apply to this Scheme.

4.10 Variations to site and development requirements

4.10.1 In this clause—

additional site and development requirements means requirements set out in clauses 4.8 and 4.9.

4.10.2 The local government may approve an application for a development approval that does not comply with an additional site and development requirements.

4.10.3 An approval under subclause (4.10.2) may be unconditional or subject to any conditions the local government considers appropriate.

4.10.4 If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must—

- (a) consult the affected owners or occupiers 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.

4.10.5 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 as set out in clause 67 of the deemed provisions; and
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.11 Restrictive covenants

4.11.1 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.

4.11.2 If subclause (4.11.1) 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.

4.12 Development in the Rural Townsite Zone

4.12.1 All development within the Rural Townsite Zone shall have regard to any Local Planning Policy adopted by the local government.

4.12.2 All development within the Rural Townsite zone shall be of a design, and constructed from materials that complement the existing character and amenity of the zone as determined by the local government.

4.12.3 All residential development within the Rural Townsite Zone shall comply with the relevant provisions of the Residential Design Codes to a maximum density of R10.

4.12.4 Where non-residential development is proposed on or adjacent to land with an existing residential development, the local government shall have regard to the following when assessing an application for planning approval—

- (a) the bulk, scale and height of the proposed building in relation to adjacent buildings;
- (b) the location of access ways, car parking, storage areas and waste disposal facilities;
- (c) the location of services including power, water and effluent disposal systems; and
- (d) the interface between non-residential and residential uses in accordance with State policy and related guidelines.

4.12.5 The local government may prepare or require the preparation of a Structure Plan within the Rural Townsite Zone in accordance with Part 4 of the deemed provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4.13 Development in the Rural Zone

4.13.1 Additional Dwellings on Farms/Stations

4.13.1.2 Notwithstanding any other provisions in the Scheme, the Council may grant approval for one (1) additional dwelling in the Rural zone, provided that—

- (a) the total number of dwellings on the lot (excluding any ancillary accommodation) will not exceed three (3);
- (b) the local government is satisfied that adequate provision can be made for the supply of domestic water and for the disposal of sewage from the additional dwelling/s;
- (c) the additional dwelling/s will not adversely affect the rural landscape or conflict with agricultural production on the subject lot or on adjoining land; and
- (d) the additional dwelling/s should generally be clustered in one location on the property with all relevant services shared.
- (e) The approval of more than one (1) single dwelling on any lot zoned Rural shall not be construed as support for the subdivision of the lot. Subdivision of Rural land shall be in accordance with State planning policy.

4.13.2 *Extractive industries*

4.13.2.1 A person shall not carry out an extractive industry on any land within the Scheme Area without having obtained planning approval from the local government.

4.13.2.2 Unless otherwise specified by the local government, all applications for planning approvals regarding extractive industry proposals shall be accompanied by—

- (a) Four plans to a scale of not less than 1:500 showing—
 - (i) property location and adjoining public roads;
 - (ii) existing and proposed land contours;
 - (iii) existing vegetation;
 - (iv) location and dimensions of proposed pit area;
 - (v) distances from pit to property boundaries and existing buildings;
 - (vi) proposed access to property for cartage; and
 - (vii) location of nearest existing neighbouring residences.
- (b) Four copies of an extraction programme containing the following details—
 - (i) the nature and estimated duration of the proposed extraction;
 - (ii) a schedule of estimated stages of the excavation programme and of the time periods within which it is proposed operations will be carried out;
 - (iii) proposed cartage routes on public roads, access to the excavation site and the types of roads to be constructed;
 - (iv) description of the method of excavation;
 - (v) description of site drainage with detailed plans;
 - (vi) description of the measures to be taken to minimise noise and dust nuisance, erosion, water course siltation, adverse visual impacts and dangers to the general public; and
 - (vii) a comprehensive rehabilitation schedule, detailing the end use of the site, methods of rehabilitation and programme for completion of rehabilitation operations.

4.13.3 All development within the Youanmi and Nunngarra Townsites requires planning approval. Notwithstanding any other relevant provision of the Scheme, all applications for planning approval will be assessed on the following—

- (a) access to infrastructure including power and water;
- (b) the adequacy of road access to the proposed development;
- (c) the type of use proposed and the impact on the Sandstone Townsite; and
- (d) adequate justification as to why it is not located in the Sandstone Townsite.

