

PL403

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Laverton
 Local Planning Scheme No. 2—Amendment No. 3

Ref: TPS/2402

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Laverton Local Planning Scheme amendment on 5 April 2019 for the purpose of—

1. Deleting the following Parts and Clauses (in their entirety) from the Scheme Text—
 - PART 2—LOCAL PLANNING POLICY FRAMEWORK
 - Clause ‘5.13.2 Structure Plan Required’
 - PART 7—HERITAGE—PROTECTION
 - PART 8—DEVELOPMENT OF LAND
 - PART 9—APPLICATIONS FOR PLANNING APPROVAL
 - PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS
 - PART 11—ENFORCEMENT AND ADMINISTRATION
2. Deleting references to the following terms and replacing them with the corresponding term throughout the Scheme Text—
 - Town Planning Scheme replaced with Local Planning Scheme.
 - TPS replaced with LPS (including in the footer of the Scheme Text).
 - responsible authority with responsible local government.
 - Town Planning Act with Act.
 - planning approval with development approval (as applicable).
 - Planning approval with Development approval (as applicable).
 - clause 9.4 with clause 64 of the deemed provisions.
 - Department of Industry and Resources with Department of Mines, Industry Regulation and Safety.
 - *Town Planning and Development Act 1928* with *Planning and Development Act 2005*.
3. In the preamble of the Scheme—
 - delete the second sentence in paragraph 1 and replace with—
 This Scheme should be read with any Local Planning Strategy for the Shire and the deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - delete paragraph 2.
4. Updating the following (including renumbering as required)—
 - Amend Clause 1.2 to state—
1.2 Responsibility for Scheme
 The Shire of Laverton 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.
 - Amend Clause 1.4(b) to—
 (d) the Scheme Map (sheet numbers 1 to 8 inclusive).
 - Insert the following into Clause 1.4—
 (b) the deemed provisions (set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 (c) the supplemental provisions contained in Schedule A;

- Amend the last sentence under Clause 1.4 to—
The Scheme Text is to be read in conjunction with any Local Planning Strategy for the Scheme area.
- Modify Clause 1.5(d) by adding the words: including processes for the preparation of structure plans, and local development plans.
- Amend Clause 1.5(g) to: address other matters referred to in Schedule 7 of the Act.
- Delete Clause 1.7 in its entirety.
- Amend Clause 1.8 to include the words: to the extent of the inconsistency.
- Amend Clause 1.9 by deleting the text and replacing with the following—
There are no other local planning schemes of the Shire of Laverton which apply to the Scheme area.
- Renumber **PART 3** to **PART 2—RESERVES**.
- Delete Clause 3.1 in its entirety.
- Amend Clause 3.4.1, by deleting the words ‘under Part 9 of the Scheme’.
- Modify Clause 3.4.2(a) to: the matters set out in clause 67 of the deemed provisions; and.
- Renumber **PART 4** to **PART 3—ZONES AND USE OF LAND**.
- Delete Clauses 4.3 and 4.4 and associated Notes in their entirety and insert the equivalent Clauses 17 and 18 in the model provisions in their entirety (excluding the reference to the ‘I’ use).
- Delete Clauses 4.5, 4.6 and 4.7 and associated Notes in their entirety and replace with the following—

3.5 Additional Uses

Despite anything contained in the Zoning Table, the land specified in Schedule 2 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.

There are no Additional Uses which apply to the Scheme.

3.6 Restricted Uses

Despite anything contained in the Zoning Table, land that is specified in Schedule 3 may only be used for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

There are no Restricted Uses which apply to the Scheme.

3.7 Special Use Zone

Special Use Zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

A person must not use any land, or any structure or buildings on land, in a Special Use Zone except for a class of use that is permissible in that zone and subject to compliance with any conditions that apply to that use as set out in Schedule 4.

