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SHIRE OF NAREMBEEN

Local Planning Scheme No. 2

Updated to include AMD 7 GG 17/11/2017



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
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SHIRE OF NAREMBEEN LPS 2 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
2	1/9/06	5/9/06	DH	Part 4 - modifying clause 4.15.4 Subdivision by adding clauses (e) and (f).
3	7/4/09	5/5/09	DH	Part 2 - adding 'Conservation' as a reserve in Clause 2.1. Schedule 1 - inserting definitions "reception centre", "chalet", guesthouse" and "farm stay". Schedule 2 - inserting Additional Use Area 1 "Part of Lot 18322 Dixon Road, Waddarin". Schedule 4 (Special Use Zone) - inserting Special Use Area "Lots 25118 and 28512 Soldiers Road, Mount Walker". <i>Note this should refer to Schedule 3 (Special Use Zone).</i>
4	15/07/11	11/08/11	NM	Inserted new clause "4.2 Objectives of the Zone". Inserted new column in table 1 – zoning table titled "Residential Development". Inserted new clauses 4.16 and 4.17.
6	08/03/16	09/03/16	RO	Re-zoning Lot 301 (No 6) and Lot 302 (No 4) Thomas Street, Narembeen from 'Special Use' to 'Town Centre' as depicted on the Scheme Amendment map. Re-zoning Lot 63 (no 1) Doreen Street, Lot 64 (No 3) Doreen Street, Lot 79 (No 10) Thomas Street and Lot 80 (8) Thomas Street, Narembeen from 'Special Use' to 'Residential' with an 'R12.5' density code as depicted on the Scheme Amendment map. Introducing a new Clause 4.2. Re-number existing Clauses 4.2 to 4.17, Clauses 4.3 to 4.19.
7	17/11/17	22/11/17	GM	Deleted the following Parts and Schedules (in their entirety) from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2: <ul style="list-style-type: none"> • Clause '4.19 STRUCTURE PLANS'. • 'PART V HERITAGE - PRECINCTS AND PLACES OF CULTURAL SIGNICANCE'. • 'PART VI USE AND DEVELOPMENT OF LAND'. • 'PART VIII - ADMINISTRATION'. • 'SCHEDULE 5 - APPLICATION FOR APPROVAL'. • 'SCHEDULE 6 - NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL'. • 'SCHEDULE 7 - DECISION ON APPLICATION FOR PLANNING APPROVAL'. Replaced roman numerals with numbers used for each Part throughout the Scheme Text. Deleted references to the following terms and replacing them with the corresponding term throughout the Scheme Text: <ul style="list-style-type: none"> • 'Town Planning Scheme' replaced with ' Local Planning Scheme'. • 'TPS' replaced with 'LPS'; (including in the footer of the Scheme Text). • 'Council' replaced with 'local government'. • 'Residential Planning Codes' to 'Residential Design Codes'. • 'planning approval' replaced with 'development approval' • '<i>Town Planning and Development Act, 1928</i> (as amended)' replaced with '<i>Planning and Development Act 2005</i>'. • 'Clause 6.3' to 'Clause 64 of the deemed provisions'. Updated the following clauses (including renumbering as required): <ul style="list-style-type: none"> • Under Clause '1.2 RESPONSIBLE AUTHORITY:' delete 'hereinafter called "the Council"' after the words 'Shire of Narembeen'. • Add to Clause '1.5 CONTENTS OF THE SCHEME:' the following: <ul style="list-style-type: none"> 'b) the deemed provisions (set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2. c) the supplemental provisions contained in Schedule A; and' • Delete the entire Clause '1.6 ARRANGEMENT OF THE SCHEME TEXT:' • Modify Clause '1.7 SCHEME OBJECTIVES:' to Clause '1.6 AIMS OF SCHEME' and replace 'The objectives of the Scheme are:' with 'The aims of this Scheme are:' • Renumber Clause '1.8 DEFINITIONS:' to Clause '1.7

