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SHIRE OF CARNAMAH

LOCAL PLANNING SCHEME NO. 2

Updated to include AMD 3 GG 05/06/2020



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
28 October 1994

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

Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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SHIRE OF CARNAMAH TPS 2 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
	13/08/2014	26/05/15	MLD	New Scheme – TPS 2
1	05/05/2015	26/05/15	MLD	Reclassify portion of Lot 10240 Mineral Sands Road, Eneabba, from 'Rural' zone to 'Public Purposes - Rubbish Tip' local scheme reserve, as more clearly shown on the Scheme Amendment Map.
2	20/11/15	1901/16	MLD	reclassify portion of Lot 22 Bunjil-Carnamah Road, Carnamah, from 'Rural' zone to 'Public Purposes - Rubbish Tip' local scheme reserve, as more clearly shown on the Scheme Amendment Map.
3	05/06/2020	11/06/2020	MLD	Updating the scheme text to introduce the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2), the supplemental provisions contained in Schedule A and the Scheme Maps. The Scheme should be read with the Local Planning Strategy for the Shire".



SHIRE OF CARNAMAH

LOCAL PLANNING SCHEME No. 2

Preamble

This Local Planning Scheme of the Shire of Carnamah consists of this Scheme Text, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2), the supplemental provisions contained in Schedule A and the Scheme Maps. The Scheme should be read with the Local Planning Strategy for the Shire.

Part 2 of the deemed provisions 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. There are particular controls included for heritage and special control areas. The Scheme also sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses.

Scheme details

The Shire of Carnamah

Local Planning Scheme No. 2

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

Table of Contents

- Part 1 **Preliminary** - sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- Part 2 **Reserves** - sets out the reserves which apply in the Scheme area and related provisions.
- Part 3 **Zones and the use of land** - sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 4 **General development requirements** - sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 5 **Special control areas** - sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
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- .

Schedules

Schedule 1	Dictionary of Defined Words and Expressions
Schedule 2	Additional Uses
Schedule 3	Restricted Uses
Schedule 4	Special Use Zones
Schedule 5	Exempted Advertisements
Schedule 6	Environmental Conditions
Schedule 7	Rural Residential Zones

PART 1 - PRELIMINARY

1.1. Citation

1.1.1. The Shire of Carnamah Scheme No. 2 (***the Scheme***) comes into operation on its Gazettal date.

1.1.2. The following Scheme is revoked -

The Shire of Carnamah Town Planning Scheme No. 1 gazetted on 28 October 1994;

1.2. Responsible authority

The Shire of Carnamah is the responsible authority for implementing the Scheme.

1.3. Scheme area

The Scheme applies to the Scheme area which covers the land area of the local government district of the Shire as shown on the Scheme Map.

1.4. Contents of Scheme

The Scheme comprises -

- (a) the Scheme Text;
- (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
- (c) the supplemental provisions contained in Schedule A; and
- (d) the Scheme Maps (sheets 1 – 10).

The Scheme is to be read in conjunction with the Local Planning Strategy.

1.5. 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;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule 7 to the *Planning and Development Act 2005*.

1.6. The aims of the Scheme

The aims of the Scheme are -

- (a) to secure the amenity, health and convenience of the Scheme area and the inhabitants thereof;

- (b) to ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;
- (c) to provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;
- (d) to preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Shire;
- (e) to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- (f) to protect, conserve and enhance the environmental values and natural resources of the Scheme area including the protection of remnant vegetation and the rehabilitation and revegetation of degraded land while providing appropriate development opportunities to promote the local economy;
- (g) to promote ecologically sustainable land use and development;
- (h) to assist the effective implementation of the State Planning Strategy, State Planning Framework (State Planning Policy No.1) and other adopted strategies and policies as these apply to the Mid-West Region; and
- (i) to make provision for other matters necessary or incidental to local planning and development generally.

1.7. Definitions

- 1.7.1. Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have -
- (a) in the *Planning and Development Act 2005*; or
 - (b) if they are not defined in that Act -
 - (i) in the Dictionary of defined words and expressions in Schedule 1;
 - (ii) in Schedule 1 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations); or
 - (iii) in the Residential Design Codes.
- 1.7.2. If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1, and the meaning of that word or expression in the Residential Design Codes -
- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
 - (b) in any other case the definition in the Dictionary prevails.
- 1.7.3. A copy of Schedule 1 Part 6 of the Regulations is kept and made available for public inspection at the offices of the local government.

