

[GO TO CONTENTS PAGE](#)

# SHIRE OF DUNDAS

## Local Planning Scheme No. 2

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Updated to include AMD 11 GG 11/02/2022

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
13 September 1994

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

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## SHIRE OF DUNDAS LPS 2 - TEXT AMENDMENTS

AMD No	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	08/12/95	23/01/96	RA	Amending Appendix 5
2 & 3	01/12/95	23/01/96	RA	Inserting 8.7 Delegation.
4	1/11/96	5/11/96	DH	Table 1 - expanding table
5	28/9/01	27/9/01	DH	Appendix 5 - adding "A southern portion of Reserve 13004 adjacent to lot 699 having dimensions of 80.0 / 40.0 x 56.0 / irr, area 3860 m <sup>2</sup> Prinsep Street, Norseman" with permitted use Service Station/Roadhouse
7	23/8/02	20/8/02	DH	Part 5 - deleting clause 5.4.7 from the scheme text. Part 5 - amending clause 5.4.8.
10	01/11/19	19/11/19	GM	<p>Rename the Shire of Dundas Town Planning Scheme No. 2 to the Shire of Dundas Local Planning Scheme No. 2.</p> <p>Delete the Preamble and replace with: The Shire of Dundas, under the powers conferred by the <i>Planning and Development Act 2005</i> makes the following Local Planning Scheme.</p> <p>Delete the following in their entirety:</p> <ul style="list-style-type: none"> <li>• Clauses 1.1-1.6, 1.8, 2.1-2.3, 3.3</li> <li>• 5.2. 5.3, 5.5, 5.7, 5.8.5, 5.9.1, 5.9.2, 5.10.1, 5.10.2 (d), 5.11.1 (a) and (e),</li> <li>5.</li> <li>12</li> <li>• Part 4, 6, 7, 8</li> <li>• Appendix II, III, IV, VI and IX.</li> </ul> <p>In Part 1: insert clauses 1-12 of the model provisions (as applicable) and delete the reference to activity centre plan under scheme purpose; insert <i>'the supplemental provisions contained in Schedule A'</i> in clause 7(1); reclassify the Scheme Objectives in clause 1.7 as the Aims of the Scheme under clause 9; include the Broad Policies under Clause 5.1.1 as additional aims but delete the word 'basic' in 5.1.1(d).</p> <p>In Part 2: insert clauses 13-15 of the model provisions (as applicable), including the following reserves and objectives - public open space, public purposes, primary distributor road, local distributor road, railways and environmental conservation - and amend the reserves throughout the Scheme Text and on the Scheme Maps as follows:</p> <ul style="list-style-type: none"> <li>• Parks and Recreation to Public open space.</li> <li>• Major Highway to Primary distributor road.</li> <li>• Important Local Road to Local distributor road.</li> <li>• Railway to Railways.</li> <li>• Nature to Environmental conservation.</li> </ul> <p>Amend clause 3.1 and 3.2 in accordance with clauses 16, 17 and 18 of the model provisions including the following zones and objectives - Residential, Commercial, Rural and Special Use - and amending the zones throughout the Scheme Text and on the Scheme Map as follows:</p> <ul style="list-style-type: none"> <li>• Town Centre to Commercial.</li> <li>• Industrial to General Industry.</li> <li>• Special Purpose to Special Use.</li> </ul> <p>Insert the note below under model clause 18 and replace the word "any" to "all" in both the definition of 'P' and 'I' use. Note: 3. If a proposed development is identified as a 'P' use in the Zoning table, but the proposed development does not comply with all of the development standards and requirements of this Scheme then it is to be treated as a 'D' use.</p> <p>Insert clauses 19, 20, 21, 22, 23, 24 of the model provisions (as applicable) into Part 3.</p> <p>Modify the Zoning Table, and elsewhere throughout the Scheme Text by deletion and inclusion of land use definitions, to update the following land use class names and retain the existing permissibility:</p> <ul style="list-style-type: none"> <li>• Ambulance depot and Fire brigade depot to Community Purpose</li> <li>• Day Care Centre to Family day care centre</li> <li>• Drive-in theatre to Cinema/theatre</li> <li>• Dog Kennels, Cattery to Animal Establishment</li> <li>• Health studio to Recreation - private</li> <li>• Industry - rural to Industry - primary production</li> <li>• Kindergarten to Child care premises</li> <li>• Marine Collectors Yard to Marina</li> <li>• Mining Development to Mining operations</li> <li>• Mobile home Park to Park home park</li> <li>• Motor Vehicle Marine sales premises to Motor vehicle, boat or caravan sales</li> <li>• Motor Vehicle Wash Station to Motor vehicle wash</li> <li>• Museum to Exhibition Centre</li> <li>• Nursery to Garden Centre</li> </ul>