			<p>DEFINITIONS: and</p> <ul style="list-style-type: none"> - renumber sub-clause '1.8.1, 1.8.2 and 1.8.3' to '1.7.1, 1.7.2 and 1.7.3'. - Replace cross reference to sub-clauses '1.8.2 and 1.8.3' under new sub-clause 1.7.1 with '1.7.2 and 1.7.3'. <ul style="list-style-type: none"> • Insert 'RESIDENTIAL DEVELOPMENT' after 'FARMING' under Clause 3.1.1. • Modify Clause 4.1.1 to replace 'Appendix 2 to the Statement of Planning Policy No. 1' with 'State Planning Policy 3.1'. • Replace sub-clause '4.5.1 Sub-clause 4.5.2' with '4.4.1 Sub-clause 4.4.2'. • Replace sub-clause '4.5.2 Subject to sub-clause 4.5.1' with '4.4.2 Subject to sub-clause 4.4.1'. • Delete Clause 4.15.2 b) under 'General Provisions' applicable to the Special Rural zone which states: 'b) the Council may recommend that an Overall Plan of Subdivision or a Guide Plan be prepared for a specific area zoned Special Rural showing, amongst other things: (i) the proposed ultimate subdivision including lot sizes and dimensions. (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate. (iii) those physical features it is intended to conserve. (iv) the proposed staging of the subdivision where relevant.' <p>And insert a new Clause 4.15.2 b) as follows: 'b) The Western Australian Planning Commission, may require the preparation of a Structure Plan under Part 4 of the deemed provisions, for a specific area zoned Special Rural where is it required for the orderly and proper planning of the area.'</p> <ul style="list-style-type: none"> • Modify existing clause '4.15.2 d)' by replacing 'Overall Plan of Subdivision or Guide Plan adopted by the Council' with 'adopted Structure Plan'. • Modify clause 4.15.2 (land uses in the Rural Enterprise zone) to delete 'intensive animal industry - sheep feedlots and piggery'. • Modify sub-clause '4.16.3' by replacing 'criteria' with 'matters'. • Re-number sub-clauses 7.1 to 7.5 to 5.1 to 5.5 relating to non conforming uses. • Re-number sub-clauses 7.4.1 and 7.4.2 to 5.4.1 and 5.4.2 relating to non conforming uses. <p>Renumbered Clauses 4.4 to 4.3, 4.5 to 4.4, 4.6 to 4.5, 4.7 to 4.6. Deleted existing Clause 4.3 OBJECTIVES OF THE ZONE. Inserted Clause '4.18.1 Objectives' applicable to the Residential Development zone. Re-numbered sub-clause '4.18.1 Site Requirements' to '4.18.2 Site Requirements' (applicable to the Residential Development zone). Re-numbered sub-clause '4.18.2 Structure Plan Requirement' to 4.18.3 Structure Plan Requirement' (applicable to the 'Residential Development zone') and modify the sub-clause by: - inserting the word 'generally' after 'The local government is' - replacing 'clause 4.19 of the Scheme' with 'Part 4 of the deemed provisions or the decision satisfies Regulation 27 (2) (a) and (b) of the deemed provisions.'</p> <p>Deleted Clause 4.8 TRANSPORTED DWELLINGS. Inserted new Clause 4.7 AMENITY OF NON RESIDENTIAL DEVELOPMENT. Inserted new Clause 4.8 REPURPOSED DWELLING OR SECOND HAND DWELLING. Modified existing sub-clause 4.11.3 b) which currently states: 'b) no horse or other hoofed animal shall be kept on any lot in the Residential zone.' To state as follows: 'b) no horse, hoofed animal or beast of burden shall be kept on any lot in the Residential zone.'</p> <p>Modified 'Table 1 - Zoning Table' by:</p> <ul style="list-style-type: none"> • Replacing 'intensive agriculture' with 'agriculture - intensive', 'public worship' with 'place of worship' and 'restaurant' with 'restaurant/cafe with modified landuse permissibility symbols. • Deleting 'industry - noxious', 'industry - service', 'piggery' and 'poultry farm'. • Replacing 'civic building' with 'civic use', 'industry general' with 'industry', and 'rural pursuit' with 'rural pursuit/hobby farm'. • Inserting 'agriculture - extensive', 'animal husbandry - intensive', 'bed and breakfast', 'child care premises',
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				<p>'community purpose', 'family day care', 'home business', 'home store', 'lunch bar', 'medical centre', 'repurposed dwelling', 'rural home business', 'second hand dwelling', 'showroom', and 'warehouse/storage' with landuse permissibility symbols.</p> <ul style="list-style-type: none"> • Changing the landuse permissibility for a 'single house', 'ancillary accommodation' and 'transport depot'. • Reformatting the table as required so all landuses are listed in number and alphabetical order. <p>Deleted existing terms and definitions in 'SCHEDULE 1 - DEFINITIONS' as follows:</p> <ul style="list-style-type: none"> • Act • advertisement • aquiculture • battle axe lot • building envelope • camping area • chalet • civic building • Commission • conservation • cultural heritage significance • development • guesthouse • heritage precinct • hobby farm • industry – general • land • local shop • net lettable area • non-conforming use • owner • piggery • place • potable water • poultry farm • restoration • schedule • zone. <p>Insert the following definitions into schedule 1 – Building Envelope, Commercial Vehicle, Commission, Net lettable area or nla, non-conforming use, retail, r-codes</p> <p>Relocated and list existing terms from 'Schedule 1 – Definitions' under the new heading '(1) Terms Used' in 'SCHEDULE 1 – DEFINITIONS' in alphabetical order:</p> <ul style="list-style-type: none"> • constructed road • District • gazettal date • public authority <p>Inserted '(2) in 'SCHEDULE 1 – DEFINITIONS' as follows:</p> <p>(2) A word or expression that is not defined in this Scheme —</p> <ol style="list-style-type: none"> a) has the meaning it has in the <i>Planning and Development Act 2005</i>; or b) if it is not defined in that Act — has the same meaning as it has in the R-Codes. <p>Inserted a new heading '(3) Landuse Terms Used' in 'SCHEDULE 1 – DEFINITIONS' before the 'abattoir' definition.</p> <p>Deleted existing definitions in 'SCHEDULE 1 – DEFINITIONS' and replace them with definitions from the 'Model provisions for Local Planning Schemes' contained in 'Schedule 1' of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to be inserted in alphabetical order under '(3) Landuse Terms Used' in 'SCHEDULE 1 – DEFINITIONS' as follows:</p> <ul style="list-style-type: none"> • abattoir; • 'intensive agriculture' to be replaced with 'agriculture – intensive' • caravan park • caretaker's dwelling • civic use • club premises • consulting rooms • education establishment • fuel depot • home occupation • hotel • industry • industry – light • market
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				<ul style="list-style-type: none"> • medical centre • 'motor vehicle and marine sales' to be replaced with 'motor vehicle, boat or caravan sales' • 'public worship' to be replaced with 'place of worship' • 'restaurant' to be replaced with 'restaurant/ café' • 'rural pursuit' to be replaced with 'rural pursuit/hobby farm'. <p>Inserted new landuse definitions under '(3) Landuse Terms Used' in 'SCHEDULE 1 – DEFINITIONS' as follows:</p> <ul style="list-style-type: none"> • agriculture – extensive • animal establishment • animal husbandry - intensive • bed and breakfast • child care premises • community purpose • family day care • home business • home store • lunchbar • motel • park home park • repurposed dwelling • rural home business • second hand dwelling • serviced apartment • telecommunications infrastructure • tourist development • warehouse/storage <p>Inserted new Schedule A – Supplemental Provisions to the Deemed Provisions.</p> <p>Updated the Table of Contents to reflect the revised format of the Scheme Text as a result of this amendment.</p>
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SHIRE OF NAREMBEEN
LOCAL PLANNING SCHEME NO. 2