1.8. Relationship with local laws

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9. Relationship with other Schemes

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

PART 2 - RESERVES

2.1. Reserves

Certain lands within the Scheme area are classified as Local Reserves.

2.2. Regional Reserves

There are no regional reserves in the Scheme area.

2.3. Local Reserves

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

2.4. Use and development of Local Reserves

2.4.1. A person must not -

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.

2.4.2. In determining an application for development approval the local government is to have due regard to —

- (a) the matters set out in clause 67 of the deemed provisions; and
- (b) the ultimate purpose intended for the Reserve.

2.4.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

PART 3 - ZONES AND THE USE OF LAND

3.1. Zones

3.1.1. The Scheme area is classified into the zones shown on the Scheme Map.

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

3.2. Objectives of the zones

The objectives of the zones are -

3.2.1 Residential Zone

- (a) To provide for predominantly residential development with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes of Western Australia.
- (b) Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
- (c) A non-residential use shall only be permitted if the use does not detract from the amenity of the area.

3.2.2 Commercial Zone

- (a) To ensure the town centre remains the principal place for business and administration within the District.
- (b) To encourage a high standard of development including buildings, landscaping and car parking.
- (c) To maintain a coordinated, consolidated, compact and accessible centre.
- (d) To centralise commercial, office, and service functions.
- (e) To preclude the storage of bulky and unsightly goods where they may be in public view.
- (f) To maintain the compatibility with the general streetscape for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- (g) To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.
- (h) To provide for residential uses only where the residential uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level or location where it is impracticable or inappropriate to establish a shop or office.
- (i) To provide street furniture, planting and sheltered places for pedestrians.
- (j) To encourage the provision of public art to improve the amenity and ambience of the town centre area.

3.2.3 Light Industry Zone

- (a) To provide for service industries and light industries that will not have a detrimental effect on nearby residential or other sensitive uses.
- (b) To provide for a range of employment opportunities.
- (c) To preclude the storage of bulky and unsightly goods where they may be in public view.

- (d) To ensure the appropriate use of setback areas and the provision of landscaping to the local government's satisfaction.

3.2.4 General Industry Zone

- (a) To encourage industrial development with diverse employment opportunities.
- (b) To provide for general industry to support development in the District.
- (c) To provide for general industry, the storage and distribution of goods and associated uses, which by the nature of their operations may need to be separated from residential and other sensitive areas.
- (d) To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in close vicinity.
- (e) To encourage the provision of landscaping to ensure the industrial development is appropriately screened from the main road.
- (f) To provide a location where separate heavy vehicular access is provided.
- (g) To provide a location for depots, warehouses, and large vehicle parking and servicing areas.

3.2.5 Rural Residential Zone

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

3.2.6 Rural Zone

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

3.2.7 Special Use Zone

- (a) To provide for special categories of land use which are not fully compatible with other zones in the Scheme.

3.3. Zoning Table

3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses 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 cross reference in the Zoning Table have the following meanings -

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

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

3.3.3. A change in the use of land from one use to another is permitted if -

- (a) the local government has exercised its discretion by granting development approval;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

- Note:
1. *The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.*
 2. *The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.*
 3. *In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 67 of the deemed provisions.*
 4. *The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.*

TABLE 1 - ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL RESIDENTIAL	RURAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	X	X
Caretaker's dwelling	X	D	D	D	X	X
Grouped dwelling	P	A	X	X	X	X
Home business	D	D	X	X	D	D
Home occupation	D	D	X	X	D	D
Home office	D	D	X	X	D	D
Home store	A	D	X	X	A	A
Multiple dwelling	D	D	X	X	X	X
Park home park	X	A	X	X	X	X
Repurposed dwelling	D	A	X	X	D	D
Residential building	A	X	X	X	X	X
Rural home business	X	X	X	X	D	D
Second-hand dwelling	D	A	X	X	D	D
Single house	P	A	X	X	P	P
Workforce accommodation	X	X	X	X	X	A
TOURIST AND ENTERTAINMENT						
Amusement parlour	X	D	X	A	X	X
Bed and breakfast	A	D	X	X	D	D
Caravan park	X	X	X	X	X	X
Hotel	X	P	X	X	X	X
Motel	X	D	X	X	X	X
Tavern	X	P	X	X	X	X
Tourist development	X	D	X	X	X	X
COMMERCE						
Betting agency	X	P	X	X	X	X
Bulky goods showroom	X	P	P	P	X	X
Cinema/theatre	X	P	X	X	X	X
Consulting rooms	X	D	X	X	X	X
Convenience store	A	P	X	X	X	X
Fast food outlet	X	D	X	X	X	X
Lunch bar	X	P	D	D	X	X
Market	X	D	X	D	X	X
Medical centre	X	D	X	X	X	X
Motor vehicle wash	X	D	D	P	X	X
Motor vehicle, boat or caravan sales	X	D	D	D	X	X
Nightclub	X	D	X	X	X	X