<p>10 Cont'd</p>				<ul style="list-style-type: none"> <li>• Piggery and Poultry Farm to Animal husbandry - intensive</li> <li>• Place of Public Worship to Public worship</li> <li>• Prison to Corrective institution</li> <li>• Radio and TV Installation to Telecommunications infrastructure</li> <li>• Restaurant to Restaurant/café</li> <li>• Rural Pursuit to Rural pursuit/hobby farm</li> <li>• Showroom to Bulky goods showroom</li> <li>• Veterinary Consulting Rooms to Veterinary Centre</li> <li>• Warehouse to Warehouse/storage</li> <li>• Wine house to Small bar</li> </ul> <p>Delete the following land use classes from the Zoning Table, and elsewhere throughout the Scheme Text: advertisement; aged and dependent person's dwelling; amusement facility; attached house; boarding house; builders storage yard; camping area; civic building; community home; display home centre; dry-cleaning premises; equestrian trotting or training facility; factory unit building; family care centre; fish shop; hostel; industry hazardous; industry noxious; industry service; laundromat; lodging house; milk depot; mobile home; motor vehicle hire station; office - professional; private hotel; produce store; public amusement; public recreation; public utility; reformatory; salvage yard; shared dwelling; truck parking; veterinary hospital; wayside stall; wrecking.</p> <p>In the Zoning Table:</p> <ul style="list-style-type: none"> <li>• insert agriculture - extensive and designate it as a permitted use in the Rural zone and a use not permitted in all other zones.</li> <li>• amend the permissibility of transport depot from a permitted use to a discretionary use in the General Industry zone.</li> <li>• amend the permissibility of garden centre from a use not permitted to discretionary in the Centre Zone.</li> <li>• insert home office and designate it as the same permissibility as for a single house in all zones.</li> <li>• insert Holiday House and designate it as the same permissibility as Holiday Accommodation in all zones.</li> <li>• insert Lunch bar and designate it as the same permissibility as Fast Food Outlet in all zones.</li> </ul> <p>Delete Appendix V but retain and insert the Special Purpose Sites as Special Use Sites into the table in clause 21 in Part 3 with the words 'As determined by the local government' under the conditions column for all sites and amend truck parking to transport depot.</p> <p>Insert Part 4 of the model provisions (as applicable) as Part 4 and:</p> <ul style="list-style-type: none"> <li>• insert clause 5.8.3 (b) under model clause 26.</li> <li>• replace the heading of model clause 32 of the model provisions to 'General development standards and requirements'.</li> <li>• insert clause 5.4 under model clause 32 and - <ul style="list-style-type: none"> <li>◦ replace the word 'exceptions' with 'exception'</li> <li>◦ replace the words 'required for agricultural use' with 'required for extensive agricultural use'</li> <li>◦ replace the words 'mining activities' with 'mining operations'</li> <li>◦ replace the words 'following the procedure set out for uses and developments under Category SA in Clause 3.2.2' with 'giving notice under clause 64 of the deemed provisions'</li> <li>◦ delete the words 'the information provided pursuant to Clauses 7.1 and 5.3.'</li> <li>◦ replace the words 'The Council shall satisfy itself' with 'matters set out in clause 67 of the deemed provisions'</li> <li>◦ replace the words 'the transportation and placement of old dwellings that are either brought into or moved from one to another location' with 'second hand dwellings'</li> </ul> </li> <li>• insert subclauses 5.8.1 (a) and (b), 5.8.2, 5.8.3 (a) and 5.8.4 under model clause 32, amend holiday accommodation units to holiday accommodation in the site requirements table and replace setback requirements for caravan parks, camping grounds and holiday accommodation units with the words 'to the discretion of the local government'.</li> <li>• insert subclause 5.9.3 under model clause 32, amend the words 'the upper floors of such buildings may be' with 'the local government may permit upper floors of such buildings to be' and amend the following land uses in the car parking requirements table: <ul style="list-style-type: none"> <li>◦ warehouse/showroom to bulky goods showroom</li> <li>◦ and warehouse/storage</li> <li>◦ private lodging house or boarding house to residential building</li> <li>◦ eating house/restaurant to restaurant/café</li> <li>◦ private club to club premises</li> <li>◦ health clinic/consulting rooms to consulting rooms</li> <li>◦ takeaway food outlet to fast food outlet</li> <li>◦ TAB to betting agency</li> </ul> </li> <li>• insert clause 5.10.2 under model clause 32 and - <ul style="list-style-type: none"> <li>◦ replace the words 'The council shall adopt the following development stands to achieve' with 'The development standards for the Industrial zone aim to achieve'</li> </ul> </li> </ul>
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<p>10 Cont'd</p>				<ul style="list-style-type: none"> <li>○ replace the words 'pleasant' with 'functional'</li> <li>○ replace the words 'front setbacks shall be 10 metres from any front boundary' with 'front setbacks shall be a minimum of 10 metres from any front lot boundary'</li> <li>○ delete the words 'In the case of factoryette development buildings may be permitted to the side boundary' and carparking requirement for factoryette</li> <li>○ replace clause 5.10.2(e) with '50 percent of any lot area. Where an application for development approval seeks a variation to site cover, the applicant shall provide to the local government all valid reasons and justification for any variation.'</li> <li>○ replace open air display with trade display and delete the words 'and the Shire By laws'</li> <li>○ replace the words 'without the approval of the Council' with 'unless approved by the local government'.</li> <li>• insert clauses 5.11.1 (b), (c) and (d), 5.11.2 and 5.13 under model clause 32 and replace the words under 5.13.2 'The Council reserves the right to apply whatever conditions it believes appropriate to protect the safety and integrity of the development, its occupants and users' with 'The local government may impose conditions on any development approval that are appropriate to protect the safety and integrity of the development, its occupants and users'</li> <li>• amend the heading of model clause 33 to 'Site specific development standards and requirements'</li> <li>• amend the words in model clause 34(1) to: 'additional site and development requirements means any site or development requirement contained in the Scheme unless the Scheme otherwise provides that certain development requirements cannot be varied.'</li> <li>• insert the following to model clause 34(2): 'except for development in respect of which the R-Codes apply or variations to land use permissibility contained in the Zoning table.'</li> </ul> <p>Insert Part 5 of the model provisions as Part 5 and include the Special Coastal Planning Area and associated development requirements as listed under clause 5.6 as a Special Control Area and amend all references in the Scheme text and map to Coastal Planning Area.</p> <p>Insert the following to model clause 36 (3) 'The provisions contained in a Special Control Area apply in addition to the provisions that apply to the underlying zone' and delete the words 'including local authority roadworks other than routine maintenance'.</p> <p>Delete the following terms and replace them with the corresponding term throughout the Scheme Text:</p> <ul style="list-style-type: none"> <li>• Town Planning Scheme with Local Planning Scheme</li> <li>• Mines Department WA with Department of Mines, Industry Regulation and Safety</li> <li>• planning consent with development approval</li> <li>• building licence with building permit</li> <li>• council with local government</li> <li>• Commission's Country Coastal Planning Policy DC6 with Western Australian Planning Commission State Planning Policy 2.6: State Coastal Planning Policy</li> <li>• Coastal Coordinating Community with Western Australian Planning Commission and/or Department of Transport</li> <li>• State Planning Commission to Western Australian Planning Commission and/or Department of Transport.</li> </ul> <p>Amend Appendix 1 by:</p> <ul style="list-style-type: none"> <li>• amending the format and terminology in accordance with Division 1 and 2 of the model provisions, including insertion of all terms and definitions under Division 1;</li> <li>• deleting the following definitions: absolute; Act; amusement machine; battle-axe lot; building; building line; building setback; Commission; consulting rooms – group; development; development authority; district; effective frontage; gazettal date; gross leasable area; harbour installations; hospital special purposes; lot; mobile home park; motor vehicle repair station; motor vehicle wrecking premises; owner; petrol filling station; potable water; public authority; public mall; residential planning codes; schedule; wholesale; zone.</li> <li>• inserting the model definitions for: agricultural - extensive; agricultural - intensive; art gallery; bed and breakfast; brewery; commercial vehicle parking; convenience store; freeway service centre; home business; home office; home business; home store; marine filling station; motel; motor vehicle repair; park home park; recreation – private; resource recovery centre; restricted premises; rural home business; serviced apartment; tourist development; trade supplies; tree farm; waste disposal facility; waste storage facility; winery.</li> <li>• inserting the following definitions: animal husbandry – intensive, hospital, liquor store, lunch bar, roadhouse, second hand dwelling, service station, renewable energy facility, workforce accommodation,</li> <li>• deleting all land use definitions superseded by new definitions; and</li> <li>• updating the definition for bulky goods showroom by replacing the word 'or' between subclause (a) and (b) to 'and'.</li> </ul> <p>Amend Appendix 8 by deleting showrooms from showrooms, race courses, major racing tracks, sports stadiums, major sporting grounds and</p>
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10 Cont'd				<p>complexes.</p> <p>Renumbering the scheme provisions, tables and schedules sequentially; updating any cross referencing to the new clause numbers and deemed provisions as required; updating the Table of Contents and headings to align with the model provisions.</p> <p>Insert Schedule A – Supplemental Provisions to the Deemed Provisions.</p>
9	28/02/2020	05/03/2020	MLD	<p>Re-zone the southern portion of Lot 3 Eyre Highway, Norseman from General Industry zone to Special Use site 1 (SU 1).</p> <p>Re-zone the portion of unconstructed road reserve (PIN 11441902) immediately south of Lot 3 Eyre Highway, Norseman from Special Purpose to General Industry zone.</p> <p>Amend the Scheme Maps accordingly.</p> <p>Amend Table 4 by replacing the information for Lot 3 of Location 195 (cnr Eyre Hwy and Roberts St), Norseman.</p> <p>Amend Table 4 by updating the description of land for Special Use sites 2 and 3 to the following:</p> <ul style="list-style-type: none"> <li>• 2. Lot 2 Eyre Highway, Norseman</li> <li>• 3. Lot 1 Roberts Street, Norseman.</li> </ul> <p>Amend the Scheme Maps by labelling all Special Use sites in accordance with the numbering in Table 4.</p>
11	11/02/2022	09/03/2022	HB	<p>In Table 4 – Special Use Zones in Scheme Area, for Special Use No. 1 – Lot 3 Eyre Highway, Norseman, delete the text in the 'Special Use' and 'Conditions' columns and replace with new text.</p>

# **SHIRE OF DUNDAS**

## **Local Planning Scheme No. 2**

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

AMD 10 GG01/11/19

## CONTENTS

<b>PART 1 - PRELIMINARY .....</b>	<b>9</b>
1. CITATION .....	9
2. COMMENCEMENT .....	9
3. SCHEME REVOKED .....	9
4. NOTES DO NOT FORM PART OF SCHEME .....	9
5. RESPONSIBILITY FOR SCHEME .....	9
6. SCHEME AREA .....	9
7. CONTENTS OF SCHEME .....	9
8. PURPOSES OF SCHEME .....	9
9. AIMS OF SCHEME .....	10
10. RELATIONSHIP WITH LOCAL LAWS .....	10
11. RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES .....	10
12. RELATIONSHIP WITH REGION PLANNING SCHEME .....	10
<b>PART 2 - RESERVES.....</b>	<b>12</b>
13. REGIONAL RESERVES .....	12
14. LOCAL RESERVES .....	12
15. ADDITIONAL USES FOR LOCAL RESERVES .....	12
<b>PART 3 - ZONES.....</b>	<b>13</b>
16. ZONES .....	13
17. ZONING TABLE .....	13
18. INTERPRETING ZONING TABLE .....	17
19. ADDITIONAL USES .....	18
20. RESTRICTED USES .....	18
21. SPECIAL USE ZONES .....	18
22. NON-CONFORMING USES .....	22
23. CHANGES TO NON-CONFORMING USE .....	22
24. REGISTER OF NON-CONFORMING USES .....	23
<b>PART 4 – GENERAL DEVELOPMENT REQUIREMENTS .....</b>	<b>24</b>
25. R-CODES .....	24
26. MODIFICATION OF R-CODES .....	24
27. STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME .....	24
28. MODIFICATION OF STATE PLANNING POLICY 3.6 .....	24
29. OTHER STATE PLANNING POLICIES TO BE READ AS PART OF SCHEME .....	24
30. MODIFICATION OF STATE PLANNING POLICIES .....	25
31. ENVIRONMENTAL CONDITIONS .....	25
32. GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS .....	25
33. SITE SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS .....	31
34. VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS .....	31
35. RESTRICTIVE COVENANTS .....	32
<b>PART 5 - SPECIAL CONTROL AREAS .....</b>	<b>33</b>
36. SPECIAL CONTROL AREAS .....	33
<b>PART 6 – TERMS REFERRED TO IN SCHEME.....</b>	<b>34</b>
37. TERMS USED .....	34
38. LAND USE TERMS USED .....	36
SCHEDULE 1 - CAR PARKING LAYOUTS .....	50
SCHEDULE 2 - EXEMPTED ADVERTISEMENTS (PURSUANT TO CLAUSE 6.3) .....	51
SCHEDULE A – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS .....	53
ADOPTION.....	55
<b>FINAL APPROVAL.....</b>	<b>56</b>