THE NAREMBEEN SHIRE, LOCAL GOVERNMENT UNDER AND BY VIRTUE OF THE POWERS CONFERRED UPON IT IN THAT BEHALF BY THE *PLANNING AND DEVELOPMENT ACT 2005* (AS AMENDED), HEREBY MAKES THE FOLLOWING LOCAL PLANNING SCHEME FOR THE PURPOSES LAID DOWN IN THE ACT.

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PART 1 - PRELIMINARY

1.1 CITATION:

This Local Planning Scheme may be cited as the Shire of Narembeen Local Planning Scheme No. 2 hereinafter called “the Scheme” and shall come into operation on the publication of the Scheme in the *Government Gazette*.

1.2 RESPONSIBLE AUTHORITY:

The Authority responsible for implementing the Scheme is the local government of the Shire of Narembeen.

AMD 7 GG 17/11/17

1.3 SCHEME AREA:

The Scheme applies to the whole of the land within the Municipal District of the Shire of Narembeen hereinafter called “the Scheme Area”.

1.4 REVOCATION:

The Shire of Narembeen Town Planning Scheme No. 1 published in the *Government Gazette* of 17 May 1968 and all amendments thereto is hereby revoked.

1.5 CONTENTS OF SCHEME:

AMD 7 GG 17/11/17

The Scheme comprises:

- a) this 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 Map.

1.6 AIMS OF SCHEME:

AMD 7 GG 17/11/17

The aims of this Scheme are:

- a) to zone the Scheme Area for the purposes described in the Scheme;
- b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- d) the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest; and
- e) to make provision for other matters necessary or incidental to town planning and housing.

1.7 DEFINITIONS:
AMD 7 GG 17/11/17

- 1.7.1 Except as provided in sub-clauses 1.7.2 and 1.7.3 the words and expressions of the Scheme have their normal and common meaning.
- 1.7.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Schedule 1 and the Residential Design Codes.
- 1.7.3 Where a word or term is defined in the Residential Design Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Design Codes.

PART 2 - RESERVES

2.1 SCHEME RESERVES:

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

PUBLIC PURPOSE
RECREATION AND OPEN SPACE
RAILWAY
ROAD
CONSERVATION

AMD 3 GG 7/4/09

PART 3 - ZONES

3.1 ZONES:

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

RESIDENTIAL
TOWN CENTRE
RURAL TOWNSITE
INDUSTRIAL
SPECIAL RURAL
RURAL ENTERPRISE
FARMING
RESIDENTIAL DEVELOPMENT
SPECIAL USE

AMD 7 GG 17/11/17

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

3.2 ZONING TABLE:

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

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

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

"AA" means that the use is not permitted unless the local government has granted development approval.

"SA" means that the use is not permitted unless the local government has granted development approval after giving notice in accordance with Clause 64 of the deemed provisions.

"IP" means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the local government.

3.2.3 Where no symbol appears in the cross reference of a use against a zone in the Zoning Table that use is not permitted in that zone.

3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use by its more general terms might otherwise include such particular use.

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the local government may:

a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or

b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the "SA" advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval.

3.3 ADDITIONAL USES:

Notwithstanding anything contained within Table 1 "Zoning Table", the land specified in Schedule 2 may, subject to compliance with any condition specified in Schedule 2 with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses are excluded or modified by a condition specified in Schedule 2.

3.4 SPECIAL USE ZONE:

No person shall use any land, or any building or structure thereon in a Special Use zone, except for the purpose set against that land in Schedule 3 and subject to compliance with any conditions specified in Schedule 3 with respect to the land.

