

TABLE OF CONTENTS

# SHIRE OF DALWALLINU

## Local Planning Scheme No 2

---

Updated to include AMD 9 GG 12/01/2026

---



Department of Planning,  
Lands and Heritage



Original Town Planning Scheme Gazettal  
6 February 2014

### Disclaimer

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective local government authority should be made to view a legal version of the Scheme. Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

Department of Planning,  
Lands and Heritage

Gordon Stephenson House  
140 William Street  
Perth WA 6000

Locked Bag 2506  
Perth WA 6001

website: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)

email: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)

tel: 08 6551 9000

fax: 08 6552 4417

National Relay Service: 13 36 77

Infoline: 1800 626 477

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
-	06/02/14	19/02/14	ML	Scheme gazette.
1	27/09/16	12/10/16	MLD	Rezone Lot 53 Douglas Street, Buntine from 'Public Purposes' reserve to 'Townsite R2' as depicted on the Scheme Amendment map
2	09/12/16	09/01/16	RC	Add an Additional Use for "Storage of Dangerous Goods and Associated Manufacturing" to Lots 115 and 117 cnr of the Mullewa-Wubin Road and Thomas Road Delete "Schedule 2 - Additional Uses" and replace Amend the Scheme Maps accordingly – to show the subject land as having an "Additional Use" No. 1 Add the symbol for Additional Use to the Legend
3	17/01/17	25/01/17	MLD	Amend 'Schedule 4 - Special use zones' of the Local Planning Scheme by replacing the words 'Structure Plan' in the 'Conditions' column for SU20 with the words 'Local development plan'
4	03/08/18	06/08/18	HB	Rezone Lot 1 Rolinson Drive, Kalannie from 'Special Use' (SU14) to 'Residential' (R10/30); Lot 27 Locke Street, Kalannie from 'Special Use' (SU12) to 'Residential' (R10/30); and Lot 137 Hazlett St, Kalannie from 'Special Use' (SU11) to 'Townsite'.
5	31/01/2020	04/02/2020	MLD	Reclassify Ptn. Lot 12 Bell Road, Dalwallinu, from Local Scheme Reserve 'Public Purposes' to 'Rural' zone.  Amend the Scheme maps accordingly.
6	31/01/2020	04/02/2020	MLD	Rezoning Lot 148 Leahy Street, Pithara from Recreation reserve to Townsite zone and apply an R2 density code over the lot.  Amend the Scheme maps accordingly.
7	10/12/2021	12/01/2022	HB	Rezoning Lots 10, 11, 12, 13, 14 & 15 McNeill Street, Dalwallinu from 'Residential' to 'Commercial' zone with an R10/50 density code as depicted on the scheme amendment map.
8	1/4/2022	4/4/2022	MLD	Rezoning Lot 95 Arthur Street, Wubin from 'Reserve – Public Purposes' to 'Townsite' zone as depicted on the Scheme Amendment map.
9	13/02/2026	17/02/2026	HAB	Rezoning Lots 12, 13 & 14 McConnell Street, Pithara from 'Recr3eation' and 'Public Purposes' reserves to 'Townsite' zone on the Local Planning Scheme Map 9.



# SHIRE OF DALWALLINU

## LOCAL PLANNING SCHEME No 2

DECEMBER 2013

**PLANWEST**

(WA) PTY LTD A.B.N. 77 665 477 168

**CONSULTANTS IN PLANNING,  
DESIGN AND MANAGEMENT**

# **Shire of Dalwallinu**

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

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

### **Preamble**

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

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

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

Queries regarding any aspect of the Scheme and how it may affect proposals for future development and use of land within the local government district should be directed to the Shire of Dalwallinu Administration Centre, 58 Johnston Street, Dalwallinu (Tel: (08) 9661 1001, Fax: (08) 9661 1097)

## Table of Contents

Part 1 **Preliminary** — sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.

Part 2 **Local Planning Policy Framework** — sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies.

Part 3 **Reserves** — sets out the local reserves which apply in the Scheme area and related provisions.

Part 4 **Zones and the use of land** — sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.

Part 5 **General development requirements** — sets out the planning requirements which may apply to a particular use or development in a zone.

Part 6 **Special control areas** — sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.

Part 7 **Heritage protection** — sets out special provisions which apply to heritage places and areas.

Part 8 **Development of land** — sets out the circumstances under which approval is required for the development of land as distinct from the use of land.

Part 9 **Applications for planning approval** — sets out the procedure for applying for planning approval including both the use and development of land.

Part 10 **Procedure for dealing with applications** — sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.

Part 11 **Enforcement and administration** — sets out the general provisions for the administration and enforcement of the Scheme.

### Schedules

Schedule 1	Dictionary of defined words and expressions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	Form of application for planning approval
Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval
Schedule 10	Environmental conditions

## Part 1 - Preliminary

---

### 1.1 Citation

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

1.1.2 The following is hereby revoked—

- Shire of Dalwallinu Town Planning Scheme No 1 - Gazetted 24 November 2000

### 1.2 Responsible authority

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

### 1.3. Scheme area

The Scheme applies to the Scheme area that covers the entire local government district of the Shire of Dalwallinu as shown on the Scheme Map.

### 1.4. Contents of Scheme

The Scheme comprises —

- (a) the Scheme Text;
- (b) the Scheme Map (Sheets 1 – 10).