USE CLASSES	ZONES					
	RESIDENTIAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL RESIDENTIAL	RURAL
Office	X	P	X	X	X	X
Reception centre	X	P	X	X	X	X
Restaurant/cafe	X	P	X	X	X	A
Restricted premises	X	D	X	D	X	X
Service station	X	D	D	D	X	X
Shop	X	P	X	X	X	X
Trade display	X	P	P	D	X	X
OTHER						
Corrective institution	X	X	X	X	X	X
Essential service utility	D	D	P	P	D	D
Funeral parlour	X	A	D	X	X	X
Telecommunications infrastructure	D	D	D	P	A	D
Veterinary centre	X	P	P	P	X	A
INDUSTRY						
Fuel depot	X	X	X	A	X	X
Industry	X	A	X	P	X	X
Industry - extractive	X	X	X	X	X	A
Industry - light	X	X	P	P	X	X
Industry - primary production	X	X	A	P	A	D
Mining operations *	X	X	X	X	X	A
Motor vehicle repair	X	D	P	P	X	X
Warehouse/storage	X	P	P	P	X	A
CIVIC AND COMMUNITY						
Child care premises	A	D	X	X	A	X
Civic use	D	D	D	X	X	X
Club premises	D	D	A	X	X	X
Community purpose	A	P	A	X	X	X
Educational establishment	X	A	X	X	X	X
Exhibition centre	X	D	D	X	X	X
Family day care	A	D	X	X	A	A
Hospital	X	X	X	X	X	X
Place of worship	A	D	X	X	X	X
Recreation - private	D	D	D	D	D	D
RURAL						
Agriculture - extensive	X	X	X	X	X	P
Agriculture - intensive	X	X	X	X	X	D
Animal establishment	X	A	A	X	X	A
Animal husbandry - intensive	X	X	X	X	X	A
Rural pursuit/hobby farm	X	X	X	X	D	D

USE CLASSES	ZONES					
	RESIDENTIAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL RESIDENTIAL	RURAL
Trade supplies	X	D	D	X	X	X
Tree farm	X	X	X	X	X	A
Winery	X	X	X	X	D	D

* **Footnote:** 'Mining' 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.

3.4. Interpretation of the Zoning Table

- 3.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or
 - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

3.5. Additional uses

There are no additional uses which apply to the Scheme.

3.6. Restricted uses

There are no restricted uses which apply to the Scheme.

3.7. Special use zones

- 3.7.1. Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.
- 3.7.2. A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

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

3.8. Non-conforming uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent -

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 80 of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meaning as in the Planning and Development Act 2005 and includes houses, buildings and other works and structures.

3.9. Extensions and changes to a non-conforming use

- 3.9.1. A person must not -
- (a) alter or extend a non-conforming use;

- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained development approval under the Scheme.

3.9.2. An application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions.

3.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

3.10. Discontinuance of non-conforming use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

3.11. Termination of a non-conforming use

The local government may affect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 190 and 191 of the Planning and Development Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a local planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.

3.12. Destruction of non-conforming use buildings

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the local government.

PART 4 — GENERAL DEVELOPMENT REQUIREMENTS

4.1. Compliance with development standards and requirements

Any development of land is to comply with the provisions of the Scheme.

4.2. Residential Design Codes

4.2.1. A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

4.2.2. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

4.2.3. The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

4.3. Special application of Residential Design Codes

4.3.1 The Residential Design Code for land zoned 'Residential' and 'Commercial' shall be R10/30 unless otherwise indicated on the Scheme Maps.