4.14 **Development in the General Industry Zone**

4.14.1 The local government shall not grant planning approval to any land use that can be considered in the General Industry Zone, unless the proponent can adequately demonstrate to the satisfaction of the local government that there will be no adverse impacts from noise, dust, odour, risk, or gaseous emissions.

4.14.2 In determining an application for planning approval the local government will have due regard to the Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses*.

4.14.3 In determining an application for planning approval in the General Industry Zone, the local government may impose conditions to control emissions including, but not limited to, industrial liquid, solid or gaseous wastes in accordance with Environmental Protection Authority's guidelines and advice from the Department of Environmental Regulation.

4.14.4 Where a proposal will generate industrial liquid, solid, or gaseous wastes, such wastes shall be treated and disposed of in accordance with Department of Environmental Regulation and Department of Health guidelines.

4.14.5 Land uses within the General Industry Zone that are not required to be housed in buildings shall be designed and laid out on the land as not to detract from the visual amenity of the area and where open storage of goods and materials is proposed on the land they shall, at the discretion of the local government, be screened from view from the street or other public viewpoints.

4.15 **Workforce Accommodation**

4.15.1 On land within the Rural or Rural Townsite Zones, the local government may consider an application for Workforce Accommodation associated with an existing or proposed mining operation to accommodate the worker(s), provided that—

- (a) where a proposal for Workforce Accommodation for mining purposes is within a 40km radius of the Sandstone townsite, the Workforce Accommodation is located within the townsite boundary as identified on the Scheme Maps; or where a proposal cannot be accommodated in the townsite boundary, and is within a 40km radius of the townsite, sufficient justification is to be provided to the local government.
- (b) the local government is satisfied that the Workforce Accommodation can be adequately serviced with water, power and effluent disposal;
- (c) where a mining operation is proposed and not yet operational, it can be adequately demonstrated to the local government that the mining operation will proceed to construction and operation prior to the approval for Workforce Accommodation being issued;
- (d) a management plan is prepared and submitted with the local government that outlines how the Workforce Accommodation will be decommissioned should it no longer be required; and

- (e) where Workforce Accommodation is proposed within the Rural Townsite Zone it is to be setback from boundaries in accordance with the Residential Design Codes.

4.16 Development of tourist accommodation

4.16.1 The development of holiday accommodation shall not exceed 100 square metres per dwelling and have due regard to the following—

- (a) the size of the land and any existing development on the site;
- (b) the setback requirements under the Scheme;
- (c) the availability of services such as power, water and effluent disposal; and
- (d) the impact on the amenity of the area.

4.16.2 The development of a holiday house will require planning approval. The applicant must demonstrate, to the satisfaction of the local government, the proposed holiday house will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby properties.

4.16.3 The local government may, as a condition of approval, require the provision of additional parking areas to be provided over and above those required for residential uses under the R-Codes.

4.16.4 Unless the local government determines otherwise, any approval granted for the development of a holiday house will be limited to a period of one year renewable by way of a further application lodged before the expiration of that period. If the local government has received complaints regarding the holiday house activity, a further approval may not be granted.

4.16.5 Holiday houses will be considered within the townsite boundary as identified on the Scheme Maps, within stations or within close proximity to tourist attractions. The local government may consider alternative locations should sufficient justification be provided.

4.17 Car parking

4.17.1 Land within the Scheme Area shall not be used or developed for any of the purposes requiring planning approval under the Scheme unless car parking is provided on site in accordance with Schedule 1 and to Australian Standard A2890.1-2004 (as amended).

4.17.2 Where land is proposed to be development as a use not listed in Schedule 1, the number of spaces required is to be determined by the local government having due regard to—

- (a) the nature of the proposed development;
- (b) the number of employees or others likely to be employed or engaged in the use of the land;
- (c) the anticipated demand for visitor parking; and
- (d) the orderly, proper and sustainable planning of the area.

4.17.3 Where, on any lot, different land uses have been, or are to be established and those uses operate at different times to each other, the local government, upon being satisfied that the operating times will be permanent, may approve a reduced number of bays as specified in Schedule 1 or otherwise agreed to by the local government, on a reciprocal use basis.