## TABLES AND FIGURES

Table 1 - Reserve Objectives .....	12
Table 2 - Zone Objectives .....	13
Table 3 - Zoning Table .....	14
Table 4 - Special Use Zones in Scheme Area .....	19
Table 6 - Site Requirements.....	26
Table 7 - Car Parking Requirements.....	28
Table 8 - Rural Zone - Building Setbacks.....	29



# PART 1 - PRELIMINARY

AMD 10 GG 01/11/19

## 1. CITATION

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

## 2. COMMENCEMENT

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

## 3. SCHEME REVOKED

The following local planning scheme is revoked —

Name: Shire of Dundas - Norseman Town Planning Scheme No 1  
Gazettal date: 25 April 1983

## 4. NOTES DO NOT FORM PART OF SCHEME

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

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

## 5. RESPONSIBILITY FOR SCHEME

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

## 6. SCHEME AREA

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

## 7. CONTENTS OF SCHEME

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

- a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
- b) the supplemental provisions outlined in Schedule A; and
- c) the Scheme Maps, comprising Sheets 1-10.

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

## 8. PURPOSES OF SCHEME

The purposes of this Scheme are to —

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and

- (d) control and guide development including processes for the preparation of structure plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

## **9. AIMS OF SCHEME**

The aims of this Scheme are —

- (a) to set aside land and adopt development controls for the purpose of maintaining and improving the quality of the Norseman and Eucla Town environments;
- (b) to maintain and develop the Norseman Townsite as the administrative and service centre for the Shire and the rural hinterland;
- (c) to maintain and develop community facilities in the Eucla Townsite to support a permanent residential community, with limited provision for temporary stay accommodation and facilities;
- (d) to formulate and adopt a policy to guide the development of tourist accommodation and facilities within the Shire;
- (e) to provide for the social and economic needs of permanent residents and holiday makers or temporary residents, whilst maintaining and protecting the quality of the environment;
- (f) to facilitate the preparation and implementation of management plans for the purpose of controlling coastal areas and other areas of environmental importance;
- (g) to set aside land and adopt development controls for the purpose of maintaining the quality of the rural environment;
- (h) to ensure the continuation of the rural use within the Shire, encouraging where appropriate the retention and expansion of present agricultural activities; and
- (i) to encourage mineral exploration and mining within the Shire.

## **10. RELATIONSHIP WITH LOCAL LAWS**

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

## **11. RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES**

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

## **12. RELATIONSHIP WITH REGION PLANNING SCHEME**

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

## PART 2 - RESERVES

AMD 10 GG 01/11/19

### 13. REGIONAL RESERVES

There are no regional reserves in the Scheme area

### 14. LOCAL RESERVES

(1) In this clause —

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

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

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

(3) The objectives of each local reserve are as follows —

**Table 1 — Reserve Objectives**

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

### 15. ADDITIONAL USES FOR LOCAL RESERVES

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

## PART 3 - ZONES

AMD 10 GG 01/11/19

### 16. ZONES

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

**Table 2 — Zone Objectives**

Zone Name	Objectives
Residential	<ul style="list-style-type: none"> <li>To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites.</li> <li>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.</li> <li>To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul>
General Industry	<ul style="list-style-type: none"> <li>To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
Rural	<ul style="list-style-type: none"> <li>To provide for the maintenance or enhancement of specific local rural character.</li> <li>To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> <li>To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li> <li>To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> </ul>
Special Use	<ul style="list-style-type: none"> <li>To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> <li>To enable the local government to impose specific conditions associated with the Special Use.</li> </ul>

### 17. ZONING TABLE

- (1) The zoning table for this Scheme is as follows —

**Table 3 - Zoning Table**

AMD 4 GG 1/11/96; AMD 10 GG 01/11/19

USE CLASS	ZONE			
	Residential	Commercial	General Industry	Rural
<b>COMMERCIAL</b>				
Agriculture – Extensive <i>AMD 10 GG 01/11/19</i>	X	X	X	P
Amusement Parlour	X	D	D	X
Betting Agency	X	D	D	X
Bulky Goods Showroom <i>AMD 10 GG 01/11/19</i>	X	D	P	X
Car Park	I	P	P	I
Convenience Store	X	D	X	X
Cinema/Theatre <i>AMD 10 GG 01/11/19</i>	X	X	D	D
Fast Food Outlet	X	P	X	X
Funeral Parlour	A	D	P	X
Garden Centre <i>AMD 10 GG 01/11/19</i>	X	D	D	D
Home Occupation	D	D	X	D
Hotel	A	A	X	X
Liquor Store	X	D	X	X
Lunch Bar <i>AMD 10 GG 01/11/19</i>	X	P	X	X
Market	X	D	D	X
Motel	A	D	X	X
Night Club	X	P	X	X
Motor Vehicle, Boat or Caravan Sales <i>AMD 10 GG 01/11/19</i>	X	D	P	X
Office	D	P	I	X
Reception Centre	A	D	X	X
Restaurant/Café <i>AMD 10 GG 01/11/19</i>	A	P	X	X
Roadhouse	X	X	X	D
Service Station	X	D	P	X
Shop	A	P	I	X
Small Bar <i>AMD 10 GG 01/11/19</i>	X	D	X	X
Tavern	X	D	X	X
Trade Display	X	D	D	A
Warehouse/Storage <i>AMD 10 GG 01/11/19</i>	X	D	P	X
<b>RESIDENTIAL</b>				
Single House	P	D	X	P
Grouped Dwelling	D	D	X	X

USE CLASS	ZONE			
	Residential	Commercial	General Industry	Rural
<b>RESIDENTIAL (Cont'd)</b>				
Home Office <i>AMD 10 GG 01/11/19</i>	P	D	X	P
Multiple Dwelling	A	D	X	X
Caretaker's Dwelling	I	D	I	X
Park Home Park <i>AMD 10 GG 01/11/19</i>	A	X	X	D
<b>COMMUNITY</b>				
Community Purpose <i>AMD 10 GG 01/11/19</i>	D	D	P	D
Civic Use	A	D	D	D
Club Premises	A	D	X	X
Consulting Rooms	I	P	X	I
Family Day Care <i>AMD 10 GG 01/11/19</i>	A	D	X	X
Animal Establishment <i>AMD 10 GG 01/11/19</i>	X	X	D	D
Educational Establishment	A	D	X	D
Hospital	A	D	X	D
Child Care Premises <i>AMD 10 GG 01/11/19</i>	A	D	D	D
Medical Centre	A	D	X	X
Exhibition Centre <i>AMD 10 GG 01/11/19</i>	X	D	D	D
Corrective Institution <i>AMD 10 GG 01/11/19</i>	X	X	X	A
Public Worship	A	D	X	X
Telecommunications Infrastructure <i>AMD 10 GG 01/11/19</i>	A	D	D	P
Veterinary Centre <i>AMD 10 GG 01/11/19</i>	A	D	D	D
<b>GENERAL INDUSTRY</b>				
Abattoir	X	X	X	A
Fuel Depot	X	A	P	I
Industry - Primary Production <i>AMD 10 GG 01/11/19</i>	X	X	X	D
- General	X	X	P	X
- Light	X	X	P	P
- Extractive	X	X	D	A
Marina <i>AMD 10 GG 01/11/19</i>	X	X	D	D
Mining Operations <i>AMD 10 GG 01/11/19</i>	X	X	D	A
Transport Depot	X	A	D	A
Motor Vehicle Wash <i>AMD 10 GG 01/11/19</i>	X	I	D	X
Animal Husbandry – Intensive <i>AMD 10 GG 01/11/19</i>	X	X	X	D
<b>RECREATION</b>				

USE CLASS	ZONE			
	Residential	Commercial	General Industry	Rural
Recreation - private <i>AMD 10 GG 01/11/19</i>	A	D	D	X
<b>SPECIAL USE</b>				
Caravan Park	A	X	X	D
Holiday Accommodation	A	X	X	A
Holiday House <i>AMD 10 GG 01/11/19</i>	A	X	X	A
Rural Pursuit/Hobby Farm <i>AMD 10 GG 01/11/19</i>	A	X	X	p

## 18. INTERPRETING ZONING TABLE

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings —
  - P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
  - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;
  - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
  - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
  - X means that the use is not permitted by this Scheme.