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

### 1.5. Purposes of Scheme

The purposes of the Scheme are to —

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

### 1.6 The aims of the Scheme

The aims of the Scheme are —

- To assist the effective implementation of regional plans and policies including the State and Local Planning Strategy.
- To ensure there is a sufficient supply of serviced and suitable land for a variety of housing types, employment, commercial activities, community

facilities, recreation and open space.

- To rationalise the distribution of townsites to be supported and serviced by the Council.
- To reinforce the role of the Dalwallinu town centre as the principal focus of retail, office, civic and cultural activities as well as providing for a high level of community services and for the provision of mixed use developments.
- To assist employment and economic growth by facilitating the timely provision of suitably serviced land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities including rural residential development.
- To protect and enhance the environmental values, remnant vegetation and natural resources of the local government area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character, heritage and amenity of the built and natural environment of the local government area.

## **1.7 Definitions**

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have —

- (a) in the Planning and Development Act 2005; or
- (b) if they are not defined in that Act —
  - (i) in the Dictionary of defined words and expressions in Schedule 1 of this Scheme; or
  - (ii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary in Schedule 1 of this Scheme, the Model Scheme Text and the meaning of that word or expression in the Residential Design Codes -

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in Schedule 1 of the Scheme prevails.

1.7.3 Notes, and instructions printed in italics, are not part of the Scheme.

## **1.8 Relationship with local laws**

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

## **1.9 Relationship with other Schemes**

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

## Part 2 - LOCAL PLANNING POLICY FRAMEWORK

---

### 2.1 Scheme determinations to conform to Local Planning Strategy

If the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.

### 2.2 Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply —

- (a) generally or for a particular class or classes of matters; and
  - (b) throughout the Scheme area or in one or more parts of the Scheme area,
- and may amend or add to or rescind the Policy.

### 2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Planning Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

### 2.4 Procedure for making or amending a Local Planning Policy

2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government —

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of —
  - (i) where the draft Policy may be inspected;
  - (ii) the subject and nature of the draft Policy; and
  - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

- 2.4.2 After the expiry of the period within which submissions may be made, the local government is to —
- (a) review the proposed Policy in the light of any submissions made; and
  - (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.
- 2.4.3 If the local government resolves to adopt the Policy, the local government is to-
- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
  - (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
- 2.4.4 A Policy has effect on publication of a notice under clause 2.4.3(a).
- 2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

## **2.5 Revocation of Local Planning Policy**

A Local Planning Policy may be revoked by —

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

## Part 3 - RESERVES

---

### 3.1 Reserves

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

### 3.2 Regional Reserves

There are no regional reserves in the Scheme area.

### 3.3 Local Reserves

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

### 3.4 Use and development of Local Reserves

3.4.1 A person must not —

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve,

without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government is to have due regard to —

- (a) the matters set out in Part 10.2;
- (b) the ultimate purpose intended for the Local Reserve; and
- (c) the objectives for Local Reserves as listed in clause 3.4.4.

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

## Part 4 - ZONES AND THE USE OF LAND

---

### 4.1 Zones

- 4.1.1 The Scheme area is classified into the zones shown on the Scheme Map.
- 4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

### 4.2 Objectives of the zones

The objectives of the zones are —

#### 4.2.1 Residential zone

The objectives are;

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

#### 4.2.2 Commercial zone

The objectives are;

- 4.2.2.1 To retain Dalwallinu townsite as the focus for commercial, office, civic and cultural and service functions.
- 4.2.2.2 To provide for a high level of community services.
- 4.2.2.3 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.
- 4.2.2.4 To preclude the storage of bulky and unsightly goods where they may be in public view.
- 4.2.2.5 To provide for and encourage mixed use developments to capitalise on the central location.
- 4.2.2.6 To provide street furniture, planting and sheltered places for pedestrians.
- 4.2.2.7 To encourage the provision of public art to improve the amenity and ambiance of the town centre area.

- 4.2.2.8 To provide for residential uses only where the residential uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.
- 4.2.2.9 To maintain a coordinated, consolidated, compact and accessible area for a mix of predominately small scale convenience shops, offices and community facilities to serve the day to day needs.
- 4.2.2.10 To centralise commercial, office, showroom, open air display and service functions for day to day needs.
- 4.2.2.11 To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- 4.2.2.12 To preclude the storage of bulky and unsightly goods where they may be in public view.
- 4.2.2.13 To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.
- 4.2.2.14 To provide for a range of uses to ensure maximum occupation of land and buildings, even where uses may be interim or transitional.

#### **4.2.3 General Industry zone**

The objectives are;

- 4.2.3.1 To provide for general industry, the storage and distribution of goods and associated uses, which by the nature of their operations may need to be separated from residential and other sensitive areas.
- 4.2.3.2 To discourage non-industrial uses to minimise land use conflicts and address environmental impacts.
- 4.2.3.3 To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in close vicinity.
- 4.2.3.4 To encourage the provision of landscaping to ensure the industrial development is appropriately screened from the main road.
- 4.2.3.5 To provide a location where separate heavy vehicular access is provided.
- 4.2.3.6 To provide a location for regional and local depots, warehouses, and large vehicle parking and servicing areas.
- 4.2.3.7 To provide for a range of employment opportunities.