TABLE 1 - ZONING TABLE

AMD 04 GG 15/07/11; AMD 7 GG 17/11/17

		RESIDENTIAL	TOWN CENTRE	RURAL TOWNSITE	INDUSTRIAL	SPECIAL RURAL	RURAL ENTERPRISE	FARMING	RESIDENTIAL DEVELOPMENT
1	abattoir						SA	SA	
2	aged or dependent persons dwelling	AA							AA
3	agriculture – extensive <i>AMD 7 GG 17/11/17</i>						AA	P	
4	agriculture – intensive <i>AMD 7 GG 17/11/17</i>						SA	AA	
5	ancillary accommodation	P		P		AA		AA	AA
6	animal husbandry – intensive <i>AMD 7 GG 17/11/17</i>							SA	
7	bed and breakfast <i>AMD 7 GG 17/11/17</i>	AA	SA	AA		SA	AA	AA	SA
8	caretaker's dwelling		IP	IP	IP	IP	IP	IP	
9	child care premises <i>AMD 7 GG 17/11/17</i>	SA	AA	AA					SA
10	civic use <i>AMD 7 GG 17/11/17</i>		P	AA	AA				
11	club premises		AA	AA					
12	community purpose <i>AMD 7 GG 17/11/17</i>	SA	P	AA	AA		AA	AA	AA
13	education establishment	SA		AA			AA	AA	SA
14	family day care <i>AMD 7 GG 17/11/17</i>	AA	AA	AA			SA		
15	fuel depot				P			AA	
16	grouped dwelling	AA	AA	AA			AA		AA
17	home occupation	AA		AA		AA	AA	AA	AA
18	home business <i>AMD 7 GG 17/11/17</i>	SA	SA	AA			SA	AA	SA
19	home store <i>AMD 7 GG 17/11/17</i>	SA	AA	AA			SA	SA	
20	hotel		AA	SA					
21	industry - cottage	AA		AA		AA	AA	AA	AA
22	industry - extractive						AA	AA	
23	industry <i>AMD 7 GG 17/11/17</i>				AA				
24	industry - light			SA	P		SA		
25	industry - rural					SA	AA	AA	
26	lunch bar <i>AMD 7 GG 17/11/17</i>		P	AA	P				
27	medical centre <i>AMD 7 GG 17/11/17</i>	SA	P	AA					AA
28	motel	SA	P						
29	motor vehicle repair			SA	P				
30	office		P		AA				
31	place of worship <i>AMD 7 GG 17/11/17</i>		SA	SA		SA			
32	plant nursery	SA	P	AA	P	SA	AA	AA	

		RESIDENTIAL	TOWN CENTRE	RURAL TOWNSITE	INDUSTRIAL	SPECIAL RURAL	RURAL ENTERPRISE	FARMING	RESIDENTIAL DEVELOPMENT
33	public utility	AA	AA	AA	AA	AA	AA	AA	AA
34	residential building	AA	AA				AA		AA
35	restaurant/café <i>AMD 7 GG 17/11/17</i>		P	AA				SA	
36	repurposed dwelling <i>AMD 7 GG 17/11/17</i>	AA	SA	AA	X	AA	AA	AA	SA
37	rural home business <i>AMD 7 GG 17/11/17</i>							AA	
38	rural pursuit/hobby farm <i>AMD 7 GG 17/11/17</i>					SA	AA	P	
39	second hand dwelling <i>AMD 7 GG 17/11/17</i>	AA	SA	AA	X	AA	AA	AA	SA
40	service station		SA	SA	AA			AA	
41	shop		P	AA	SA				
42	showroom <i>AMD 7 GG 17/11/17</i>		AA	AA	P		AA	SA	
43	single house	P	AA	P		AA	AA	P	P
44	transport depot		SA	SA	P			SA	
45	veterinary hospital		SA	SA	P	AA		AA	
46	warehouse/storage <i>AMD 7 GG 17/11/17</i>		AA		P				

PART 4 - GENERAL DEVELOPMENT REQUIREMENTS

4.1 RESIDENTIAL DEVELOPMENT: RESIDENTIAL DESIGN CODES:

- 4.1.1 For the purpose of the Scheme "Residential Design Codes" means the Residential Design Codes set out in State Planning Policy 3.1, together with any amendments thereto (hereinafter called the "R-Codes"). *AMD 7 GG 17/11/17*
- 4.1.2 A copy of the R-Codes shall be kept and made available for public inspection at the offices of the local government.
- 4.1.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R-Codes shall conform to the provisions of those Codes.
- 4.1.4 The Residential Design Code density applicable to land within the Scheme area shall be determined by reference to the Residential Design Codes density number superimposed on the particular area shown on the Scheme maps as being contained within the solid black line borders or where such an area abuts another area having a Residential Design Code density, as being contained within the centre-line of those borders.

4.2 MODIFICATION OF R-CODES:

AMD 6 GG 08/03/16

- 4.2.1 An R30 density code may be applied to any existing corner lot zoned 'Residential' in Narembeen townsite provided that:
- (a) the lot has frontage to two constructed roads; and
 - (b) any residence to be retained can be upgraded to a good external visual standard in the opinion of the local government; and
 - (c) the development can be connected to reticulated water and sewerage.
- 4.2.2 With the exception of minor boundary realignments, the amalgamation of two lots abutting an existing corner lot will be permitted at the higher density of R30, for the purpose of development and/or re-subdivision. The amalgamation of more than two lots abutting an existing corner lot is not consistent with the intent of the provisions of the Scheme; therefore the R-Code depicted on the Scheme map shall apply to the amalgamated lot.

4.3 CAR PARKING REQUIREMENTS:

AMD 6 GG 08/03/16

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.

4.4 DISCRETION TO MODIFY DEVELOPMENT STANDARDS:

AMD 6 GG 08/03/16

- 4.4.1 Sub-clause 4.4.2 shall not apply to:
- a) development in respect of which the Residential Design Codes apply under the Scheme, or
 - b) development on land abutting an unconstructed road, or
 - c) development on a lot which does not have frontage to a constructed road.

4.4.2 Subject to sub-clause 4.4.1, if a development the subject of an application for development approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the local government may notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit. 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 consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

4.5 DEVELOPMENT LIMITED BY LIQUID WASTE DISPOSAL:

AMD 6 GG 08/03/16

Notwithstanding anything elsewhere appearing in the Scheme, the local government may refuse to issue development 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 liquid wastes from that development.