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

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

Note: 3. If a proposed development is identified as a 'P' use in the zoning table, but the proposed development does not comply with all of the development standards and requirements of this Scheme then it is to be treated as a 'D' use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
  - a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
  - c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless —
  - a) the development approval application relates to land that is being used for a non-conforming use; and



- b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —
  - a) a structure plan;
  - b) an activity centre plan;
  - c) a local development plan.

#### **19. ADDITIONAL USES**

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

#### **20. RESTRICTED USES**

There are no restricted uses which apply to this Scheme.

#### **21. SPECIAL USE ZONES**

- (1) Table 4 sets out —
  - a) special use zones for specified land that are in addition to the zones in the zoning table; and
  - b) the classes of special use that are permissible in that zone; and
  - c) the conditions that apply in respect of the special uses.

**Table 4 - Special Use Zones in Scheme Area**

No.	Description of land	Special use	Conditions
1	<p>Lot 3 Eyre Highway, Norseman</p> <p><i>AMD 9 GG 28/02/2020</i> <i>AMD 11 GG 11/02/2022</i></p>	<ul style="list-style-type: none"> <li>• Transport depot</li> <li>• Fast food Outlet</li> <li>• Lunch Bar</li> <li>• Motor vehicle wash</li> <li>• Restaurant/café</li> <li>• Service Station</li> </ul>	<p>1. The purpose of this zone is to provide for the 'Special Uses' listed in Column 3 of this Table.</p> <p>2. The 'Special Uses' listed in Column 3 of this Table are permitted within the SU1 zone subject to an application for development approval for any of the listed uses being submitted to the local government demonstrating compliance with relevant provisions of this scheme and the following specific conditions of development:</p> <ul style="list-style-type: none"> <li>(a) There shall be no drive-through service for the provision of food and beverages;</li> <li>(b) There shall be no retailing or consumption of alcoholic beverages as defined under the Liquor Control Act 1988;</li> <li>(c) There shall be no provision for short-term accommodation;</li> <li>(d) All development is to be set back a minimum of 10 metres from any street boundary;</li> <li>(e) All vehicular access shall be from Roberts Road only, with no direct vehicular access to Eyre Highway;</li> <li>(f) All loading and service areas, storage areas and ancillary equipment such as mechanical plant shall be appropriately screened from public view;</li> <li>(g) The local government may require the preparation and submission with an application for development approval a truck movement plan and/or a traffic impact assessment for any new development or redevelopment within the SU1 zone. The truck movement plan and/or traffic impact assessment is to be prepared in accordance with the WAPC's Transport Impact Assessment Guidelines (August 2016);</li> <li>(h) Any truck movement plan and/or traffic impact assessment required by the local government shall demonstrate that commercial vehicles can ingress and egress the site safely and that there will be no adverse impact on traffic safety for motorists travelling along the Eyre</li> </ul>

No.	Description of land	Special use	Conditions
			<p>Highway;</p> <p>(i) The local government may refer any application for development approval to Main Roads Western Australia or the Department of Fire and Emergency Services for comment; and</p> <p>(j) A Bushfire Management Plan, prepared by an accredited bushfire consultant, shall be lodged with any application for development approval of a high-risk land use in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas.</p>
2	Lot 2 Eyre Highway, Norseman <i>AMD 9 GG 28/02/2020</i>	<ul style="list-style-type: none"> <li>Service station</li> <li>Roadhouse</li> </ul>	As determined by the local government
3	Lot 1 Roberts Street, Norseman <i>AMD 9 GG 28/02/2020</i>	<ul style="list-style-type: none"> <li>Motel</li> </ul>	As determined by the local government
4	Lots 699-702 inclusive of Location 195, Norseman	<ul style="list-style-type: none"> <li>Service station</li> <li>Roadhouse</li> </ul>	As determined by the local government
5	Lot 1174 of Location 195 Princep Street, Norseman	<ul style="list-style-type: none"> <li>Motel</li> </ul>	As determined by the local government
6	Lot 1175 of Location 195 Princep Street, Norseman	<ul style="list-style-type: none"> <li>Caravan park</li> <li>Holiday accommodation</li> </ul>	As determined by the local government
7	Portion of Location 6 Eyre Highway Eucla	<ul style="list-style-type: none"> <li>Motel</li> </ul>	As determined by the local government
8	Portion of Location 7 Eyre Highway Eucla	<ul style="list-style-type: none"> <li>Service station</li> <li>Roadhouse</li> <li>Motel</li> </ul>	As determined by the local government
9	A southern portion of Reserve 13004 adjacent to Lot 699 (having dimensions of 80.0 / 40.0 x 56.0 / irr, area 3860 m <sup>2</sup> ) Princep Street, Norseman	<ul style="list-style-type: none"> <li>Service station</li> <li>Roadhouse</li> </ul>	As determined by the local government

- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

## **22. NON-CONFORMING USES**

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

## **23. CHANGES TO NON-CONFORMING USE**

- (1) A person must not, without development approval —
- a) alter or extend a non-conforming use of land; or
  - b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
  - c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
  - d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use —
  - a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
  - b) is closer to the intended purpose of the zone in which the land is situated.

## **24. REGISTER OF NON-CONFORMING USES**

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

## PART 4 – GENERAL DEVELOPMENT REQUIREMENTS

AMD 10 GG 01/11/19

### 25. R-CODES

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

### 26. MODIFICATION OF R-CODES

- (1) The local government may approve grouped dwellings and aged person accommodation to an equivalent density not exceeding R30 within the Residential Zone where the local government is satisfied that a satisfactory system of on-site effluent disposal can be achieved and continue to function effectively on a permanent basis. In considering applications for development approval under this clause, the local government shall have regard to advice received from the Department of Health where on-site effluent disposal is proposed to service the development.

### 27. STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME

- (1) State Planning Policy 3.6 - Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government —
  - a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
  - b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

### 28. MODIFICATION OF STATE PLANNING POLICY 3.6

There are no modifications to State Planning Policy 3.6.

### 29. OTHER STATE PLANNING POLICIES TO BE READ AS PART OF SCHEME

- (1) The State planning policies set out in Table 5, modified as set out in clause 30, are to be read as part of this Scheme.

**Table 5 - State planning policies to be read as part of Scheme**

State planning policies to be read as part of Scheme

(2) The local government -

- a) must make a copy of each State planning policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government; and
- b) may publish a copy of each of those State planning policies on the website of the local government.