#### **4.2.4 Townsite zone**

The objectives are;

- 4.2.4.1 To maintain a rural town atmosphere and lifestyle choice.
- 4.2.4.2 To provide for a degree of flexibility of uses allowed within the zone whilst maintaining an appropriate level of residential amenity.
- 4.2.4.3 To allow a variety of uses necessary to service the normal functions of a rural townsite.
- 4.2.4.4 To provide for a mix of residential development and a range of commercial, light industrial and other uses considered appropriate in rural towns.

#### **4.2.5 Special Use zone**

The objectives are;

- 4.2.5.1 To enable the local government to specify a specific site to provide for a primary purpose and to impose specific conditions as set out in Schedule 4. The Schedule may restrict the use and operation of any development that would normally not fit within the ambit of any other zone in this Scheme.
- 4.2.5.2 To provide an area where special uses can be operated under the specific control of the local government in order to maintain the safety, health and welfare of surrounding users.

#### **4.2.6 Rural Residential zone**

The Objectives are;

- 4.2.6.1 To provide for development for the purpose of closer settlement on land that is suitable for such a purpose, without impacting on the continued rural operation of adjoining land.
- 4.2.6.2 To ensure that development maintains the rural character of the locality, maintains a high level of amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.
- 4.2.6.3 To discourage or prohibit development not compatible with the predominantly rural nature amenity of the zone.
- 4.2.6.4 To promote and encourage cluster subdivision and other innovative rural residential designs, having consideration for conservation values.
- 4.2.6.5 To ensure the provision of community facilities and emergency services in the vicinity of rural residential developments.
- 4.2.6.6 To encourage the provision of vegetation and fauna corridors and the revegetation of the land to adequately protect any areas or sites of conservation value within the design.

- 4.2.6.7 To direct and design the staging of rural residential subdivision to prevent premature demand for services and facilities.

#### **4.2.7 Rural zone**

The objectives are;

- 4.2.7.1 To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- 4.2.7.2 To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.
- 4.2.7.3 To support sustainable farming practices and the retention of remnant vegetation.
- 4.2.7.4 To prevent any development that may affect the viability of a holding.
- 4.2.7.5 To encourage small scale, low impact tourist accommodation in rural locations.
- 4.2.7.6 To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.
- 4.2.7.7 To support the creation of homestead lots in accordance with adopted Local Planning Policy.
- 4.2.7.8 To support mining activities where an environmental management plan has been prepared and is acceptable to the Council and EPA.
- 4.2.7.9 To preclude the disposal of used tyres or any other material that may be detrimental to the quality of the land.

#### **4.3 Table 1 - Zoning Table**

- 4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross-reference between the list of use classes on the left-hand side of the Zoning Table and the list of zones at the top of the Zoning Table.
- 4.3.2 The symbols used in the cross-reference in the Zoning Table have the following meanings —
- ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- ‘X’ means a use that is not permitted by the Scheme.

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

- Note:
- 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
  - 2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
  - 3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.
  - 4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

#### **4.4 Interpretation of the Zoning Table**

- 4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
  - (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
  - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

#### **4.5 Additional uses**

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

- Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

#### **4.6 Restricted uses**

There are no restricted uses which apply to the Scheme.

## **4.7 Special use zones**

4.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

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

## **4.8 Non-conforming uses**

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

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

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

## **4.9 Extensions and changes to a non-conforming use**

4.9.1 A person must not -

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

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

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

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

#### **4.10 Discontinuance of non-conforming use**

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

#### **4.11 Termination of a non-conforming use**

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

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

#### **4.12 Destruction of non-conforming use buildings**

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

**TABLE 1 – ZONING TABLE (Part 1 of 3)**

USE CLASSES	ZONES					
	RESIDENTIAL	COMMERCIAL	GENERAL INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
<b>RESIDENTIAL USES</b>						
Aged or dependent persons dwelling	D	X	X	D	X	X
Caretaker's dwelling	X	D	X	X	X	X
Home business	D	D	X	P	D	D
Home occupation	D	D	X	P	D	D
Home office	P	D	X	P	D	D
Home store	D	D	X	D	D	D
Park home park	X	A	X	A	X	X
Residential building	A	D	X	A	X	X
Rural home business	X	X	X	D	D	D
Single house	P	A	X	D	P	P
Grouped dwelling	P	D	X	D	X	D
Multiple dwelling	D	D	X	D	X	X
<b>TOURIST AND ENTERTAINMENT USES</b>						
Amusement parlour	X	D	A	A	X	X
Bed and breakfast	A	D	X	A	D	D
Caravan park	X	X	X	A	X	A
Short stay accommodation	A	D	X	A	D	A
Hotel	X	P	X	A	X	X
Motel	X	D	X	A	X	X
Tavern	X	P	X	A	X	X