4.17.4 Where appropriate the local government may permit the required number of parking bays to be accommodated within the road reserve taking into account the width and function of the road and the location of the proposed use on the subject land.

4.17.5 The standard of construction of car parking spaces shall be at the discretion of the local government and based on the ability for the surface to cater for its intended use.

4.18 Servicing, access ways, loading and unloading spaces

Where a land use or development involves the delivery or despatch of goods of any kind, a loading and unloading area will be required to be provided clear of the street or right-of-way as appropriate and the local government will seek to ensure that, where such an area is provided, vehicles using the area must, unless otherwise approved by the local government, be able to enter and the street in a forward direction.

4.19 Building envelopes

4.19.1 Where, on any plan adopted or approved by the local government under the Scheme, a building envelope is shown for the purpose of confining development to a specific portion of the land, all development shall be contained within the prescribed building envelope.

4.19.2 The local government may, where adequate justification has been provided by the applicant, approve a variation or relocation of the building envelope subject to advertising to any affected landowners in accordance with clause 64 of the deemed provisions provided it is satisfied that—

- (a) the objectives of the zone are not compromised;
- (b) the visual amenity and rural character of the locality will not be affected by the change of location; and
- (c) the proposed size and location of the envelope can accommodate future development, including on-site effluent disposal systems and water supply tanks, and not have a detrimental effect on the environment.

4.20 Setbacks, plot ratio and site coverage

Development within the Scheme Area is limited in terms of setbacks, plot ratio and site coverage as outlined in Schedule 2. Where a proposal is considered as a use not listed under clause 3.3.4, the setbacks, plot ratios and site coverage shall be at the discretion of the local government.

4.21 The parking of heavy vehicles

Except as provided elsewhere in the Scheme or approved by the local government, no person, within or adjacent to any lot with an approved residential use, shall repair, service or clean or allow to

remain or park a heavy vehicle for a period greater than 24 hours without the prior approval of the local government.

4.22 Derelict Vehicles

Notwithstanding any other provision of the Scheme, the wrecking of any derelict, damaged and unserviceable vehicle on, or the storage of any such vehicle within, the area comprising the front setback of privately owned land, is prohibited within the Scheme Area.

4.23 Telecommunications infrastructure

4.23.1 An application for planning approval to the local government is required for the development of all telecommunications infrastructure excluding those listed in the Telecommunications Low Impact Facilities Determination 1997 and subsequent amendments to that determination.

4.23.2 Applications for the development of telecommunications infrastructure shall be accompanied by plans and information required for applications for planning approval under clause 63 of the deemed provisions and will be considered in relation to the following—

- (a) consistency of the proposed development with the objective and purpose of the zone or reserve;
- (b) social and economic benefits of the proposal;
- (c) the impact of the proposal on the landscape, heritage, environmental and rural character values of the locality;
- (d) coordination with other services; and
- (e) any relevant policy adopted by the local government.

4.23.3 Applications for telecommunications infrastructure on Crown land must be accompanied by the written consent of the Department of Planning and Department of Lands and any applicable management body under the *Lands Administration Act 1997*.

4.24 Caretaker's Dwelling

4.24.1 Caretaker's dwelling—

- (a) are limited to one caretaker's dwelling per lot excluding lots within a strata scheme;
- (b) shall be limited in floor area to a maximum of 100 square metres; and
- (c) prior to approval being granted the land upon which it is to be established is developed and/or is in use for a purpose requiring oversight by a caretaker, as determined by the local government in the General Industry zone.

4.25 Home business or home occupation

Where planning approval has been issued for a home business or home occupation, that approval is only valid to the occupier of a particular parcel of land. Such approval shall not be transferred to any other person or land in respect of which it was granted. Should there be a change of occupier of the land in respect of which planning approval was granted, a new planning approval is required to be obtained.

4.26 Requirement for consultation to commence mining

In considering proposals to commercially extract minerals, Council may exercise its discretion to inform the Minister for Mines and Petroleum, 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.