4.6 SUPPLY OF POTABLE WATER:

AMD 6 GG 08/03/16

As a condition of the issue of a building licence each dwelling shall be provided with a supply of potable water either from a reticulated system, or an underground bore, or a rainwater-storage system with a minimum capacity of 92,000 litres to the satisfaction of the local government.

4.7 AMENITY OF NON-RESIDENTIAL DEVELOPMENT:

AMD 7 GG 17/11/17

4.7.1 The amenity of non-residential development shall be determined in the context of each proposed development and site conditions, but shall generally be in accordance with the following:

- a) the form and scale of development is to be compatible with surrounding land uses.
- b) buildings are to have coordinated or complementary materials, colours, and styles and be reflective of the character of the locality.
- c) visual impacts are to be minimised by the use of vegetation screening and tree retention.

4.8 REPURPOSED DWELLING OR SECOND HAND DWELLING:

AMD 7 GG 17/11/17

4.8.1 In determining an application for a Repurposed Dwelling or Second Hand Dwelling, the local government will have regard to the following matters:

- a) The objectives of the relevant zone.
- b) The ability of the built form including roof pitch, eaves, colours, material and architectural details to complement the expected character of the locality.
- c) The potential for negative visual impact or conflict with any established streetscape and character of the locality.
- d) Any proposed upgrading, alterations and additions which will enhance the elevations and architectural detail of proposed development.
- e) Potential glare from reflective materials.

- f) The potential for existing or proposed landscaping and vegetation to mitigate visual impacts of the development.
- g) Landscape protection and landscape characteristics of the locality.

4.9 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS:

AMD 6 GG 08/03/16

Notwithstanding anything elsewhere appearing in the Scheme development 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 local government 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; or
- 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 such other arrangements are made for permanent access as shall be to the satisfaction of the local government.

4.10 HOME OCCUPATION:

AMD 6 GG 08/03/16

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

4.10.2 If, in the opinion of the local government, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the local government may rescind the approval.

4.11 RESIDENTIAL ZONE:

AMD 6 GG 08/03/16

4.11.1 Objectives

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

4.11.2 Site Requirements:

In accordance with the R-Codes.

4.11.3 Development Requirements

- a) the local government may permit a variation to the R12.5 density up to R25 for development of more than one dwelling on a lot but only where:
 - (i) adequate connection to reticulated sewerage is available;
 - (ii) in the opinion of the local government the lot is suitably located close to services and facilities; and

- (iii) the local government after following the advertising procedures in Clause 64 of the deemed provisions is satisfied there will not be adverse impacts on local amenities.
- b) no horse, hoofed animal or beast of burden shall be kept on any lot in the Residential zone. *AMD 7 GG 17/11/17*
- c) the local government may require the planting and the maintenance of such trees and/or groups of trees as specified by the local government on a 30 metre wide strip or land at the northern end of lots situated north of Brown Street, Narembeen and with an R5 density code.
- d) land with the dual R Codes R2 and R12.5 may only be developed in accordance with R-Code R12.5 where reticulated sewerage is provided to all lots.

4.12 TOWN CENTRE ZONE:

AMD 6 GG 08/03/16

4.12.1 Objectives

- a) to ensure the town centre remains the principal place for business and administration within the District.
- b) to encourage a high standard of development including buildings, landscaping, and car parking.
- c) to make the town centre an attractive place to work and to conduct business through the implementation of a townscape improvement plan.

4.12.2 Site Requirements:

At the local government's discretion.

4.12.3 Development Requirements

- 4.12.3.1 Development shall not exceed 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.
- 4.12.3.2 In considering an application for development approval for a proposed 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 facade and side walls to a building depth of 3m to be constructed in masonry;
 - b) building size, height, bulk, roof pitch;
 - c) setback and location of the building on its lot;
 - d) architectural style and design details of the building;
 - e) function of the building;
 - f) relationship to surrounding development; and
 - g) other characteristics considered by the local government to be relevant.

4.12.3.3 Landscaping shall complement the appearance of the proposed development and the town centre.

4.12.3.4 The layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

4.13 RURAL TOWNSITE ZONE:

AMD 6 GG 08/03/16

4.13.1 Objectives

To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities.

4.13.2 Site Requirements:

In accordance with the R-Codes.

4.14 INDUSTRIAL ZONE:

AMD 6 GG 08/03/16

4.14.1 Objectives

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

4.14.2 Site Requirements:

The following minimum building setbacks shall apply:

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

4.14.3 Development Requirements:

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.

4.15 SPECIAL RURAL ZONES:

AMD 6 GG 08/03/16

4.15.1 Objectives

- a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
- c) to locate Special Rural zones generally within 10km of the town of Narembeen so that residents have convenient access to services and facilities without a drain on resources of the wider community.
- d) to recommend a minimum lot size of 2.0 hectares to apply within or adjacent to the town of Narembeen, and larger lots elsewhere.