4.3.2 Residential development with the R10/30 code shall be permitted at the R10 density, however the local government may approve developments up to the R30 density as a 'D' use.

4.4. Restrictive covenants

4.4.1. Subject to clause 4.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

4.4.2. Where clause 4.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant development approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 64 of the deemed provisions.

4.5. Variations to site and development standards and requirements

4.5.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

4.5.2. In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to -

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that -

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.6. Environmental conditions

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

4.7 Commercial Development

4.7.1 Commercial development shall not exceed two (2) storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.

4.7.2 In considering an application for development approval for a proposed commercial development (including additions and alterations to existing development) in the town centre the local government shall have regard to the following:

- (a) the colour and texture of external building materials; the local government may require the building façade and side walls to a building depth of 3m to be constructed of masonry;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) function of the building;
- (f) relationship to surrounding development; and
- (g) other characteristics considered by the local government to be relevant.

4.7.3 Landscaping should complement the appearance of the proposed development and town centre.

4.7.4 The layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.

4.7.5 All other development standards for development in the Commercial zone are at the local government's discretion.

4.8 Industrial Development

4.8.1 Buildings within the Industrial zone shall comply with the following minimum lot boundary setbacks:

Front: 7.5 metres
Rear: 7.5 metres

Side: 5.0 metres (on one side)

4.8.2 The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.

4.8.3 All other development standards for development in the Industrial zone are at the local government's discretion.

4.9 Rural Residential Development

4.9.1 Development shall comply with the R2 building setback requirements of the Residential Design Codes.

4.9.2 Subdivision and development shall only occur in accordance with an adopted Structure Plan prepared in accordance with Part 4 of the deemed provisions.

4.9.3 In addition to the Structure Plan, any special provisions appropriate to secure the objectives of the zone for controlling subdivision and development in specific Rural Residential zones shall be included in Schedule 7.

4.9.4 Uses shall only be permitted in accordance with Table 1 - Zoning Table.

4.9.5 Not more than one dwelling per lot shall be erected, however the local government may, at its discretion, approve ancillary accommodation.

4.9.6 In considering an application for development approval for a proposed development (including additions and alterations to existing development) the local government shall have regard to the following:

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) function of the building;
- (f) relationship to surrounding development;
- (g) other characteristics considered by the local government to be relevant; and
- (h) provision to be made for bush fire control in accordance with a Local Planning Scheme Policy adopted by the local government.

4.9.7 In order to conserve the rural environment or features of natural beauty, all trees shall be retained unless their removal is authorised by the local government. Revegetation or replanting may also be required where specified by the local government.

4.9.8 Any person who keeps an animal or animals or who uses any land for exercising or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.

4.9.9 All other development standards for development in the Rural Residential zone are at local government's discretion.

4.10 Rural Development

- 4.10.1 Buildings within the Rural zone shall comply with the following minimum lot boundary setbacks:
- Front: 20.0 metres
 - Rear: 15.0 metres
 - Side: 5.0 metres

4.11 Car Parking Requirements

- 4.11.1 A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces specified by the local government are provided and such spaces are constructed and maintained in accordance with the requirements of the local government.

4.12 Development Limited by Liquid Waste Disposal

- 4.12.1 Notwithstanding anything elsewhere in the Scheme, the local government may refuse to issue planning approval for any development if in the opinion of the local government adequate provision is not made or cannot reasonably be made for the disposal of waste from that development.

4.13 Development of Lots Abutting Unconstructed Roads

- 4.13.1 Notwithstanding anything elsewhere appearing in the Scheme, planning approval is required for development of land abutting an unconstructed road, or a lot which does not have frontage to a constructed road, in considering such an application, the Council shall either:
- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
 - (b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
 - (c) require other such arrangements be made for permanent access to the satisfaction of the local government.

4.14 Home Occupation

- 4.14.1 An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.
- 4.14.2 If, in the opinion of the local government, a home occupation is causing a nuisance or annoyance to owners or occupier of land in the locality the local government may rescind the approval.