PART 5—SPECIAL CONTROL AREAS

5.1 Special control areas

5.1.1 Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

5.1.2 The purpose, objectives and additional provisions that apply to each special control area is set out in the Table.

Table 2

Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
Special Control Area 1—Public Drinking Water Source Area (SCA1)	To identify the proclaimed Public Drinking Water Source Area.	Ensure that land use and development within the Public Drinking Water Source Area is compatible with the protection and long term management of water resources for public water supply.	(1) In determining land use and development proposals within the Public Drinking Water Source Area—Special Control Area, the local government will have due regard to the relevant State government policies including the Department of Water's Land Use Compatibility Tables for Public Drinking Water Source Area (as amended).

Name of area	Purpose	Objectives	Additional provisions
			<p>(2) A copy of the Department of Water's Land Use Compatibility Tables for Public Drinking Water Source Area (as amended) shall be kept and made available for public inspection during normal office hours of the local government.</p> <p>(3) Notwithstanding the permissibility of land uses in the Zoning Table, where an application for planning approval is identified as an 'incompatible' or 'conditional' use in the Department of Water's Quality Protection Note referred to in clauses 1 and 2 above, the local government must, within 14 days of receipt of the application, refer the application to the Commissioner of the Department of Water, inviting written comment.</p> <p>(4) Where the local government does not receive comments from the Department of Water within 28 days of the referral, the local government may determine the application.</p> <p>(5) Where formal submission has been received from the Department of Water in respect of an application for planning approval the local government shall have regard to that advice when making its determination.</p>
Special Control Area 2— Structure Plan Area (SCA 2)	To facilitate the orderly and proper planning of the area taking into consideration the constraints of the site and broader area through development of a structure plan.	To development a range of lot sizes between Residential R2 and R5.	<p>A range of lot sizes with an absolute minimum lot size of 2000m².</p> <p>Consideration needs to be given to noise issues associated with the proximity to Mount Magnet—Sandstone Road and Agnew—Sandstone Road.</p> <p>Allocation of building envelopes to minimise the removal of vegetation.</p> <p>Interface between residential and potential tourism uses.</p> <p>Road access so as to minimise the impact on Mount Magnet—Sandstone Road and Agnew—Sandstone Road.</p> <p>Consideration of hobby farm type uses or non-residential uses including compatible ancillary business / food production.</p>

PART 6—TERMS REFERRED TO IN SCHEME

6.1 General definitions used in the Scheme

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

advertisement means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

amenity means all those factors which combine to form the character of an area and include the present and likely future amenity;

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

cabin means a dwelling forming part of tourist development or caravan park that is—

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests;

chalet means a dwelling forming part of tourist development or caravan park that is—

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests;

conservation has the same meaning as in the *Heritage of Western Australia Act 1990*;

cultural heritage significance has the same meaning as in the *Heritage of Western Australia Act 1990*;

floor area has the same meaning given in the Building Code;

heavy vehicle means a vehicle exceeding an unladen tare weight of 4.5 tonnes or a length of 5 metres;

height when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R Codes;

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

land has the same meaning as the *Planning and Development Act 2005*;

local government means the Shire of Sandstone;

lot has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot;

minerals has the same meaning as in the *Mining Act 1978* section 8(1);

net lettable area (nla) means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all 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 such facilities are not for the exclusive use of occupiers of the floor or building;

non-conforming use as the same meaning given in the *Planning and Development Act 2005* section 172;

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

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

plot ratio, in the case of residential dwellings has the same meaning as in the Residential Planning Codes and for non-residential buildings 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;

predominant use means the primary use of premises to which all other uses carried out on the premises are incidental;

retail means the sale or hire of goods or services to the public;

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;

substantially commenced means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

sustainable means meeting the needs of the current and future generations through an integration of environmental protection, social advancement and economic prosperity;

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;

wholesale means the sale of goods or materials to be sold by others;

6.1.2 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.