### **30. MODIFICATION OF STATE PLANNING POLICIES**

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

### **31. ENVIRONMENTAL CONDITIONS**

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

### **32. GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS**

#### **(1) Height and Appearance of Buildings**

- a) With the exception of buildings approved by the local government pursuant to the provisions of the following paragraphs and buildings and structures required for extensive agriculture use in the Rural zone or buildings associated with mining operations, no building in excess of two storeys or a height of 8 metres above natural ground level shall be erected within the Scheme Area.
- b) Notwithstanding the provisions of clause 32(1)a, the local government may, after giving notice under clause 64 of the deemed provisions, approve buildings which exceed the height limits specified or are proposed to be constructed of particular materials, finishes or colours after considering any submissions made by persons owning or having an interest in land affected directly or indirectly by the proposal, matters set out in clause 67 of the deemed provisions that the proposed building;
  - (i) will be in harmony with the general character of buildings in the locality, and
  - (ii) will not be detrimental to the amenity or character of the locality or the quality of environment of the townscape, and
  - (iii) will observe the required setbacks from the boundaries of the lot on which it is to be constructed and will not prejudice the siting, design, aspect and privacy of buildings on other nearby lots, and
  - (iv) will not impair the potential for development of other vacant blocks in the vicinity with particular regard to amenity, aspect and views, and
  - (v) has been designed in harmony with the natural land form of the site,before granting any approval under this clause any such decision may only be made by an absolute majority of the local government.
- c) Pursuant to the provision of clause 32(1)b the local government may impose conditions relating to:
  - (i) colour and types of building materials;
  - (ii) size, height, bulk and roof pitch;
  - (iii) setback and location of its lot;
  - (iv) architectural style and design details;

- (v) site layout and accessibility;
  - (vii) relationship to surrounding development;
  - (viii) other characteristics as considered relevant.
- d) Landscaping shall be of a nature that would complement the appearance of the proposed development and the immediate locality and the local government encourages the use of native plants wherever possible.
  - e) Design of car parking layout shall have regard to existing car parking areas in terms of traffic circulation, ground levels and shall be integrated with existing car parks to the satisfaction of the local government.
  - f) As a minimum standard the facades of commercial buildings shall be constructed of masonry stone, concrete, glass or a combination of these materials as approved by the local government.
  - g) The local government is generally opposed to the use of 'skid' and 'mining camp' type transportable buildings within the Norseman and Eucla townsites and second hand dwellings within the district. However, local government will consider proposals of this nature under extenuating circumstances and approval will be at the local government's discretion.

(2) **Residential Zone**

a) Norseman Townsite

- To retain the predominant low density character of the existing residential area except in selected localities where the local government may approve medium density development on the merits of the particular application. The local government is prepared to consider a range of activities within the zone to satisfy the needs of and to promote tourist and related activities within the Norseman Townsite.

b) Eucla Townsite

- To generally retain the low density residential character of the existing residential area.
- To provide for the requirements of residents wishing to carry out activities associated with their usual form of employment by making provision for:
  - (i) the storage of fishing boats and associated equipment;
  - (ii) the processing and storage of fish as approved specifically by the local government.
- To provide services as appropriate to meet the needs of tourists and the travelling public.

c) The local government within this zone shall:

- (i) Control the development of all forms of tourist accommodation where advantage by means of location and accessibility may eventuate and where adjoining land uses will not be adversely affected.
- (ii) Encourage the diversification of tourist accommodation and ensure that development proposals:
  - are of a high standard commensurate to the existing development and appropriate to the natural setting of the area,
  - provide on-site areas for recreation, maintenance and servicing,
  - provide pedestrian walkways for protection of children and adults



from traffic routes.

- (iii) Not support the strata titling of caravan parks.
- d) The provisions of the R10 Code shall apply to all residential development within the zone.
- e) The site requirements specified in Table 6 shall apply to those uses as listed.

**Table 6 - Site Requirements**

			Setbacks			
Land Use	Min Lot Size	Min. Effective Frontage	Front	Side	Rear	Min. Number On-Site Car Parking Spaces
Hotel	0.5ha	50m	10m	10m	10m	1 bay/3m <sup>2</sup> net bar space and/or 1 bay/4 seats of dining area and 1 bay/unit of accommodation, 1 per staff member
Caravan Parks	0.5ha	30m	To the discretion of the local government			1.5 bays/unit, bay or site plus 1 bay/4 such units, bays or sites for visitor parking.
Camping Ground	0.5ha	30m				
Holiday Accommodation	0.5ha	30m				
Motel	0.5ha	30m	30m	10m	10m	1 per unit, 1 per staff member, 1 bay per 4 seats of dining area.

**(3) Commercial Zone**

- a) Minimum lot area and frontage - 800m<sup>2</sup> and 10 metres.
- b) Plot Ratio

The local government shall permit a building in the Commercial Zone to have a plot ratio of 1.0 and may permit an increase of 50 per cent providing that the local government is satisfied on matters relating to access, car parking servicing, loading and unloading and any other matter the local government by its absolute majority may take into consideration.

- c) Upper Floors

Where the ground floor of a two-storey building is used for the purposes of shops or offices, the local government may permit upper floors of such buildings to be used for the purposes of shops, offices or residential accommodation providing that:

- (i) the residential use is confined to the upper floor;
- (ii) the residential use is used only by the owner/occupier of the shop or office within the same building.

- d) Car Parking Requirements

- (i) Where an application is made for development and the purpose for which the land or building is to be used is not specified in Table 7 the local government shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention or obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenity.

- (ii) Notwithstanding the provisions of Table 7, local government may waive a requirement for parking on a site if it is satisfied that adequate constructed car parking is available in close proximity to the proposed development, and where this is not available, the local government may accept a cash payment in lieu of provisions of parking to be applied in accordance with the following sub-clause.
- (iii) Any payment made under the provisions of the preceding sub-clause shall be not less than the estimated cost of providing and constructing the parking spaces required by the Scheme plus the value of the area of land which might have been occupied by the parking spaces and be paid by the local government into a special fund to be applied solely to the provision, construction and maintenance of car parking facilities within the Zone.
- (iv) The dimensions of car parking spaces parking angle, driveway widths and landscaping detail specified in Schedule 1 shall be used by the local government in determining the layout of car parking areas. The local government may vary the dimensions specified by up to 10 percent where obstructions site dimensions or topography result in the loss of a car parking space in any run of car parking spaces. This provision shall be used in order to obtain one additional space in a run of spaces and shall not be used to modify landscaping, shade tree or driveway access requirements.

e) Loading and Unloading

Where areas for the loading and unloading of vehicles carrying goods or commodities to or from premises are to be provided the same shall be provided and maintained in accordance with the approved plan relating thereto.

f) Bin Areas

The local government will require adequate provision for bin storage to be made readily accessible by truck for refuse disposal purposes.

**Table 7 - Car Parking Requirements**

USE	PARKING REQUIREMENTS
Shop	1 for every 15m <sup>2</sup> retail floorspace
Office	1 for every 40m <sup>2</sup> leasable floorspace
Bulky Goods Showroom and Warehouse/Storage	1 for every 100m <sup>2</sup> floor area
Residential Building	1 for every bedroom
Restaurant/Café	1 for every 4 seats
Club Premises	1 for every 4 persons accommodated
Consulting Rooms	3 for every consulting room
Squash Court	3 for every court
Library/Museum	1 for every 35m <sup>2</sup> floor area
Fast Food Outlet	1 for every 10m <sup>2</sup> retail floor area
Betting Agency	1 for every 10m <sup>2</sup> floor area

**(4) General Industry Zone**

- a) The development standards for the General Industry zone aim to achieve:
  - (i) efficient and functional general industry facilities;
  - (ii) safe movement of vehicular and pedestrian traffic;
  - (iii) adequate room for expansion without detrimental effects to adjoining land uses.
- b) Building Setbacks:
  - (i) front setbacks shall be a minimum of 10 metres from any front lot boundary;
  - (ii) side and rear setbacks on any lots of 1000m<sup>2</sup> or more, shall have a minimum side setback of 5 metres unless a masonry parapet wall is to be built on the boundary.
- c) Minimum Lot Area and Frontage:  
1500m<sup>2</sup> and 25 metres respectively.
- d) Site Cover:  
  
50 percent of any lot area. Where an application for development approval seeks a variation to site cover, the applicant shall provide to the local government all valid reasons and justification for any variation.
- e) Landscape Treatment:  
  
An area of not less than 10% of the land between the front building line and the street frontage shall be set aside for landscaping, and such landscaping shall be established and maintained in accordance with an approved plan relating thereto.

f) Trade Display:

A person may display finished goods for sale up to the front boundary of the lot. Advertising signs shall be in accordance with the requirements of Part 7 of the deemed provisions.

g) Stock Piling and Storage of Materials:

No dumping or storage of waste materials, or raw materials for use on premises or construction, servicing or maintenance shall be permitted between the building line and the street frontage unless approved by the local government.

h) Waste Disposal:

No person shall permit any solid or liquid waste product from leaving the site unless in a container or bin or any satisfactory receptacle. Such waste products as oil, greases, chemicals (either pure or diluted) shall be contained upon the site and prevented from discharging into any drain, watercourse or pit outside of the lot.

i) Car Parking:

On site car parking shall be provided in accordance with the following:

Warehouse/Storage	- 1 bay for each 100m <sup>2</sup> floor area.
Bulky Goods Showroom	- 1 bay for each 50m <sup>2</sup> floor area.
Motor Vehicle Repair	- 2 bays for every working bay and 1 bay for each employee.
Light and General Industry	- 1 bay for each 50m <sup>2</sup> floor space.