**TABLE 1 – ZONING TABLE (Part 2 of 3)**

USE CLASSES	ZONES					
	RESIDENTIAL	COMMERCIAL	GENERAL INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
<b>COMMERCE USES</b>						
Betting agency	X	P	X	A	X	X
Cinema/theatre	X	P	X	D	X	X
Consulting rooms	X	D	X	A	X	X
Convenience store	A	P	X	A	X	X
Dry cleaning premises	X	D	D	A	X	X
Fast food outlet	X	D	X	A	X	X
Lunch bar	X	P	P	A	X	X
Market	X	D	D	A	X	X
Medical centre	X	D	X	A	X	X
Motor vehicle, boat or caravan sales	X	D	X	A	X	X
Motor vehicle repair	X	D	P	A	X	X
Motor vehicle wash	X	D	P	A	X	X
Night club	X	D	X	A	X	X
Office	X	P	D	A	X	D
Private Recreation	X	D	D	A	X	A
Reception centre	X	P	X	A	D	X
Restaurant	X	P	X	A	D	D
Restricted premises	X	D	X	A	X	X
Service station	X	D	P	A	X	X
Shop	X	P	D	A	X	X
Showroom	X	D	P	A	X	X
Trade display	X	D	P	A	X	X
Transport depot	X	X	P	A	X	D
Winery	X	X	X	A	D	A
<b>OTHER USES</b>						
Funeral parlour	X	A	P	A	X	X
Service utility	P	P	P	P	P	P
Telecommunications infrastructure	A	D	P	D	A	D
Veterinary centre	X	A	P	A	D	A

**TABLE 1 – ZONING TABLE (Part 3 of 3)**

USE CLASSES	ZONES					
	RESIDENTIAL	COMMERCIAL	GENERAL INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
<b>INDUSTRY USES</b>						
Fuel depot	X	X	A	A	X	X
Industry	X	X	D	X	X	X
Industry - cottage	A	D	P	D	A	A
Industry - extractive	X	X	P	X	X	D
Industry - general	X	X	D	X	X	X
Industry - light	X	X	P	A	X	D
Industry - mining	X	X	X	X	X	D
Industry - rural	X	X	P	A	D	P
Industry - service	X	D	P	A	X	D
Storage	X	D	P	A	X	X
Warehouse	X	D	P	A	X	X
<b>CIVIC AND COMMUNITY USES</b>						
Child care premises	A	D	X	D	X	X
Civic use	D	D	D	A	D	X
Club premises	D	P	D	A	D	X
Community purpose	A	P	A	A	X	X
Educational establishment	X	P	A	A	X	X
Exhibition centre	X	D	X	X	X	X
Family day care	A	D	X	A	A	A
<b>RURAL USES</b>						
Agroforestry	X	X	X	X	D	A
Animal establishment	X	X	A	X	X	A
Animal husbandry - Intensive	X	X	X	X	X	A
Agriculture - extensive	X	X	X	X	X	P
Agriculture - intensive	X	X	X	X	D	A
Plantation	X	X	X	X	D	D
Rural pursuit	X	X	X	A	D	D

## **Part 5 - GENERAL DEVELOPMENT REQUIREMENTS**

---

### **5.1 Compliance with development standards and requirements**

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

### **5.2 Residential Design Codes**

- 5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
- 5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
- 5.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

### **5.3 Special application of Residential Design Codes**

- 5.3.1 The Residential Design Code for land zoned 'Residential' in Dalwallinu Townsite shall be R10/30 unless otherwise indicated on the Scheme Maps.
- 5.3.2 Where the Residential Design Code for land zoned 'Commercial' in Dalwallinu Townsite is shown as R10/50 the Council may only support such a density where it considers the development will improve the amenity of the area.
- 5.3.3 The Residential Design Code for land zoned 'Townsite' and 'Residential' in all other townsites in the district shall be R10/30 unless otherwise shown.
- 5.3.4 The Council shall not approve a residential development with a density exceeding R10 unless the Council is satisfied that the development can be connected to a reticulated sewerage system and is in accordance with any relevant government sewerage policy.

### **5.4 Restrictive covenants**

- 5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.
- 5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

## **5.5 Variations to site and development standards and requirements**

- 5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —
- (a) consult the affected parties by following one or more of the provisions for advertising uses under Part 9; and
  - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that -
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Part 10; and
  - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

## **5.6 Environmental conditions**

- 5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.
- 5.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 5.6.3 The local government is to —
- (a) maintain a register of all relevant statements published under sections 48F and 48G of the Environmental Protection Act; and
  - (b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*.

**TABLE II DEVELOPMENT TABLE**

CONTROLS DEVELOPMENT	MINIMUM BOUNDARY SETBACK (metres)			MAXIMUM PLOT RATIO	MINIMUM LANDSCAPED AREA (%)	MINIMUM NUMBER OF ON SITE CAR PARKING BAYS
	FRONT	REAR (average)	SIDES			
Club premises	*	*	*	0.5	*	1 for every 45m <sup>2</sup> of net lettable area.
Consulting rooms	*	*	*	*	*	1 for every 30m <sup>2</sup> of net lettable area, plus 1 for each person employed.
Child care premises	7.5	7.5	*	*	*	1 for each employee.
Educational establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.
Funeral Parlour	*	*	*	*	10	As determined by the Council, (minimum 6).
Community purpose	*	*	*	*	10	1 for every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.4 in Res Zone 0.5 elsewhere	20	1 per 4 beds and 1 per employee.
Residential building	7.5	7.5	*	*	30	1 per dwelling.
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 2m <sup>2</sup> of bar and lounge area.
Industry - Service	7.5	7.5	*	*	10	1 per 2 employees.
Industry - Light	7.5	7.5	*	*	10	1 per 2 employees.
Industry - General	7.5	7.5	*	*	15	1 per 2 employees.
Motel	11.0	7.5	3.0 per storey	1.0	30	1 per unit, plus 1 space per 25m <sup>2</sup> of service area.
Office	*	*	*	0.5	*	1 for every 30m <sup>2</sup> plot ratio area.
Restaurant	*	*	*	*	*	1 for every 10m <sup>2</sup> of net lettable area or 1 for every 4 seats provided, whichever is the greater.
Service station	11.0	7.5	5	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15m <sup>2</sup> of net lettable area.
Showroom	*	*	*	*	10	1 for every 100m <sup>2</sup> of gross floor area.
Motor vehicle, boat and caravan sales	*	*	*	*	5	1 for every 250m <sup>2</sup> of sales area, plus 1 for every person employed on site.