6.2 Land use terms used in the Scheme

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

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—

- (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); or
- (d) aquaculture;

amusement parlour means premises—

- (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) and other livestock in feedlots, sheds or rotational pens;

bed and breakfast means a dwelling—

- (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;

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

bus depot means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking;

café means premises similar to those of a restaurant but from which only snacks and light refreshments are served during normal working hours and the term includes premises referred to as tearooms;

camping ground means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

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 used for industry, 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;

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 300m² net lettable area;

dwelling has the same meaning as the Residential Design Codes;

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;

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

farm supply centre means any land or buildings used for the sale of farm supplies including vegetable seed, fertilisers, agricultural chemicals, stock food, tractors, farm equipment; implements or components; irrigation equipment; and may include landscaping supplies;

fast food outlet means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten—

(a) without further preparation; and

(b) primarily off the premises;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used—

(a) as a service station; or

(b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used—

(a) to prepare and store bodies for burial or cremation; and

(b) to conduct funeral services;

grouped dwelling as the same meaning as the Residential Design Codes;

guest house means a building or part of a building occupied as a single dwelling by the owner but within which provision is made in the form of rooms set aside for the short stay accommodation of visitors 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 profession—

(a) does not involve employing more than 2 people who are not members of the occupier's household; and

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 50 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 a vehicle of more than 4.5 tonnes tare weight; and

(g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that—

(a) does not involve employing a person who is not a member of the occupier's household; and

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 20 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 of more than 4.5 tonnes tare weight; and

(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and

- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- 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 m²; and
 - (b) is operated by a person residing in the dwelling;
- hospital** means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1);
- hotel** means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* 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—cottage** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—
- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
 - (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
 - (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
 - (d) does not occupy an area in excess of 50 square metres; and
 - (e) does not display a sign exceeding 0.2 square metres in area;
- industry—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—general** means an industry other than a cottage, extractive, light, mining, rural or service industry;
- 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—rural** means—
- (a) an industry handling, treating, processing or packing rural products; or
 - (b) a workshop servicing plant or equipment used for rural purposes;
- industry—service** means—
- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
 - (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;
- liquor store** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988*;
- lunch bar** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
- 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 *Liquor Control Act 1988*—
- (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;
- multiple dwelling** as the same meaning as the Residential Design Codes;
- office** means premises used for administration, clerical, technical, professional or similar business activities;
- outbuilding** an enclosed non-habitable structure that is detached from any dwelling, but not a garage.
- park home park** means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;
- place of worship** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- 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;
- residential building** has the same meaning as in the Residential Planning Codes;
- restaurant** 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); or
 - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
 - (c) smoking-related implements;
- rural pursuit** 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;
- salvage/ wrecking yard** means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of buildings, machinery, vehicles and boats including vehicle wrecking but does not include the disassembly of vehicles and machinery by the proprietor of an agricultural enterprise, whether intensive or extensive, for re-use on other vehicles or machinery used on that property;
- 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 to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
- showroom** means premises—
- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes—
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;

- (ix) office equipment and supplies;
- (x) babies' and 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;

stockyards means any land, building or other structure used for the holding and sale of animal stock and includes a saleyard;

storage means premises used for the storage of goods, equipment, plant or materials;

tavern means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;

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;

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

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;

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 means premises including indoor or outdoor facilities used for—

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods;

workforce accommodation means premises, which may include modular or relocatable buildings, used—

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule A

SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2014*.

Clause 61(1)(k)—the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone where the R-Codes do not apply, in which that lot is located and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—

- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
- (vi) located in the Youanmi and Nunngarra Townsites.

Clause 61(1)(l)—the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone where the R-Codes do not apply and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—

- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or

- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (vi) located in the Youanmi and Nunngarra Townsites.

Clause 61(1)(m)—The signage and advertisements contained in Schedule 3 of this Scheme do not require development approval.