PART 5 - SPECIAL CONTROL AREAS

5.1 Operation of special control areas

5.1.1 The following special control areas apply to the Scheme as shown on the Scheme Map.

SCA 1 Eneabba Wastewater Treatment Plant

SCA 2 Winchester Quarry

SCA 3 Dathagnoorara Public Drinking Water Source Area

SCA 4 Eneabba Public Drinking Water Source Area

5.1.2. In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.2 SCA 1 Eneabba Wastewater Treatment Plant

5.2.1 Purpose

The purpose of Special Control Area 1 is to identify land which may be affected by the Eneabba Wastewater Treatment Plant.

5.2.2 Objectives

The objectives for the SCA 1 are to:

- (a) ensure that the use and development of land is compatible; and
- (b) minimise impacts on residential and other sensitive uses.

5.2.3 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government with regard to advice received from the Environmental Protection Authority and/or the Water Corporation.

5.3 SCA 2 Winchester Quarry

5.3.1 Purpose

The purpose of Special Control Area 2 is to identify land which may be affected by the Winchester Quarry.

5.3.2 Objectives

The objectives for the SCA 2 are to:

- (a) ensure that the use and development of land is compatible;
- (b) any development does not restrict the access to or operation of the quarry operations; and
- (c) minimise impacts on residential and other sensitive uses.

5.3.3 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government with regard to advice received from the Environmental Protection Authority.

5.4 SCA 3 Dathagnoorara Public Drinking Water Source Area (PDWSA)

5.4.1 Purpose

The purpose of Special Control Area 3 is to protect existing public drinking water source areas from uses that may have an unacceptable impact.

5.4.2 Objectives

The objectives for the SCA 3 are to:

- (a) Ensure that all development proposals within the SCA comply with the Dathagnoorara Water Reserve Drinking Water Source Protection Plan and the Department of Water's Water Quality Protection Note 25 – Land Use compatibility in PDWSAs.

5.4.3 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government with regard to advice received from the Department of Water.

5.5 SCA 4 Eneabba Public Drinking Water Source Area

5.5.1 Purpose

To protect existing public drinking water source areas from uses that may have an unacceptable impact.

5.5.2 Objectives

The objectives for the SCA 4 are to:

- (a) Ensure that all development proposals within the SCA comply with the Eneabba Water Reserve Drinking Water Source Protection Plan and the Department of Water's Water Quality Protection Note 25 – Land Use compatibility in PDWSAs.

5.5.3 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government with regard to advice received from the Department of Water.

SCHEDULES

Schedule 1 Dictionary of defined words and expressions

General definitions

Land use definitions

Schedule 2 Additional uses

Schedule 3 Restricted uses

Schedule 4 Special use zones

Schedule 5 Exempted advertisements

Schedule 6 Environmental conditions

Schedule 7 Rural Residential Zones

SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

Unless listed below the words and expressions used in the Scheme have the same meaning as the general definitions and land use definitions contained in Schedule 1 of the *Local Planning Scheme Regulations 2015 (as amended)* (the Model provisions). Where a definition is listed below and there is a conflict of interpretation of words the meaning of the word or term, the definition listed below shall prevail, unless the word or expression applies to residential development (as per clause 1.7).

Essential service utility'	Means - any work or undertaking constructed or maintained by a service agency as may be required to provide water, sewerage, electricity, gas, drainage or other similar essential services.
'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.
'lunch bar'	means - premises or part of a premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.
'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 new modular home or transportable dwelling'.

SCHEDULE 2 - ADDITIONAL USES

There are no additional uses that apply to the Scheme

No.	Description of land	Additional use	Conditions

SCHEDULE 3 - RESTRICTED USES

There are no restricted uses that apply to the Scheme.

No.	Description of land	Restricted use	Conditions

SCHEDULE 4 - SPECIAL USE ZONES

No.	Description of land	Special use	Conditions	Map Label
1	Portion of Victoria Location M1354, Lang Street, Carnamah	Aged Persons Accommodation	Development permitted in accordance with the specified Special Uses and as determined by the local government.	APA
2	Pt 372 Brimson Street, Eneabba	Caravan Park		CP
3	Lot 2 Bunjil-Carnamah Road, Carnamah	Historical Homestead		HH
4	Lot 391 Brand Hwy, Eneabba	Horse Yards and Greenbelt		HY
5	Pt 3002 Midlands Road, Carnamah	Roadhouse and Dwelling		RH
6	Pt 383 Eneabba Drive, Eneabba	Sale Yards and Truck Parking		SY
7	Lot 232 Nairn Court, Eneabba	Workers' Accommodation		WA
8	Lot 370 Eneabba Drive and UCL, Eneabba	Workers' Accommodation		WA
9	Lot 356 McGowan Place, Eneabba	Place of Worship		W
10	Pt Lot 372, Eneabba-Three Springs Road, Eneabba	Caravan Park		CP