NOTES: i) \* means 'to be determined by the Council' in each particular case.  
ii) Landscaping to be generally at the street frontage.

## 5.7 Site and Development Requirements

Any development that is permitted under the provisions of Part 3 and Part 4 of this Scheme shall conform to the requirements for that use as specified in Table II - Development Table, or in the Residential Design Codes for residential development.

- 5.7.1 **Development Requirements**  
Where development standards for a particular use are not set out in this Scheme, the development applicable shall be determined by the local government.
- 5.7.2 **Combined Uses**  
Where two or more uses are combined in a single development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the local government shall determine.
- 5.7.3 **Industrial Development**  
Unsewered industrial development will be restricted to 'dry industry' type (ie. industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1000m<sup>2</sup>).
- 5.7.4 **Car Parking**  
Car parking requirements for each use are set out in Table II - Development Table and the relevant Local Planning Policy.
- 5.7.5 **Landscaping**  
Landscaping requirements for each use are set out in Table II - Development Table and the relevant Local Planning Policy.

## **5.8 Caretaker's dwelling**

The provisions of this clause apply to caretakers' dwellings.

- 5.8.1 A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation.
- 5.8.2 Only a single caretaker's dwelling shall be permitted on each lot and it shall be located at the rear of a lot.
- 5.8.3 The Council will not support the subdivision or development of land that will;
- allow the dwelling to be sold separately from the predominant use of the land;
  - restrict the use of the land.
- 5.8.4 A caretaker's dwelling shall have a maximum floor area of 100m<sup>2</sup> measured from the external face of the walls.

## **5.9 Structure Plan**

- 5.9.1 The local government or the Western Australian Planning Commission may require the preparation of a structure plan prior to considering a subdivision or development proposal for any area or zone in the scheme.
- 5.9.2 Subdivision and development should generally be in accordance with an approved structure plan.
- 5.9.3 A departure from, or alteration to, a structure plan may be permitted if the local government and Western Australian Planning Commission considers the proposed departure or alteration to be minor in nature and it will not prejudice the future subdivision and development of the area.

#### 5.9.4 Structure plan form and content

5.9.4.1 A Structure Plan is to contain such detail as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning requirements for the structure plan area, and should include the following details:

- a) a set of maps and a report describing the structure plan area and surrounding land uses;
- b) maps are to be of a legible scale for the structure plan area;
- c) key opportunities and constraints of the structure plan area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and services;
- d) conservation and environmental values including bushland, wetlands, streams and water courses, foreshore reserves and setbacks, environmental policy areas and urban water management areas;
- e) sites and features of Aboriginal and European heritage value;
- f) transport routes, including highways, district and neighbourhood roads, public transport routes, cycle routes and railway stations;
- g) the planning context for the structure plan including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, an indication of how the structure plan is to be integrated into the surrounding area;
- h) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- i) the proposed indicative lot pattern and general location of any major buildings;
- j) estimates of future lots, dwellings, population, commercial and industrial floor space;
- k) provision for major infrastructure, including water supply, main drainage, sewerage, and other key infrastructure services;
- l) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- m) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions; and

- n) such other information as may be required by the local government as a result of the site's characteristics.

#### 5.9.5 Advertising and adoption of structure plans

5.9.5.1 Upon receiving a structure plan, the local government is to either:

- a) determine that the structure plan is satisfactory for advertising;
- b) determine that the structure plan is not to be advertised until further details have been provided or modifications undertaken; or
- c) determine that the structure plan is not satisfactory for advertising and give reasons for this to the proponent.

5.9.5.2 When the local government has determined the structure plan to be suitable for advertising, the structure plan should be advertised for a minimum period of 21 days.

5.9.5.3 The local government shall advise affected landowners and relevant agencies in writing that the structure plan is available for public advertising.

5.9.5.4 Following advertising, the local government shall consider the public submissions made in respect of the structure plan, and either uphold or dismiss the submissions made.

5.9.5.5 The local government may require modifications to the structure plan prior to adoption.

5.9.5.6 When the local government is satisfied with the structure plan, it is to adopt the structure plan and forward the Council's resolution, the adopted structure plan, and schedule of public submissions is to be forwarded to the Western Australian Planning Commission for final approval.

5.9.5.7 The Western Australian Planning Commission shall then either approve the structure plan, approve the structure plan with modifications or refuse the structure plan.

#### 5.9.6 Operation of Structure Plan

5.9.6.1 A structure plan commences operation when it is adopted by the local government and approved by the Western Australian Planning Commission

5.9.6.2 If a structure plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then:

- a) the provisions of the structure plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and

- b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the structure plan area;
- c) where there is conflict between the provisions of a zone, reserve or provision in a structure plan or a scheme, the scheme shall prevail.

5.9.6.3 If the zones or reserves proposed by a structure plan are inconsistent with the scheme, they must be incorporated into the scheme via a scheme amendment prior to the local government advertising or adopting the structure plan.