4.15.2 General Provisions

- a) Before making provision for a Special Rural zone, the local government will require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural zone and such submission shall include:
- (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
 - (ii) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
 - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
 - (iv) in the absence of a Rural Strategy, it will be the responsibility of each applicant for rezoning to Special Rural to prepare a land capability and suitability assessment to the satisfaction of the local government and in accordance with the Commission's Policy and Guidelines.
- b) The Western Australian Planning Commission, may require the preparation of a Structure Plan under Part 4 of the deemed provisions, for a specific area zoned Special Rural where it is required for the orderly and proper planning of the area. *AMD 7 GG 17/11/17*
- c) the Scheme provisions for a specific Special Rural zone shall specify:
- (i) any facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid or solid waste disposal, etc).
 - (ii) proposals for the control of land uses and development which will ensure that the purpose or intent of the zone and the rural environment and amenities are not impaired.
 - (iii) any special provisions appropriate to secure the objectives of the zone.
- d) the provisions for making recommendations on subdivision and decisions on development in specific areas zoned Special Rural shall be as laid down in Schedule 4 and future subdivision of a land shall be generally in accord with the adopted Structure Plan for this location. The Plan shall show the minimum recommended lot size for subdivision. *AMD 7 GG 17/11/17*

4.15.3 Site Requirements:

The following minimum building setbacks shall apply:

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

4.15.4 Development Requirements

4.15.4.1 Development in a Special Rural zone shall comply with the following:

- a) in addition to a building licence, the local government's development approval is required for all development including a single house and such application shall be made in accordance with the provisions of the Scheme.

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

4.15.4.2 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) relationship to surrounding development;
- f) other characteristics considered by the local government to be relevant; and
- g) provision to be made for bush fire control in accordance with a Planning Policy adopted by the local government.

4.16 RURAL ENTERPRISE ZONE:

AMD 6 GG 08/03/16

4.16.1 Objective

To provide for the establishment of land uses which are complementary to the economic, social and environmental characteristics of the town of Narembeen and the region, which promote and facilitate investment opportunities, and encourage research into matters such as agronomy, salinisation of soil and water, noxious weeds and animal breeding.

4.16.2 Land Uses in the Zone

Notwithstanding anything contained in the Scheme, the local government will support land uses which are appropriate for the Rural Enterprise Zone and which are considered to be of economic benefit to the district as well as having a component of environmental benefit. Without limiting the generality of this sub-clause the land uses may include:

- Farm forestry or agroforestry, for:
 - eucalyptus oil production
 - specialty timber products
 - other tree products.
- Special Rural development, subject to separation from incompatible land uses.
- Educational camp or activity centre or education centre with dormitory accommodation for school groups and tourists.
- Research related activities:
 - community agriculture centre
 - Indian hemp for industrial purposes
 - Skeleton weed.
- Storage facilities for hazardous chemicals used for weed control and for light industrial purposes. Parts of the zone which are suitable for this use are:
 - free from flood risk
 - have suitably impermeable subsoils
 - have greater separation from the watertable, and
 - have areas for expansion.

4.16.3 Applications for Development Approval *AMD 7 GG 17/11/17*

In dealing with applications for development approval in the Rural Enterprise Zone the local government will have regard for the following matters in addition to any other matter the local government considers appropriate. The local government may require additional studies to support the proposed development.

- Separation of incompatible land uses.
- Relevant guidelines and/or Codes of Practice prepared by the Environmental Protection Authority.
- Land Capability and other studies prepared for the Rural Enterprise Zone.
- Sustainable water supply for the proposed land uses(s).
- Effluent disposal requirements, and capability.
- Off-site impacts

4.17 FARMING ZONE:

AMD 6 GG 08/03/16

4.17.1 Objectives

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

4.17.2 Site Requirements:

The following minimum building setbacks shall apply:

Front: 20.0m
Rear: 15.0m
Side: 15.0m

4.17.3 Development Requirements:

Except for:

- a) establishment of a firebreak required to comply with a regulation or by-law, or
- b) provision of access to a building site, or
- c) the area of building, or
- d) cash crops, or
- e) establishment of a low fuel zone around dwellings;

not more than 2000m² on any lot shall be cleared of indigenous trees or substantial vegetation. If the local government is satisfied upon receipt of a submission the clearing of an area greater than 2000m² will not adversely affect the amenity, character and landscape qualities of the locality it may approve such land to be cleared subject to conditions as may be required by the local government.

4.17.4 Subdivision:

Having regard to the prime agricultural importance of land in the zone the local government will only support further subdivision of existing lots where:

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

AMD 2 GG 1/9/06

- (e) There is a general presumption against subdivision in the zone, except that which is consistent with Commission Policy. When making recommendations to the Commission on applications for subdivision, local government will have regard to potential impacts on rural uses on surrounding lots, and whether or not an adequate and sustainable water supply is available. *AMD 2 GG 1/9/06*
- (f) Local government will support the creation of 'homestead lots' when each of the following requirements can be met:
 - i) there has been a declining population over two intercensal periods in the Census Collector District in which the land is located;
 - ii) the proposed homestead lot measures between 5.0ha and 20.0ha in area, excluding any access leg;
 - iii) the homestead lot contains an existing farm residence
 - iv) frontage and constructed vehicular access to a constructed and dedicated road available;
 - v) the homestead lot being serviced with a suitable water supply for domestic, land management and fire fighting purposes, and being provided with an adequate means of effluent disposal to the satisfaction of the local government and Department of Health;
 - vi) the homestead lot being connected to electricity and telecommunications;
 - vii) the homestead lot not generating the need for additional government or community services; and
 - viii) the homestead lot is within a 4.5 kilometre radius of Narembeen townsite, or can be demonstrated not to create demand for additional school bus services.

4.18 RESIDENTIAL DEVELOPMENT ZONE:

AMD 04 GG 15/07/11; AMD 6 GG 08/03/16

4.18.1 Objectives

AMD 7 GG 17/11/17

- a) To allow for the progressive development of land for predominately residential purposes together with compatible uses.
- b) To retain the single house as the predominant form of residential development and maintain flexibility to cater for a variety of housing choice and future housing needs.
- c) To allow for incidental non-residential uses only where the local amenity is not adversely affected.
- d) To ensure that subdivision occurs in a coordinated manner and has regard for other future subdivisions in the area.