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

5. Amending Table 1—Zoning Table by—
 - (a) Modifying the following land use class terms as follows—
 - industry-extractive to industry.
 - industry-general to industry-extractive.
 - industry-mining to mining operations.
 - industry-rural to primary production.
 - plant nursery to garden centre.
 - restaurant to restaurant/café.
 - tourist accommodation to tourist development.
 - rural pursuit to rural pursuit/hobby farm.
 - (b) Deleting the Special Use column.
 - (c) Replacing the text in the Settlement column with the correct clause number.
 - (d) Inserting the land uses ‘repurposed dwelling’ and ‘second hand dwelling’ as a ‘D’ use in the Residential zone, as a ‘P’ use in the Rural and Pastoral and Mining zones and an X use in all other zones.
 - (e) Deleting the ‘D’ use applicable to caretaker’s dwelling in the Commercial zone and replace with the ‘X’ use.
6. Updating the following (including renumbering as required)—
 - Delete Clauses 4.8, 4.9, 4.10, 4.11, 4.12 in their entirety and insert the equivalent Clauses 22, 23, and 24 in the model provisions in their entirety.
 - Renumber **PART 5** to **PART 4—GENERAL DEVELOPMENT REQUIREMENTS**.
 - Delete Clause 5.2 in its entirety and insert the equivalent Clause 25 in the model provisions in its entirety, including the following text ‘or in the provision of the scheme that applies the R-Codes’ at the end of model Clause 25(4).

- Reword the title of Clause 5.3 to: **Modification of the R-Codes.**
- Delete Clause 5.4 in its entirety and insert the equivalent Clause 35 in the model provisions.
- Delete Clause 5.6 and associated Note and replace with the following—

Environmental Conditions

4.6.1 The conditions set out in Schedule 6 are environmental conditions that apply to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.

4.6.2 The environmental conditions are indicated on the Scheme Map by the symbol 'EC' to indicate that environmental conditions apply to the land.

4.6.3 The local government—

- (a) must make available for public inspection during business hours at the offices of the local government all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3; and
- (b) may publish those statements on the website of the local government.

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

- Modify Clause 5.8 to the following—

4.8 Repurposed or Second Hand Dwelling

4.8.1 A person is not to transport a repurposed or second hand dwelling and place it on land in the Laverton townsite unless development approval has been granted by the local government. The local government is not to grant development approval if the land is within an area designated under this Scheme as a Heritage Area.

4.8.2 The local government must only grant development approval in accordance with clause 4.8.1 if the repurposed or second hand dwelling—

- (a) complies with the provisions of the Scheme, the Residential Design Codes, and any Local Laws applicable both to the dwelling and the land on which it is to be situated; and
- (b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the locality.

- Modify Clause 5.14.2(b) to replace the words 'the following' with 'clause 67 of the deemed provisions' and delete sub-clauses (b)(i) to (vii).
- Modify Clause 5.15.2 (a) by inserting the words 'local government may require' after the word 'the' and before the word 'first'.
- Renumber **PART 6** to **PART 5—SPECIAL CONTROL AREAS.**

7. In Schedule 1—

- Inserting the words 'used in the Scheme' in the heading 1. General definitions.
- Under the heading 1. General definitions replacing the first sentence with: If a word or expression used in this Scheme is listed in this clause, its meaning is as follows—
- Deleting the following definitions: advertisement; amenity; conservation; cultural heritage significance; Gazettal date; height; local government; Local Planning Strategy; lot; owner; place; premises; region scheme; Residential Design Codes; substantially commenced; Town Planning Act; zone.
- Modifying the following definitions to the equivalent model definition in the Regulations: building envelope; floor area; frontage; incidental use; minerals; net lettable area; non-conforming use; plot ratio; predominant use.
- Inserting the definition from the Regulations for the following terms under '1. General definitions': building height; cabin; chalet; commencement day; commercial vehicle; short term accommodation; wall height.
- Inserting the following at the end of the list of definitions listed under '1. General definitions' and prior to '2. Land use terms' as follows—
 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.
- Renaming '2. Land use' to '3. Land use terms used' and replace the first paragraph with the following: '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—'
- Modifying the following definitions to the equivalent model definition in the Regulations: abattoir; agriculture-extensive; agriculture-intensive; amusement parlour; animal husbandry; bed and breakfast; betting agency; caravan park; caretakers dwelling; car park; child care premises; civic use; consulting rooms; convenience store; educational establishment; exhibition centre; family day care; fast food outlet (renamed fast food outlet/lunch bar); fuel depot; funeral parlour; home business; home occupation; home office; home store; hospital; hotel; industry; industry-extractive; industry-light; medical centre; motel; motor vehicle repair; motor vehicle wash; night club; office; park home park; place of worship; reception centre; recreation-private; restaurant (renamed