#### 5.9.7 Right of Review

5.9.7.1 The proponent of a structure plan required by this Scheme may make application for review under Part 14 of the Planning and Development Act 2005 on the following grounds:

- a) The failure of the local government to make a determination on the content and requirement of a structure plan (or an amendment to a structure plan) within 120 days of the structure plan being lodged;
- b) A decision by the local government not to endorse a structure plan (or an amendment to a structure plan); and
- c) Conditions of approval of the structure plan (or an amendment to a structure plan).

5.9.7.2 In considering other procedural matters involved with structure plans, the local government and proponent will be guided by policies of the Western Australian Planning Commission.

### 5.10 Rural Residential Development

- 5.10.1 Only one dwelling will be permitted on any lot in the rural Residential zone.
- 5.10.2 All development shall comply with the R2 general site requirements of the Residential Design Codes, with the exception of lot area.
- 5.10.3 Subdivision into more than 3 'Rural Residential' lots shall only occur in accordance with an adopted Structure Plan.
- 5.10.4 Provision must be made for all dwellings to be connected to a reticulated potable water supply or have appropriate provision for alternative potable water supply in accordance with government policy.

### 5.11 Homestead Lot Development

Council will support the creation of homestead lots when in addition to the relevant state development control policy, each of the following requirements can be met;

- (a) the homestead lot contains a dwelling on a rural lot that has been established for no less than 15 years;
- (b) the homestead lot being connected to electricity;
- (c) the disposal of putrescible waste from the homestead lot can be serviced to the satisfaction of Council.

## **5.12 Rural Development**

Notwithstanding the right to develop a single house on an existing lot, residential development in the Rural zone shall comply with the specific requirements of the Council, however these shall not be less than those specified for the Residential Design Code R2, with the exception of lot area.

The erection of more than one (1) single house per lot will generally not be supported, except where it can be demonstrated that the additional houses are for workers accommodation.

All proposals for development in the Rural zone must have regard to both on-site and off-site impacts and, where necessary, should be accompanied by information identifying—

- (a) environmental values and any environmental risks;
- (b) the potential for land use conflict;
- (c) the potential impacts and restrictions on allowed uses on adjacent or nearby locations;
- (d) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site and the appropriate conditions relating to subdivision and development.

## **5.13 Rural Zone**

Large lots, located to the east of Rabbit Proof Fence Road, may be subdivided to create lots which are;

- Consistent with the size of rural properties (may comprise multiple lots) used for rural land uses in the locality; and
- 200 ha or greater in size; and
- Allow for continued rural land uses.

## **PART 6 - SPECIAL CONTROL AREAS**

---

### **6.1 Operation of special control areas**

- 6.1.1 The following special control areas (SCA) apply to the Scheme as shown on the Scheme Map.
- SCA1 Evaporation ponds
  - SCA2 Wastewater treatment plant
  - SCA3 Rubbish tip
  - SCA4 Dalwallinu airstrip
- 6.1.2. In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

### **6.2 SCA 1 Evaporation Ponds**

#### **6.2.1 Purpose**

The purpose of special control area 1 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 1.

#### **6.2.2 Objectives**

The objectives for the SCA 1 are to:

- (a) identify land which may be affected by the Evaporation Ponds;
- (b) ensure that the use and development of land is compatible; and
- (c) minimise impacts on residential and other sensitive uses.

#### **6.2.3 Application Requirements**

Despite any other provision of the Scheme planning approval is required for all use and development including a single house.

#### **6.2.4 Development Requirements**

In addition to other provisions of the Scheme, all development shall be determined by the Council based on advice received from the environmental protection agency.

#### **6.2.5 Referral of Applications**

An application may be referred to the environmental protection agency for advice.

### **6.3 SCA 2 Wastewater treatment plant**

#### **6.3.1 Purpose**

The purpose of special control area 2 is to provide guidance for land use and development within the areas shown on the Scheme Maps as SCA 2.

### 6.3.2 Objectives

The objectives for the SCA 2 are to:

- (a) identify land which may be affected by the Wastewater treatment plant;
- (b) ensure that the use and development of land is compatible; and
- (c) minimise impacts on residential and other sensitive uses.

### 6.3.3 Application Requirements

Despite any other provision of the Scheme planning approval is required for all use and development including a single house.

### 6.3.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the Council based on advice received from the environmental protection agency.

### 6.3.5 Referral of Applications

An application may be referred to the environmental protection agency for advice.

## 6.4 SCA 3 Kalannie Rubbish tip

### 6.4.1 Purpose

The purpose of special control area 3 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 3.

### 6.4.2 Objectives

The objectives for the SCA 3 are to:

- (a) identify land which may be affected by the rubbish tip;
- (b) ensure that the use and development of land is compatible; and
- (c) minimise impacts on residential and other sensitive uses.

### 6.4.3 Application Requirements

Despite any other provision of the Scheme planning approval is required for all use and development including a single house.

### 6.4.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the Council based on advice received from the environmental protection agency.

### 6.4.5 Referral of Applications

An application may be referred to the environmental protection agency for advice.

## 6.5 SCA 4 Dalwallinu airstrip

### 6.5.1 Purpose

The purpose of special control area 4 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 4.