Schedule 1

CAR PARKING AND RELATED REQUIREMENTS

Use Class	Parking	Qualifications, requirements or conditions
<u>Residential Uses—</u> All residential development to which the R Codes apply. Residential Building Workforce Accommodation	As per the Residential Design Codes. 1 bay for every 2 beds. As per the R Codes.	With the exception of a 'residential building' all parking requirements are in addition to the requirements for the existing dwelling under the R Codes.
<u>Ancillary Residential Uses—</u> Ancillary Dwelling Family Day Care Home Business	As per the R Codes. 1 bay per 2 children. 1 bay per 25m ² of floorspace.	
<u>Commercial Uses—</u> Offices Shop (including restricted premises, amusement parlour, liquor store and plant nursery) Home Store Restaurant/Cafes Fast Food Outlet/ Lunch Bar Showroom Service Station/ Convenience Store Hotel/Tavern Motor Vehicle, Boat and Caravan Sales Warehouse Consulting Rooms, Medical Centre, Veterinary Centre or the like. Trade Display, Farm Supply Centre Child Care Centre Cinema/Theatre Betting Agency Funeral Parlour	1 space per 25m ² nla. 1 space per 25m ² nla. 1 space per 25m ² nla plus one space for the exclusive use of the dwelling. 1 space per 4 seats. 1 space per 4 seats or 1 space per 25m ² nla, whichever is the greater. 1 space per 50m ² nla. 2 spaces per service bay plus 1 space per 25m ² of nla. 1 space per 6m ² of bar space (areas occupied by customers excluding servery areas) and 1 space per unit if accommodation. 1 space per 50m ² of nla except that, where servicing facilities are incorporated, 2 spaces for each such service bay. 1 space per 50m ² nla up to 200m ² plus 1 space per 100m ² above 200m ² . 4 spaces for each practitioner the premises are approved to accommodate at any one time. 1 space per 50m ² nla. At the local government's discretion. 1 space per 4 persons the building is approved to accommodate. 1 space per 25m ² nla. 1 space per 4 persons the building is approved to accommodate.	Where a service station is located in the industry zone, the standard for 'motor vehicle repair' may be applied.

Use Class	Parking	Qualifications, requirements or conditions
<u>Tourism uses—</u> Caravan Park and Camping Ground Bed and Breakfast and Guesthouse Motel Chalet/Cabin Holiday Accommodation Holiday House	1 space per site plus 1 additional space for every 4 sites for visitor parking. 1 space for each room of accommodation plus one for the principle dwelling. 1 space per unit plus 1 additional space for every 4 units for visitor parking. 1 space per chalet/cabin plus 1 visitor space for every 4 chalets/cabins. 1 space per holiday accommodation dwelling plus 1 visitor space for every 4 holiday accommodation dwelling. 1 space per room used for accommodation.	
<u>Industrial Uses—</u> General, Light, Cottage and Service Industry Motor Vehicle Repairs Salvage/Wrecking Yard Fuel and Transport Depot	1 space per 50m ² nla. 2 spaces per service bay 1 space per 50m ² nla. At the discretion of local government taking into consideration the proposed number of trucks accessing the site and the number of workers.	
<u>Rural Uses—</u> Stockyards	At the discretion of local government taking into consideration the location, zoning and size of the yards.	
<u>Community Uses—</u> Civic Use Community Purpose and Place of Worship Club premises Hospital Educational Establishment Recreation—private (including sporting clubs)	1 space per 25m ² nla. 1 space per 4 persons or 4 seats the venue is approved to accommodate. At the discretion of local government taking into consideration the maximum number of people approved to use the premises at any one time. 1 space per 4 patient beds plus 1 space per 40m ² of administrative area. At the local government's discretion. 1 space per 25m ² of floor space to which the patrons have access plus 1 space for every 40m ² of administrative office space. Where playing venues are involved 1 space for every 4 seats for spectators or 1 space for every 4.5m ² of spectator accommodation area whichever is the greater plus adequate parking for sports participants as assessed by the local government.	

Schedule 2
DEVELOPMENT STANDARDS

Zone	Site coverage %	Plot Ratio	Setback (m)			Landscaping %	Special Conditions/ comments
			Front	Rear	Side		
Townsite—Residential Uses	As per the Residential Design Codes						
Non-Residential Uses	75	1	Nil	*	Nil	*	
Industry	75	0.5	10	*	Nil**	5	
Rural	N/A	N/A	30	20	20	N/A	

*Standard to be determined by the local government in each case having regard to the likely impact of a planning proposal on adjoining properties.

** Where parking and servicing areas are located to the rear of buildings the nil setback will apply to one side only

Schedule 3

SIGNAGE AND ADVERTISEMENTS FOR WHICH DEVELOPMENT APPROVAL NOT REQUIRED
(SCHEDULE 2, CL.61(H) *PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015*)

Signs that are exempt from the need for a planning approval and can be anticipated as being acceptable are denoted by “E” in Table 3.