SCHEDULE 5 - EXEMPTED ADVERTISEMENTS

Land use and/or development	Exempted sign	Maximum size
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m ² . Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government, and c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like	N/A N/A N/A

Land use and/or development	Exempted sign	Maximum size
	made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work	2m ²
(ii) Multiple Dwellings, Shops, Commercial and Industrial projects	One sign as for (i) above	5m ²
(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above	10m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
(i) Dwellings	One advertisement per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ²
(ii) Multiple Dwellings, Shops, Commercial and Industrial projects	One sign as for (i) above	Each sign shall not exceed an area of 2m ²
(iii) Large developments or redevelopment projects involving shopping centres,	One sign as for (i) above	Each sign shall not exceed an area of 10m ²

Land use and/or development	Exempted sign	Maximum size
office or other buildings exceeding 3 storeys in height.		
Display Homes Advertisement signs displayed or the period over which homes are on display for public inspection	i) One sign for each dwelling on display ii) In addition to (i) above one sign for each group of dwellings displayed by a single project building giving details of the project building company and details of the range of dwellings on display	2m ² 5m ²

SCHEDULE 6 - ENVIRONMENTAL CONDITIONS

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE 7 - RURAL RESIDENTIAL ZONES

No.	Description of land	Special Provisions
RR1	<p>Lot 71 Parker Street, Lots 72-74 and 97 Inja Street, Carnamah</p> <p>Lots 75-78 Carnamah - Eneabba Road, Carnamah</p> <p>Lot 79 Carnamah-Eneabba Road, Carnamah</p> <p>Lots 1-3, 80, 81, 84 and 85 Carnamah-Eneabba Road, Carnamah</p>	<p>a) Minimum lot size shall be 3 hectares.</p> <p>b) Within this locality the keeping of stock is permitted subject to the advice of the Department of Agriculture and Food with regard to maximum stocking rates.</p> <p>c) All trees and vegetation shall be protected from grazing by stock, and the local government may require fencing to ensure protection is maintained.</p> <p>d) The following uses are not permitted unless special approval is given by the local government after advertising: -</p> <ul style="list-style-type: none"> • Dog Kennels • Veterinary Clinic • Veterinary Hospital • Nursery • Garden Centre

SCHEDULE A - Supplemental Provisions to Deemed Provisions

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

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, where 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 Act 2018*; or
 - (ii) the subject of an order under the *Heritage Act 2018 Part 4*; 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 Act 2018 section 90*.

- (m) The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence or patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is listed as a permitted ("P") use in the zone (where the R-Codes do not apply) 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 Act 2018*; or
 - (ii) the subject of an order under the *Heritage Act 2018 Part 4*; 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 Act 2018 section 90*.

- (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 Heritage Places under the *Heritage Act 2018*;
 - (ii) the subject of an order under Part 4 of the *Heritage Act 2018*;
 - (iii) included on the Heritage List under clause 8 of the deemed provisions; or
 - (iv) located in a heritage area designated under the Scheme;

ADOPTION

Adopted by resolution of the Council of the Shire of Carnamah at the Ordinary Meeting of the Council held on the day of20.....

.....
SHIRE PRESIDENT

.....
Date

.....
CHIEF EXECUTIVE OFFICER

.....
Date

FINAL APPROVAL

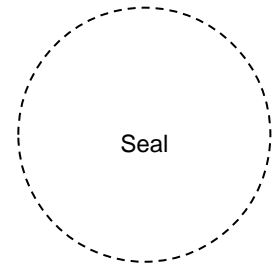
Adopted for final approval of the Shire of Carnamah at the meeting of Council held on the day of 20....and the seal of the Municipality was pursuant to that resolution affixed in the presence of

.....
SHIRE PRESIDENT

.....
Date

.....
CHIEF EXECUTIVE OFFICER

.....
Date



RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
Delegated under S.16 of PD Act 2005

.....
Date

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

.....
Date