#### 6.5.2 Objectives

The objectives for the SCA 4 are to:

- (a) identify land which may be affected by the Dalwallinu airstrip;
- (b) ensure that the use and development of land is compatible;
- (c) minimise impacts on residential and other sensitive uses; and
- (d) protect the operational airspace of the airstrip.

#### 6.5.3 Application Requirements

Despite any other provision of the Scheme planning approval is required for all use and development including a single house.

#### 6.5.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the Council based on advice received from the environmental protection agency.

#### 6.5.5 Referral of Applications

An application may be referred to the environmental protection agency for advice.

### **6.6 SCA 5 Water Supply**

#### 6.6.1 Purpose

The purpose of special control area 5 is to provide guidance for land use and development within the areas shown on the Scheme Maps as SCA 5.

#### 6.6.2 Objectives

The objectives for the SCA 5 are to:

- (a) identify land which may be affected by the Kalannie water supply infrastructure;
- (b) ensure that the use and development of land is compatible; and
- (c) minimise impacts on residential and other sensitive uses.

#### 6.6.3 Application Requirements

Despite any other provision of the Scheme planning approval is required for all use and development including a single house.

#### 6.6.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the Council based on advice received from the environmental protection agency.

#### 6.6.5 Referral of Applications

An application may be referred to the environmental protection agency for advice.

## **Part 7 - HERITAGE PROTECTION**

---

The provisions of part 7 of the Model Scheme Text as current including any amendments apply.

## **Part 8 - DEVELOPMENT OF LAND**

---

The provisions detailed in Part 8 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text) relating to the development of land are deemed to form part of this Scheme, except as varied below.

### **8.5 Requirement for consultation to commence mining**

In considering proposals to commercially extract minerals, Council may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.

## **Part 9 - APPLICATIONS FOR PLANNING APPROVAL**

---

The provisions detailed in Part 9 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text) relating to applications for planning approval are deemed to form part of this Scheme, except as varied below.

There are no variations to Part 9 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text).

## **Part 10 - PROCEDURE FOR DEALING WITH APPLICATIONS**

---

The provisions detailed in Part 10 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text) relating to the procedure for dealing with applications are deemed to form part of this Scheme, except as varied below.

There are no variations to Part 10 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text).

## **Part 11 - ENFORCEMENT AND ADMINISTRATION**

---

The provisions detailed in Part 11 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text) relating to enforcement and administration are deemed to form part of this Scheme, except as varied below.

There are no variations to Part 11 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text).

## Schedules

Schedule 1	Dictionary of defined words and expressions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	Form of application for planning approval
Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval
Schedule 10	Environmental conditions

### Schedule 1 — Dictionary of defined words and expressions

Unless listed below the words and expressions used in the Scheme have the same meaning as the general definitions and land use definitions contained in Schedule 1 of the *Town Planning Amendment Regulations 1999* (the Model Scheme text). Where a definition is listed below and there is a conflict of interpretation of words the meaning of the word or term, the definition listed below shall prevail, unless the word or expression applies to residential development (Clause 1.7 refers).

**"Rural Home Business"** - means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwellings which:-

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 200 square metres;
- (d) does not involve the retail sale, display or hire of good of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of more than 3 vehicles, with vehicles not being more than 25 tonnes gross weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

**"Short Stay accommodation"** - means accommodation comprising two or more cabins, apartments, chalets, cottages, or flats which, by way of trade or business, or for the purpose of any trade or business is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor for a period of less than 3 months. Short Stay accommodation may include a dining area or restaurant.

**"Service utility"** - means any work or undertaking constructed or maintained by a service authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, waste, communications or other similar services;

**"Transport depot"** - means land or a building or buildings used for the parking or garaging of road motor vehicles (including taxis) which are used or intended to be used for the carriage of passengers or goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes the maintenance or repair of such vehicles;

## Schedule 2 – Additional uses

AMD 2 GG 09/12/16

No.	Description of land	Additional use	Conditions
A1	Lot 117 on Deposited Plan 150270 and Lot 115 on Deposited Plan 148784 on the corner of Mullewa-Wubin Road and Thomas Road, Wubin	Storage of dangerous goods and associated manufacturing  Truck assembly	<p><b>General</b></p> <ol style="list-style-type: none"> <li>1. The use is not permitted unless the local government has exercised its discretion by granting development approval under Part 8 of the deemed provisions.</li> <li>2. Development shall generally be in accordance with the development approval granted by the local government.</li> <li>3. Minor variations may be permitted to the development approval by the local government after following the procedures in Clause 77 of the deemed provisions.</li> <li>4. All buildings and activities to comply with relevant Commonwealth, State and Local Government by-laws and regulations.</li> <li>5. Access and egress to the Mullewa-Wubin Road are to be at a location and at a standard of construction to the satisfaction of Main Roads WA and the local government.</li> <li>6. All stormwater drainage shall be accommodated on site and no direct discharge onto surrounding properties or road reserves.</li> <li>7. The implementation of appropriate fire control and emergency evacuation and management measures as determined by the local government in consultation with relevant State authorities.</li> </ol> <p><b>Effluent Disposal</b></p> <ol style="list-style-type: none"> <li>8. Effluent disposal shall be undertaken to the satisfaction of the local government and the relevant State Government authority.</li> </ol>

			<p><b>Environmental Management</b></p> <p>9. The development, operation and management of the ammonium nitrate emulsion facility shall be undertaken in accordance with an Environmental Management Plan approved by the local government.</p> <p><b>Department of Mines and Petroleum – Licensing and Inspections</b></p> <p>10. The plant must comply with the requirements of the <i>Dangerous Goods Safety Act 2004</i>, the national code prepared by Australian Explosives Industry Safety Group (AEISG) for the storage and handling of UN3375 (ammonium nitrate emulsion) and the Department of Mines and Petroleum (DMP) code of practice on the safe storage of ammonium nitrate.</p> <p>11. A Dangerous Goods Storage License and a Security Restricted Substance License must be obtained from the DMP prior to the commissioning and operation of the plant.</p>

### Schedule 3 – Restricted uses

There are no restricted uses that apply to the Scheme.