(5) **Rural Zone**

a) The local government shall consider granting development approval to non-rural uses where these can be demonstrated to be of benefit to the district and not detrimental to the areas natural resources and environment generally.

b) The local government shall permit, subject to development approval development providing facilities for tourists, travellers and for recreational usage.

c) The local government when considering tourist related development shall be satisfied if connection to reticulated sewers is not practical, that a satisfactory system of on-site effluent disposal can be achieved and continue to function effectively on a permanent basis.

d) Development Standards:

The following building setbacks shall apply:

**Table 8 - Rural Zone - Building Setbacks**

Front	20m minimum
Rear	30m minimum
Side	20m minimum

(6) **Building Constructions and Use of Land in the Norseman Townsite**

- a) Active and disused mine shafts exist at various levels under the Norseman Townsite, details of which can be obtained from the Department of Mines, Industry Regulation and Safety. Prior to the grant of development approval or the issue of a Building Permit, the local government may require the applicant to provide detailed site survey information and/or require an Engineer's Certificate confirming that the proposal can be safely constructed or operated having regard to the load bearing capacity of the subject land.
- b) The local government may impose conditions on any development approval that are appropriate to protect the safety and integrity of the development, its occupants and users.

**33. SITE SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS**

There are no additional requirements that apply to this Scheme.

**34. VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS**

- (1) In this clause -

***additional site and development requirements*** means any site or development requirement contained in the Scheme unless the Scheme otherwise provides that certain development requirements cannot be varied.

- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirement except for development in respect of which the R-Codes apply or variations to land use permissibility contained in the zoning table.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -
  - a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
  - b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
  - a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and

- b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

### **35. RESTRICTIVE COVENANTS**

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

## PART 5 - SPECIAL CONTROL AREAS

AMD 10 GG 01/11/19

### 36. SPECIAL CONTROL AREAS

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in the Table.
- (3) The provisions contained in a Special Control Area apply in addition to the provisions that apply to the underlying zone.

NAME OF AREA	PURPOSE	ADDITIONAL PROVISIONS
Coastal Planning Area	<p>Land which is presently subject to coastal processes such as the migration of sand dunes, inundation by storm surge and flooding, exposure to on-shore winds and wave activity.</p> <p>Land containing landforms of special interest because of their scientific, visual or cultural significance requiring protection and maintenance.</p> <p>Land used or likely to be required in the future for coastal orientated public purposes, particularly recreation.</p> <p>Land required for development that is dependent on a coastal location. This includes land for essential services.</p> <p>Land requiring special consideration for management as a result of potential coastal use.</p>	<p>The local government shall prepare detailed policy statements for each of the three special coastal planning areas, in accordance with Division 2, Schedule 2 of the deemed provisions.</p> <p>The local government may resolve to adopt management strategies in conformity with the recommendations of the policies and will thereafter determine development in accordance with the strategy.</p> <p>In the event of there being no policy or strategy for any part of a coastal planning area, the local government shall:</p> <p>(a) have due regard to the Western Australian Planning Commission <i>State Planning Policy 2.6: State Coastal Planning Policy</i>; and</p> <p>(b) consult with the Western Australian Planning Commission and / or the Department of Transport regarding any development proposal.</p> <p>After receipt of advice from the Western Australian Planning Commission and / or Department of Transport, the local government may determine the development application in accordance with clause 68 of the deemed provisions.</p>

## PART 6 – TERMS REFERRED TO IN SCHEME

AMD 10 GG 01/11/19

### DIVISION 1 – GENERAL DEFINITIONS USED IN SCHEME

#### 37. TERMS USED

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

<b>building envelope</b> AMD 10 GG 01/11/19	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;
<b>building height</b>	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;
<b>cabin</b>	means a dwelling forming part of a tourist development or caravan park that is – (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests;
<b>chalet</b>	means a dwelling forming part of a tourist development or caravan park that is – (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests;
<b>commencement day</b> AMD 10 GG 01/11/19	means the day this Scheme comes into effect under section 87(4) of the Act;
<b>commercial vehicle</b>	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);
<b>floor area</b> AMD 10 GG 01/11/19	has meaning given in the Building Code;
<b>frontage</b> AMD 10 GG 01/11/19	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;
<b>incidental use</b> AMD 10 GG 01/11/19	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;
<b>minerals</b> AMD 10 GG 01/11/19	has the meaning given in the <i>Mining Act 1978</i> section 8(1);
<b>net Lettable area or nla</b> AMD 10 GG 01/11/19	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas – (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;
<b>non-conforming use</b> AMD 10 GG 01/11/19	has the meaning given in the <i>Planning and Development Act 2005</i> section 72;



<b>plot ratio</b> AMD 10 GG 01/11/19	means the ratio of the floor area of a building to an area of land within the boundaries of the lots or lots on which the building is located;
<b>precinct</b> AMD 10 GG 01/11/19	means a definable area where particular planning policies, guidelines or standards apply;
<b>predominant use</b> AMD 10 GG 01/11/19	means the primary use of premises to which all other uses carried out on the premises are incidental;
<b>retail</b> AMD 10 GG 01/11/19	means the sale or hire of goods or services to the public;
<b>short term accommodation</b> AMD 10 GG 01/11/19	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;
<b>wall height</b> AMD 10 GG 01/11/19	in relation to a wall of a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;
<b>wholesale</b>	means the sale of goods or materials to be sold to others.

(2) A word or expression that is not defined in this Scheme —

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
- (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes.

## DIVISION 2 – LAND USE DEFINITIONS USED IN SCHEME

### 38. LAND USE TERMS USED

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

<b>abattoir</b> AMD 10 GG 01/11/19	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;
<b>agriculture – extensive</b> AMD 10 GG 01/11/19	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture — intensive or animal husbandry – intensive;
<b>agriculture – intensive</b> AMD 10 GG 01/11/19	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following – (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture;
<b>amusement parlour</b> AMD 10 GG 01/11/19	means premises – (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines;
<b>animal establishment</b>	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;
<b>animal husbandry – intensive</b> AMD 10 GG 01/11/19	means premises used for keeping, rearing or fattening of alpacas, beef, and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep and other livestock in feedlots, sheds or rotational pens; but excludes agriculture extensive;
<b>art gallery</b> AMD 10 GG 01/11/19	means premises – (a) that are open to the public; and (b) where artworks are displayed for viewing or sale;
<b>bed and breakfast</b> AMD 10 GG 01/11/19	means a dwelling – (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms;
<b>betting agency</b> AMD 10 GG 01/11/19	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .
<b>brewery</b> AMD 10 GG 01/11/19	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> ;
<b>bulky goods showroom</b> AMD 10 GG 01/11/19	means premises – (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes – (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) <u>babies' and children's goods, including play equipment</u>