Numbers in brackets behind some of the symbol letters denote the maximum number of signs that are exempt on any one lot or for any one enterprise.)

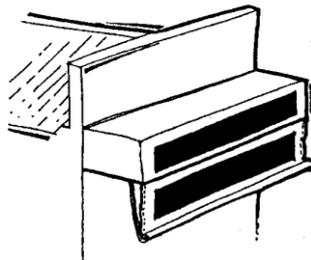
Types of Signs

PRIVATE SIGNAGE

Signs on private land may fall under the following categories—

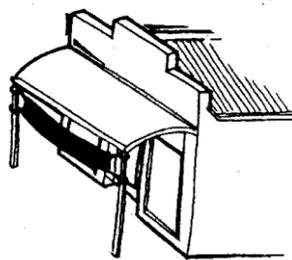
Sign A1—Awning Sign

A sign displayed on the outer fascia of a veranda or awning and includes signs on blinds, sunshades and other devices attached to the awning where there is one sign for any occupant with a minimum 10 metre of street frontage, the sign is contained within the width of the building and the sign is not more than 10 square metres in size.



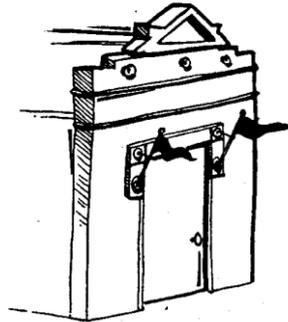
Sign B1—Banner Sign

A temporary sign on non-rigid material hung on a building under a veranda or eaves that does not exceed 4 square metres and is displayed for no longer than 4 weeks during any 12-month period.



Sign C1—Flag Sign

An advertising sign printed on a flag and flown from a pole where the flag has a maximum area of 1 square metre, is attached to a building and is no higher than the building on which it is mounted.

**Sign C3—Flag Sign**

A plain or coloured flag without any advertising text, logos or images flown from a pole where the flag has a maximum area of 2 square metres, has a minimum boundary setback of 2 metres from any boundary, is no greater than 4 metres above the ground.

Sign C5—Flags, National and International Flags

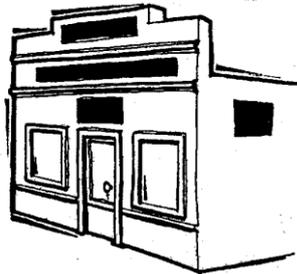
Any official national or international flag, not exceeding 4 metres in height or the height of a building immediately adjacent to the flag, whichever is the greater.

Sign C6—Flag Sign Bunting Temporary Events

Small flags or strips of coloured material strung along a rope attached to a structure, sign or tree.

Sign D1—Wall Sign

A sign attached to or painted on the wall of a residential building that identifies the name of the building or business operating from the building, not greater than 0.2 square metres in size.

**Sign D2—Wall Sign**

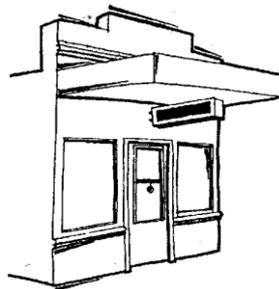
A sign attached to or painted on the wall of a building other than a residential building that identifies the name of the building or business operating from the building, where the total area of signage is not greater than 5 square metres per wall.

Sign E1—Window Sign

A sign on or inside a window that is visible from the outside of the property.

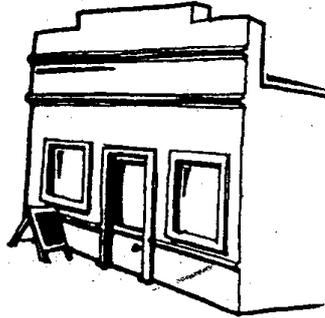
Sign F1—Under Verandah Sign

A sign fixed under a veranda or awning facing pedestrians walking under the veranda or awning that is no greater than 1.2 square metres and a ground clearance of not less than 2.75 metres.