- restaurant/café); restricted premises; rural pursuit (renamed rural pursuit/hobby farm); service station; shop; tavern; telecommunications infrastructure; tourist accommodation (renamed tourist development); transport depot; warehouse (renamed warehouse/storage).
- Inserting the definition from the Regulations for the following land use terms under '3. Land use terms used': art gallery; brewery; bulky goods showroom; commercial vehicle parking; garden centre; holiday accommodation; holiday house; industry-primary production; liquor store-small; liquor store-large; mining operations; resource recovery centre; serviced apartment; small bar; trade supplies; tree farm; waste disposal facility; waste storage facility; wind farm.
 - Inserting the following definitions under 3. Land use terms used—
 - repurposed dwelling** means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.
 - second hand dwelling** means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a modular home or transportable dwelling.
 - renewable energy facility** means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels, or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers.
 - Deleting the following definitions: agroforestry; ancillary tourist use; aquiculture; chalet; industry-general; industry-mining; industry-rural; industry-service; lunch bar; mining workforce accommodation; plantation; plant nursery; residential building; shop (kiosk); showroom; storage.
 - Reformatting the definitions to delete the commas, arrange them in alphabetical order and ensure consistency with the format of the model provisions in the Regulations.
8. In Schedule 4—
- for Special Use Zone 4 replacing the term 'mining worker's accommodation' with the term 'workforce accommodation'; 'Tourist Accommodation' with 'Tourist Development'; and replace 'second hand buildings' with 'a repurposed or a second hand dwelling' and insert the existing definition for ancillary tourist use in column 3.
 - for Special Use Zone 1 replacing 'minesite accommodation' with 'workforce accommodation'.
9. Deleting the following Schedules (in their entirety)—
- SCHEDULE 6—FORM OF APPLICATION FOR PLANNING APPROVAL
 - SCHEDULE 7—ADDITIONAL INFORMATION FOR ADVERTISEMENTS
 - SCHEDULE 8—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL
 - SCHEDULE 9—NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL
10. Renumbering **SCHEDULE 10** to **SCHEDULE 6—ENVIRONMENTAL CONDITIONS**.
11. Updating the following—
- renumbering all clauses and headings to take into account deletions, additions and modifications where necessary.
 - all references to legislation for correct title and italics.
 - all references to government department names.
 - amending administrative errors, omissions and anomalies.
 - the 'Contents' as necessary.
12. In Schedule 5—
- amending the title to: Schedule 5—Exempted Advertisements for which development approval is not required.
 - aligning the land use terms to those used in Schedule 1, to the extent possible.
13. Inserting a new Schedule A—Supplemental Provisions with the following provisions—
- Clause 61(1)**
- (k) the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed—
 - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area;
 - (l) 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 this 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 this 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;
- (m) the erection or extension of an ancillary dwelling, 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) use in the zone (where the R-Codes do not apply) and where the development standards set out in this 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) located within an area designated under this 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;
- (n) the demolition of any building or structure except where the building or structure is—
- (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) located within an area designated under this 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.
14. Amending Clause 5.9.1(d) by removing the inference that the landscaping requirements are only applicable in the Commercial zone.
15. Amending Clause 5.10 by—
- removing reference that an approval is ‘cancelled’ as a result of change in the occupier.
 - inserting the following—
- 5.10.2 In the Pastoral and Mining zone the local government may permit a home business with an area up to 200 square metres, with the presence, use or calling of up to 3 vehicles of more than 4.5 tonnes tare weight.
16. Amending Clause 5.11 by inserting a new sub clause (g) as follows—
- 5.11(g) A caretaker’s dwelling may constitute a building or structure not previously used as a dwelling which has been repurposed for use as a caretaker’s dwelling, or as a dwelling that has been in a different location and has been dismantled and transported to the lot for use as a caretaker’s dwelling, provided that the caretaker’s dwelling is on the same lot as a building, operation or plant used for industry and occupied by a supervisor of that building, operation or plant used for industry.
17. Amending Schedule 1 Land use term ‘home business’ by removing reference to the words in—
- ‘(c) ‘except that for land in the Pastoral and Mining zone under the Scheme the local government may permit an area up to 200 square metres’
- ‘(f) ‘except that for land in the Pastoral and Mining zone under the Scheme the local government may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight.’

P. HILL, Shire President.
P. NAYLOR, Chief Executive Officer.