	<p>and accessories;</p> <p>(xi) sporting, cycling, leisure, fitness goods and accessories;</p> <p>(xii) swimming pools, and</p> <p>(b) used to sell goods and accessories by retail if –</p> <p>(i) a large area is required for the handling, display or storage of the goods; or</p> <p>(ii) vehicular access is required to the premises for the purpose of collection of purchased goods;</p>
<b>caravan park</b> AMD 10 GG 01/11/19	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1);
<b>caretaker's dwelling</b> AMD 10 GG 01/11/19	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;
<b>car park</b> AMD 10 GG 01/11/19	means premises used primarily for parking vehicles whether open to the public or not but does not include –
	<p>(a) any part of a public road used for parking or for a taxi rank; or</p> <p>(b) any premises in which cars are displayed for sale;</p>
<b>child care premises</b> AMD 10 GG 01/11/19	means premises where –
	<p>(a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1), other than a family day care service as defined in that section, is provided; or</p> <p>(b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided;</p>
<b>cinema/theatre</b> AMD 10 GG 01/11/19	means premises where the public may view a motion picture or theatrical production;
<b>civic use</b> AMD 10 GG 01/11/19	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;
<b>club premises</b> AMD 10 GG 01/11/19	means premises used by a legally constituted club or association or other body of persons united by a common interest;
<b>commercial vehicle parking</b> AMD 10 GG 01/11/19	means premises used for parking of one or 2 commercial vehicles but does not include –
	<p>(a) any part of a public road used for parking or for a taxi rank; or</p> <p>(b) parking of commercial vehicles incidental to the predominant use of the land;</p>
<b>community purpose</b>	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;
<b>consulting rooms</b> AMD 10 GG 01/11/19	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
<b>convenience store</b> AMD 10 GG 01/11/19	means premises –
	<p>(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and</p> <p>(b) operated during hours which include, but which may extend beyond, normal trading hours; and</p> <p>(c) the floor area of which does not exceed 300 m2 nett lettable area;</p>
<b>corrective institution</b> AMD 10 GG 01/11/19	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
<b>educational establishment</b> AMD 10 GG 01/11/19	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;
<b>exhibition centre</b> AMD 10 GG 01/11/19	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
<b>family day care</b> AMD 10 GG 01/11/19	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided;
<b>fast food outlet</b> AMD 10 GG 01/11/19	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;
<b>freeway service centre</b> AMD 10 GG 01/11/19	means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services – (a) service station facilities; (b) emergency breakdown repair for vehicles; (c) charging points for electric vehicles; (d) facilities for cyclists; (e) restaurant, cafe or fast food services; (f) take-away food retailing; (g) public ablution facilities, including provision for disabled access and infant changing rooms; (h) parking for passenger and freight vehicles; (i) outdoor rest stop facilities such as picnic tables and shade areas;
<b>fuel depot</b> AMD 10 GG 01/11/19	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used – (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle;
<b>funeral parlour</b> AMD 10 GG 01/11/19	means premises used – (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services;
<b>garden centre</b> AMD 10 GG 01/11/19	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;
<b>holiday accommodation</b>	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;
<b>holiday house</b>	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;
<b>home business</b> AMD 10 GG 01/11/19	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession – (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50 m <sup>2</sup> ; 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;
<b>home occupation</b>	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that – (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20m <sup>2</sup> ; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2m <sup>2</sup> ; and (e) does not involve the retail sale, display or hire of goods unless the sale, display or hire is done only by means of the Internet; and

	<p>(f) does not:</p> <p>(i) require a greater number of parking spaces than normally required for a single dwelling; or</p> <p>(ii) result in an increase in traffic volume in the neighbourhood; and</p> <p>(g) does not entail the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and</p> <p>(h) does not include provision for fuelling, repair or maintenance of motor vehicles; and</p> <p>(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;</p>
<b>home office</b> AMD 10 GG 01/11/19	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation - <p>(a) is solely within the dwelling; and</p> <p>(b) does not entail clients or customers travelling to and from the dwelling; and</p> <p>(c) does not involve the display of a sign on the premises; and</p> <p>(d) does not require any change to the external appearance of the dwelling;</p>
<b>home store</b> AMD 10 GG 01/11/19	means a shop attached to a dwelling that - <p>(a) has a net lettable area not exceeding 100 m<sup>2</sup>; and</p> <p>(b) is operated by a person residing in the dwelling;</p>
<b>hospital</b> AMD 10 GG 01/11/19	means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1);
<b>hotel</b>	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises;
<b>industry</b> AMD 10 GG 01/11/19	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 - <p>(a) the storage of goods;</p> <p>(b) the work of administration or accounting;</p> <p>(c) the selling of goods by wholesale or retail;</p> <p>(d) the provision of amenities for employees;</p> <p>(e) incidental purposes;</p>
<b>industry - extractive</b> AMD 10 GG 01/11/19	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes - <p>(a) the processing of raw materials including crushing, screening, washing, blending or grading;</p> <p>(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;</p>
<b>industry - light</b>	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;
<b>industry - primary production</b> AMD 10 GG 01/11/19	means premises used - <p>(a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or</p> <p>(b) for a workshop servicing plant or equipment used in primary production businesses;</p>
<b>liquor store</b> AMD 10 GG 01/11/19	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> ;
<b>lunch bar</b> AMD 10 GG 01/11/19	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
<b>marina</b> AMD 10 GG 01/11/19	means - <p>(a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and</p>

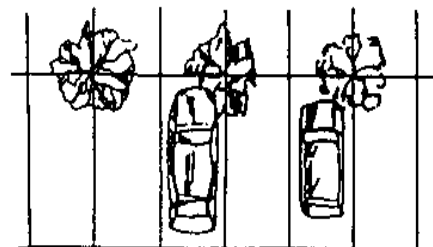
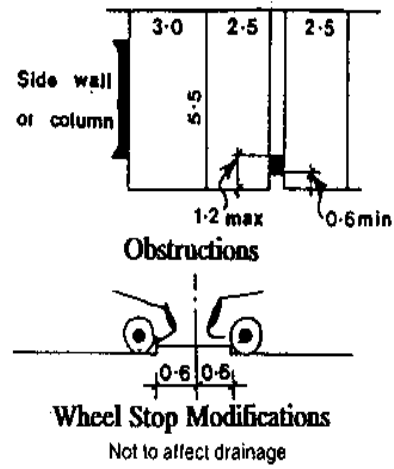
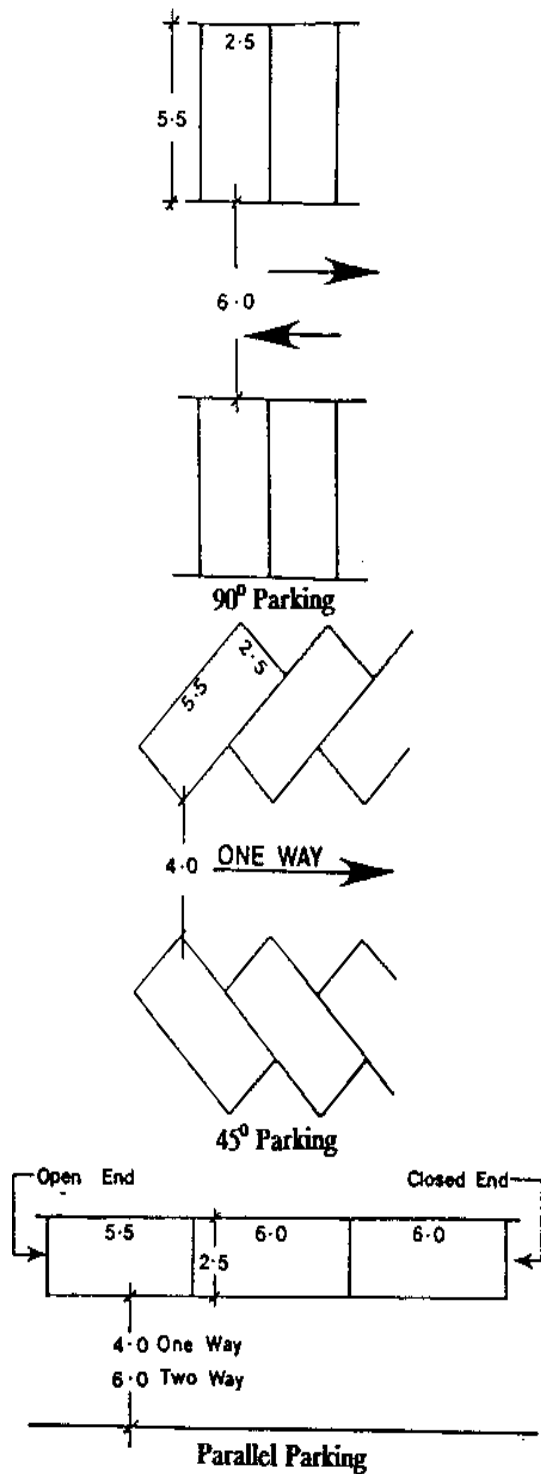
	(b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;
<b>marine filling station</b> AMD 10 GG 01/11/19	means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
<b>market</b> AMD 10 GG 01/11/19	means premises used for the display and sale of goods from stalls by independent vendors;
<b>medical centre</b> AMD 10 GG 01/11/19	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;
<b>mining operations</b>	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1) is carried out;
<b>motel</b> AMD 10 GG 01/11/19	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles;
<b>motor vehicle, boat or caravan sales</b> AMD 10 GG 01/11/19	means premises used to sell or hire motor vehicles, boats or caravans;
<b>motor vehicle repair</b> AMD 10 GG 01/11/19	means premises used for or in connection with – (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than the recapping or re-treading of tyres;
<b>motor vehicle wash</b> AMD 10 GG 01/11/19	means premises primarily used to wash motor vehicles;
<b>night club</b> AMD 10 GG 01/11/19	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> ;
<b>office</b> AMD 10 GG 01/11/19	means premises used for administration, clerical, technical, professional or similar business activities;
<b>park home park</b> AMD 10 GG 01/11/19	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8;
<b>public worship</b> AMD 10 GG 01/11/19	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;
<b>reception centre</b> AMD 10 GG 01/11/19	means premises used for hosted functions on formal or ceremonial occasions;
<b>recreation – private</b> AMD 10 GG 01/11/19	means premises that are – (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge;
<b>renewable energy facility</b> AMD 10 GG 01/11/19	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced for commercial gain (i.e. solar farms as opposed to solar panels);
<b>resource recovery centre</b> AMD 10 GG 01/11/19	means premises other than a waste disposal facility used for the recovery of resources from waste;
<b>restaurant/cafe</b> AMD 10 GG 01/11/19	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> ;
<b>restricted premises</b> AMD 10 GG 01/11/19	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of – (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements;
<b>roadhouse</b> AMD 10 GG 01/11/19	means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities

	<p>or services -</p> <ul style="list-style-type: none"> <li>(a) a full range of automotive repair services;</li> <li>(b) wrecking, panel beating and spray painting services;</li> <li>(c) transport depot facilities;</li> <li>(d) short-term accommodation for guests;</li> <li>(e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and</li> <li>(f) dump points for the disposal of black and/grey water from recreational vehicles;</li> </ul>
<b>rural home business</b> AMD 10 GG01/11/19	<p>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 -</p> <ul style="list-style-type: none"> <li>(a) does not involve employing more than 2 people who are not members of the occupier's household; and</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(c) does not occupy an area greater than 200 m<sup>2</sup>; and</li> <li>(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</li> <li>(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</li> <li>(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;</li> </ul>
<b>rural pursuit/hobby farm</b> AMD 10 GG01/11/19	<p>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 -</p> <ul style="list-style-type: none"> <li>(a) the rearing, agistment, stabling or training of animals;</li> <li>(b) the keeping of bees;</li> <li>(c) the sale of produce grown solely on the premises;</li> </ul>
<b>second hand dwelling</b> AMD 10 GG01/11/19	<p>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;</p>
<b>service station</b> AMD 10 GG01/11/19	<p>means premises used for -</p> <ul style="list-style-type: none"> <li>(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience retail nature; and/or</li> <li>(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;</li> </ul>
<b>serviced apartment</b> AMD 10 GG01/11/19	<p>means a group of units or apartments providing -</p> <ul style="list-style-type: none"> <li>(a) self-contained short stay accommodation for guests; and/or</li> <li>(b) any associated reception or recreational facilities;</li> </ul>
<b>shop</b> AMD 10 GG01/11/19	<p>means premises other than a bulky goods showroom, a liquor store - large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beautytherapy services;</p>
<b>small bar</b>	<p>means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i>;</p>
<b>tavern</b> AMD 10 GG01/11/19	<p>means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i>;</p>
<b>telecommunications infrastructure</b> AMD 10 GG01/11/19	<p>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;</p>
<b>tourist development</b> AMD 10 GG01/11/19	<p>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 -</p> <ul style="list-style-type: none"> <li>(a) short-term accommodation for guests; and</li> <li>(b) onsite facilities for the use of guests; and</li> </ul>

	(c) facilities for the management of the development;
<b>trade display</b> AMD 10 GG01/11/19	means premises used for the display of trade goods and equipment for the purpose of advertisement;
<b>trade supplies</b> AMD 10 GG01/11/19	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises – (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government;
<b>transport depot</b> AMD 10 GG01/11/19	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including - (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another;
<b>tree farm</b> AMD 10 GG01/11/19	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5;
<b>veterinary centre</b> AMD 10 GG01/11/19	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
<b>warehouse/storage</b> AMD 10 GG01/11/19	means premises included indoor or outdoor facilities used for – (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods;
<b>waste disposal facility</b> AMD 10 GG01/11/19	means premises used - (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste;
<b>waste storage facility</b> AMD 10 GG01/11/19	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;
<b>winery</b> AMD 10 GG01/11/19	means premises used for the production of viticultural produce and associated sale of the produce;
<b>workforce accommodation</b> AMD 10 GG01/11/19	means premises, which may include modular or relocatable buildings, used - (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.



## SCHEDULE 1 - CAR PARKING LAYOUTS



### Shade Tree Landscaping

Kerb ring not to exceed 900mm diam

90° & 45° Parking—5.5 m x 2.5 m

Parallel Parking—6.0 m x 2.5 m where Open Ended

Driveway Widths 90°—6.0 m access

45°—4.0 m one way access

Parallel—4.0 m one way access

6.0 m two way access

## SCHEDULE 2 - EXEMPTED ADVERTISEMENTS (PURSUANT TO CLAUSE 6.3)

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name plate as appropriate.	0.2 sq.m
Home Occupation	One advertisement describing the nature of the home occupation.	0.2 sq.m
Places of Worship, Meeting Halls, and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2 sq.m
Cinemas and Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5 sq.m
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 a compliance with the requirements of the Signs Hoarding and Bill Posting By Laws.	Not applicable
General Industry and Warehouse Premises	<p>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 pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15 sq.m</p> <p>Maximum permissible total area shall not exceed 10 sq.m and individual advertisement signs shall not exceed 6 sq.m</p>
Race courses, major racing tracks, sports stadiums, major sporting grounds and complexes <i>AMD 10 GG 01/11/19</i>	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	<p>(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or local government or a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the discretion of a Government department, public authority or the local government of the municipality, and</p> <p>(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
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 2 sq.m in area

<b>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</b>	<b>EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)</b>	<b>MAXIMUM AREA OF EXEMPTED SIGN</b>
Advertisements within buildings	All advertisements placed or displaced within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2 sq.m
<b>TEMPORARY SIGNS</b>		
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	2 sq.m
(ii) Multiple dwelling, shops, commercial and general industry projects	One sign as for (i) above	5 sq.m
(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for (i) above	10 sq.m
	One additional sign showing the name of the project builder	5 sq.m
Sales of goods and 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 the purpose.	2 sq.m
Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign 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 2 sq.m
(b) Multiple dwellings, shops, commercial and general industry properties	One sign as for (a) above	Each sign shall not exceed an area of 5 sq.m
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha	One sign as for (a) above	Each sign shall not exceed an area of 10 sq.m
Display Homes		
Advertisement signs displayed for the period over which homes are on display for public inspection	(i) One sign for each dwelling on display	2 sq.m
	(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.	5 sq.m

## SCHEDULE A – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

AMD 10 GG 01/11/19

Clause 61(1):

- (k) The erection or installation of a sign or advertisement of a class listed in Schedule 2 of this Scheme unless the sign or advertisement is to be erected or installed 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; or
  - (vi) subject to the provisions of the *Main Roads (Control of Advertisements) Regulations 1996*.
- (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 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.
- (m) The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ('P') in the zone (where the R-Codes do not apply) 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 use of land in a local 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.

- (o) 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.
- (p) The carrying out of works urgently necessary to ensure public safety, or for the safety or security of plant or equipment, or for the maintenance of essential services.
- (q) Construction of a dwelling, outbuildings and ancillary buildings associated with an agriculture - extensive use where the use is a permitted ('P') use in the zone in which the lot is located.

## **ADOPTION**

Adopted by Resolution of the Council of the Shire of Dundas at the meeting of the Council held on the Ninth day of December 1991.

.....  
PRESIDENT

.....  
DATE 20/12/1991

.....  
SHIRE CLERK

.....  
DATE 20/12/1991

## FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Dundas at the Ordinary Meeting of the Council held on the 16th day of April 1993 and the seal of the Municipality was pursuant to that resolution hereunder affixed in the presence of:

.....  
PRESIDENT

.....  
CLERK

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.4 of this Scheme and to which formal approval was given by the Hon. Minister for Planning on the date shown below.

2. Recommended/submitted for final approval by the Western Australian Planning Commission.

.....  
CHAIRMAN

.....  
DATE

3. Final approval granted.

.....  
SARAH ARTHUR  
for HON. MINISTER FOR PLANNING

.....  
DATE 7/8/1994