4.18.2 Site Requirements:

Residential development is to be in accordance with the Residential Design Codes. The minimum building setbacks and other development standards will be determined in accordance with the applicable R-Code, as shown on an approved Structure Plan for the site.

4.18.3 Structure Plan Requirement:

AMD 7 GG 17/11/17

The local government is generally not to –

- (a) consider recommending subdivision; or
- (b) approve development

of land within the Residential Development Zone unless a structure plan has been prepared in accordance with Part 4 of the deemed provisions or the decision satisfies Regulation 27 (2) (a) and (b) of the deemed provisions.

PART 5 - NON-CONFORMING USES

AMD 7 GG 17/11/17

5.1 NON-CONFORMING USE RIGHTS:

Except as otherwise provided in this Part, no provision of the Scheme shall prevent:

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

5.2 EXTENSION OF NON-CONFORMING USE:

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

5.3 CHANGE OF NON-CONFORMING USE:

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

5.4 DISCONTINUANCE OF NON-CONFORMING USE:

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

5.5 DESTRUCTION OF BUILDINGS:

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

SCHEDULE 1 - DEFINITIONS

(1) Terms Used

AMD 7 GG 17/11/17

building envelope: means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;
AMD 7 GG 17/11/17

commercial vehicle: means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —
AMD 7 GG 17/11/17

- a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

Commission: means the Western Australian Planning Commission constituted under the *Planning and Development Act 2005*.
AMD 7 GG 17/11/17

constructed road: means a track which has been graded and stabilised within a dedicated road reserve.

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

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

net lettable area or nla: means the area of all floors within the internal finished surfaces or permanent walls but does not include the following areas -

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

non-conforming use: has the same meaning as it has in section 12(2)(a) of the *Planning and Development Act 2005*;

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

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

R-Codes: means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time.

(2) A word or expressions that is not defined in this Scheme -

AMD 7 GG 17/11/17

- 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.

(3) Land Use Terms Used

AMD 7 GG 17/11/17

abattoir: means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
AMD 7 GG 17/11/17

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.
AMD 7 GG 17/11/17

agriculture - intensive: means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following - AMD 7 GG 17/11/17

- 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).

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

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

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

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.
AMD 7 GG 17/11/17

animal husbandry — intensive: means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.
AMD 7 GG 17/11/17

bed and breakfast means a dwelling - AMD 7 GG 17/11/17

- 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.

caravan park: means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1).
AMD 7 GG 17/11/17

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.
AMD 7 GG 17/11/17

child care premises: means premises where - AMD 7 GG 17/11/17

- 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.

civic use: means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
AMD 7 GG 17/11/17

club premises: means premises used by a legally constituted club or association or other body of persons united by a common interest.
AMD 7 GG 17/11/17

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.
AMD 7 GG 17/11/17

consulting rooms: means premises used by no more than 2 health practitioners at a time for the investigation or treatment of human injuries or ailments and for general outpatient care.
AMD 7 GG 17/11/17

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

education 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. AMD 7 GG 17/11/17

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. AMD 7 GG 17/11/17

farm stay: means a residential building, bed and breakfast, chalet or similar accommodation unit used to accommodate short-stay guests on a farm or rural property and where occupation by any person is limited to a maximum of three months in any 12-month period. AMD 3 GG 7/4/09

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 - AMD 7 GG 17/11/17

- a) as a service station; or
- b) for the sale of fuel by retail into a vehicle for use by the vehicle.

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 - AMD 7 GG 17/11/17

- 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 - AMD 7 GG 17/11/17

- 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 0.2m²; 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 store: means a shop attached to a dwelling that - AMD 7 GG 17/11/17

- a) has a net lettable area not exceeding 100 m²; and
- b) is operated by a person residing in the dwelling.

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.

AMD 7 GG 17/11/17

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 -

AMD 7 GG 17/11/17

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

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;
- c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- d) does not occupy an area greater than 50m²;
- e) does not display a sign exceeding 0.2m² in area.

industry - extractive: means an industry which involves:

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

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

industry - light: means 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.

AMD 7 GG 17/11/17

industry - noxious: means an industry which is subject to licensing as "Prescribed Premises" under the *Environmental Protection Act 1986* (as amended).

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

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

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

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

lunchbar: means premises or part of premises used for the sale takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas. AMD 7 GG 17/11/17

market: means premises used for the display and sale of goods from stalls by independent vendors. AMD 7 GG 17/11/17

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. AMD 7 GG 17/11/17

motel: means premises, which may be licensed under the *Liquor Control Act 1988* - AMD 7 GG 17/11/17

- 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. AMD 7 GG 17/11/17

motor vehicle repair: means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis re-shaping.