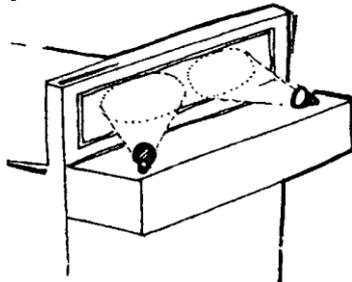


Sign G1—Portable Sign

A portable sign placed on the ground outside a shop or business no greater than 0.8 metre high or 0.6 metre wide securely fixed to the building or other structure and located within private property.

**Sign H1—Sign Illumination**

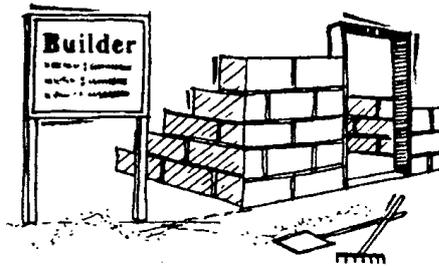
The application of illumination to a sign complying with a particular category under these definitions within private property.

**Sign N1—Map Sign**

A sign, not visible from the road or street, displaying a message, directions or a map or a combination of some or all of those features directing patrons of one site when leaving to another property or business

Sign P1—Construction Site Sign

An advertising sign erected at a building site that contains information about the development and companies involved in the development not exceeding 1.1 square metres for sites up to 5000m² and not exceeding 2.9 square metres for sites exceeding 5000 square metres and only displayed while construction is in progress but not for a period greater than 2 years.

**Sign P2—Construction Site Sign**

An advertising sign erected at a building site that contains information about the development and companies involved in the development other than defined under Sign P1.

Sign Q1—Real Estate Sign—Large

A sign placed on or in front of a property advertising the sale or lease of a building, property or business, where the sign is no greater than 2.9 square metres in size and does not protrude above surrounding elements of the landscape. The sign shall be located on private property or on the property boundary however the CEO is delegated authority to approve signage on the road reserve immediately in front of the property where the sign would be substantially obstructed on the property and the sign can be located on the road reserve without obstructing public visibility or access.



Sign Q2—Real Estate Signs Standard

A sign placed on or in front of a property advertising the sale or lease of a building, property or business where the sign is no greater than 0.6 metres above the ground to its underside and no greater than 1.1 square metres in size. The sign shall be located on private property or on the property boundary however the CEO is delegated authority to approve signage on the road reserve immediately in front of the property where the sign would be substantially obstructed on the property and the sign can be located on the road reserve without obstructing public visibility or access.

Sign R1—Statutory Signs

A sign placed on private property required for compliance with a regulation or statutory requirement or required as a condition of planning approval.

Table 3—Signage and advertisements for which development approval is not required.

	Townsite	Industry	Rural
A1 Awning Sign	E(1)	E(1)	
B1 Banner Sign	E(1)	E(1)	
C1 Flag Sign	E(2)	E(2)	E(2)
C3 Flag Sign	E(2)	E(2)	E(2)
C5 Flag Sign	E(1)	E(1)	E(1)
C6 Flag Bunting temporary	E	E	E
D1 Wall Sign	E	E	E
D2 Wall Sign	E	E	
E1 Window Sign	E	E	E
F1 Under Verandah	E(1)	E(1)	E
G1 Portable Sign	E(2)	E(2)	
H1 Sign Illumination	E	E(1)	
N1 Map Hoarding	E	E	E
P1 Construction Site	E(1)	E(2)	E(2)
P2 Construction Site		E(2)	E(2)
Q1 Real Estate Large	E(1)	E	E(2)
Q2 Real Estate Std	E	E	E
Directional signs, information signs and street signs	E	E	E
R1 Statutory Sign	E	E	E

NB. Numbers in brackets “(2)” means the number of signs that can be exempted.

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

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Shire of Sandstone at the Ordinary Meeting of Council held on the 24 April 2014.

SEAN FLETCHER, Chief Executive Officer.

BETH WALTON, President.

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Shire of Sandstone at the Ordinary Meeting of Council held on the 24 September 2015.

The Common Seal of the Shire of Sandstone was hereunto affixed by authority of a resolution of the Council in the presence of—

SEAN FLETCHER, Chief Executive Officer.

BETH WALTON, President.

WAPC Recommended for Approval—

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

Date: 2 June 2016.

Approval Granted—

DONNA FARAGHER, Minister for Planning.

Date: 27 June 2016.