No.	Description of land	Restricted use	Reason for Restriction	Map Label

### Schedule 4 – Special use zones

The following special use zones apply to the Scheme.

No	Description of land	Special use	Conditions
SU1	Lots 417, 568 and Ptn VCL Clinch Road, Dalwallinu	Caravan park	
SU2	Lots 139 and 140 McNeill St, Dalwallinu	Place of Worship	
SU3	Lot 138, McNeill St, Dalwallinu	Place of Worship	
SU4	Lot 112 Annetts Rd, Dalwallinu	Place of Worship	
SU5	Lot 570 Wasley St, Dalwallinu	Place of Worship	
SU6	Lot 317 Johnston St, Dalwallinu	Road house	
SU7	Ptn Lot 395 Strickland Drive, Dalwallinu	Private School	
SU8	Ptn Lot 395 Strickland Drive, Dalwallinu	Place of Worship	
SU9	Lots 152-154 Johnston Street, Dalwallinu	Community Hall	
SU10	Lot 514 McNeill Street, Dalwallinu	Place of Worship	
SU11	Lot 137 Hazlett St, Kalannie	Place of Worship	
SU12	Lot 27 Locke St, Kalannie	Place of Worship	
SU13	Lot 152 Roche St and Hathway Dr, Kalannie	Caravan Park	

SU14	Lot 1 Rolinson Dr, Kalannie	Place of Worship	
SU15	Lot 49 Roche Street, Kalannie	Place of Worship	
SU16	Lot 35 Arthur Street, Wubin	Place of Worship	
SU17	Lot 56 Woodhouse Street, Wubin	Place of Worship	
SU18	Lot 46 Arthur Street, Wubin	Place of Worship	
SU19	Res 20033 Crampton Street, Pithara	Place of Worship	
SU20	Lot 500 Plan Survey No 074401, off Pearn Road, Pithara	Tavern and caravan park	No additional development will occur until the Council has endorsed a Local Development Plan for the Lot.

## Schedule 5 – Exempted advertisements

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN <sup>1</sup>	MAXIMUM SIZE
<b>Dwellings</b>	One professional name-plate as appropriate.	0.2m <sup>2</sup>
<b>Home Occupation</b>	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
<b>Places of Worship, Meeting Halls and Places of Public Assembly</b>	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
<b>Cinemas, Theatres and Drive-In Theatres</b>	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup> .
<b>Shops, Showrooms and other uses appropriate to a Shopping Area.</b>	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
<b>Industrial and Warehouse Premises</b>	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.  A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m.  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
<b>Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes</b>	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
<b>Public Places and Reserves</b>	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and  b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government, and  c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like 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.	N/A  N/A  N/A
<b>Railway Property and Reserves</b>	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> in area.
<b>Advertisements within buildings</b>	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
<b>All classes of buildings other than single family dwellings</b>	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>

<sup>1</sup> Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

**Schedule 6 – Form of application for planning approval**

The Form of application for planning approval as shown in Schedule 6 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the form as shown in Schedule 6 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text).

**Schedule 7 – Additional information for advertisements**

The Form for additional information for advertisements as shown in Schedule 7 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the form as shown in Schedule 7 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text).

**Schedule 8 – Notice of public advertisement of planning proposal**

The notice of public advertisement of planning proposal as shown in Schedule 8 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the notice as shown in Schedule 8 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text).

**Schedule 9 - Notice of determination on application for planning approval**

The notice of determination on application for planning approval as shown in Schedule 9 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the notice as shown in Schedule 9 of the *Town Planning Amendment Regulations 1999* (Appendix B - Model Scheme Text).

**Schedule 10 – Environmental conditions**

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

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

**ADOPTION**

Adopted by resolution of the Council of the Shire of Dalwallinu at the Ordinary Meeting of the Council held on the ..... day of .....20.....

.....  
SHIRE PRESIDENT .....  
Date

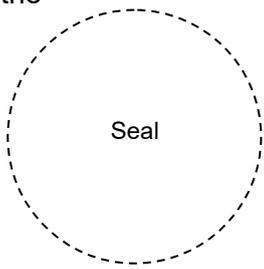
.....  
CHIEF EXECUTIVE OFFICER .....  
Date

**FINAL APPROVAL**

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

.....  
SHIRE PRESIDENT .....  
Date

.....  
CHIEF EXECUTIVE OFFICER .....  
Date



**RECOMMENDED/SUBMITTED FOR FINAL APPROVAL**

.....  
Delegated under S.16 of PD Act 2005, WA PLANNING COMMISSION .....  
Date

**FINAL APPROVAL GRANTED**

.....  
MINISTER FOR PLANNING .....  
Date