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

park home park: means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8. AMD 7 GG 17/11/17

place of worship: means premises used for religious activities such as a chapel, church, mosque, synagogue or temple. AMD 7 GG 17/11/17

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

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

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

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

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

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

reception centre: means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes. AMD 3 GG 7/4/09

repurposed dwelling: means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling. AMD 7 GG 17/11/17

restaurant/cafe: means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises. AMD 7 GG 17/11/17

rural home business: means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation - AMD 7 GG 17/11/17

- a) does not involve employing more than 2 people who are not members of the occupier's household; and
- b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- c) does not occupy an area greater than 200 m²; and
- d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight.

rural pursuit/hobby farm: means any premises, other than premises used for agriculture – extensive or agriculture – intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household - AMD 7 GG 17/11/17

- a) the rearing, agistment, stabling or training of animals;
- b) the keeping of bees;
- c) the sale of produce grown solely on the premises.

second-hand dwelling: means a dwelling that has been in a different location, and has been dismantled and transported to another location (in whole or in parts) for habitable purposes, but does not include a new modular or transportable dwelling. AMD 7 GG 17/11/17

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

serviced apartment: means a group of units or apartments providing - AMD 7 GG 17/11/17

- a) self-contained short stay accommodation for guests; and
- b) any associated reception or recreational facilities.

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

showroom: means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

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

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. AMD 7 GG 17/11/17

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 - AMD 7 GG 17/11/17

- a) short-term accommodation for guests; and
- b) onsite facilities for the use of guests; and
- c) facilities for the management of the development.

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

veterinary hospital: means a building used in connection with the treatment of sick animals and includes the care and accommodation of animals during or after such treatment.

warehouse/storage: means premises including indoor or outdoor facilities used for - AMD 7 GG 17/11/17

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

SCHEDULE 2 - ADDITIONAL USES

NO	LAND PARTICULARS	ADDITIONAL USES	DEVELOPMENT REQUIREMENTS
1	Part 1 of Lot 18322 Dixon Road, Wadderin <i>AMD 3 GG 7/4/09</i>	Reception Centre With the following incidental uses: <ul style="list-style-type: none"> • Chalet • Guesthouse • Farm Stay 	<ol style="list-style-type: none"> 1. The Additional Uses are to be subject to development approval by the local government under the Scheme. 2. The reception centre and associated guesthouse are to comply with the Building Code of Australia including sufficient bathroom facilities for 18 persons which is the maximum number of persons to be accommodated in the guesthouse. 3. The guesthouse use is to be incidental to the predominant use as reception centre and the guesthouse use is limited to not more than 5 occasions a year unless otherwise approved by the local government.

SCHEDULE 3 - SPECIAL USE ZONE

PARTICULARS OF LAND		SPECIAL USE	
Portions of Lots 43 Thomas/Wilfred Streets and Connelly Land, Narembeen		Club Premises	
Lot 63, 64, 79, 80 and adjacent ROW Thomas/Doreen/Wilfred Street, Narembeen		Private Recreation - bowling greens	
Reserve 28235, part of Reserve 20378, and portion Location 18164 Currall Street and Latham road, Narembeen		Caravan Park, Motel, Camping Area	
Lot 2 Latham Road, Narembeen		Seed Cleaning	
Lot 3 Latham Road, Narembeen		Bulk Grain Handling and Storage	
Lot 1 Northmore Street, Narembeen		Panel beating, service station, and residential	
PARTICULARS OF LAND		SPECIAL USE	DEVELOPMENT REQUIREMENTS
Lots 25118 and 28512 Soldiers Road, Mount Walker <i>AMD 3 GG 7/4/09</i>		Chalet, Guesthouse and Reception Centre	1. The Special Uses are to be subject to development approval by the local government under the Scheme. 2. In determining an application for development approval the local government will have regard for the desirability of encouraging uses of this former school site for broader educational purposes by educational, community and religious groups.

SCHEDULE 4 - SPECIAL RURAL ZONE

PARTICULARS	USE

SCHEDULE A – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS (Additional provisions to the Deemed Provisions of the Regulations)

AMD 7 GG 17/11/17

Shire of Narembeen

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

Clause 61(1)

The development approval of the local government is not required for the following development of land:

- (k) The erection or extension of a single house on a lot in the Farming zone, where the development standards set out in the scheme (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 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) 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) is on a lot abutting an unconstructed road or a lot which does not have frontage to a gazetted constructed road;
 - (vii) entails a variation to the Site Requirements or Development Requirements applicable to the Farming zone (including building setbacks).
- (l) The erection or extension of a single house on a lot in the Residential Development zone if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless there is no approved Local Structure Plan and subdivision.
- (m) the erection or extension of an external fixture, patio, pergola, veranda, outbuilding, garage, carport or swimming pool on a lot in the Farming zone 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 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) 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) the aggregate floor area of any carport on a lot exceeds 100m²;
 - (vii) the aggregate floor area of all outbuildings and/or garages on a lot exceeds 300m²;
 - (viii) the development is on a lot abutting an unconstructed road or a lot which does not have frontage to a gazetted constructed road;

- (ix) the development entails a variation to the Site Requirements or Development Requirements applicable to the Farming zone (including building setbacks);
- (x) the lot has an area less than 10 hectares.
- (n) on lots where the R-Codes do not apply, the erection of a 1.8 metre high dividing boundary fence behind the setback applicable to the relevant zone.
- (o) the erection of visually permeable fencing in the front building setback area in the Industrial and Farming zone.
- (p) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
- (q) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

Clause 61 (2)

- g) the use of land in a reserve, where such land is held by the local government or vested in a public authority;
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.

ADOPTION

Adopted by Resolution of the local government of the Shire of Narembeen at the meeting of the local government held on the 21st day of June 1995.

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

1. Adopted by Resolution of the local government of the Shire of Narembeen at the meeting of the local government held on the 18th day of November 1998 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

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

2. RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

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

.....
DATE

3. FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

.....
DATE 23/12/98