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# SHIRE OF DANDARAGAN

## Local Planning Scheme No. 7

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Updated to include AMD 38 GG 22/03/2022

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Local Planning Scheme Gazettal  
24 October 2006

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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 DANDARAGAN LPS7 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
4	18/11/08	24/11/08	DH	Schedule 2 - adding Additional use area No. 1 "Lots 97 and 98 Cook Street, Lots 78, 92 & 93 (Strata Lots 1 and 2) Padbury Street. and Lots 95 & 96 Bashford Street, Jurien Bay.
10	24/3/09	21/4/09	DH	Part 5 - modifying Clause 5.15.1 & Cause 5.15.2. Part 5 - adding new Clause 5.15.4. Schedule 12 - delete Clauses 3,4,5,6,8, 9 and 10 and renumbering existing Clause 7 to "3. Environmental Requirements". Part 5 - inserting new Clause 5.15.5.
9	24/4/09	24/4/09	DH	Schedule 1 - adding definition "Chalet" and "Micro-brewery". Schedule 2 - inserting additional use areas "2. Proposed Lot 178, Marine Fields Estate" and "3. Proposed Lots 179 and 180 Marine Fields Estate". Schedule 11 - modifying text at end of the Title of Rural Residential Zone 2 and inserting new clause "f).
15	22/9/09	29/9/09	DH	Schedule 3 (Restricted Uses)- inserting Restricted Use No. 1. "Proposed Lots 1, 73 and 93 ('Grouped Residential Sites') on the Landcorp Cervantes Development Project site, Lot 5000 Valencia Road, Cervantes".
13	12/2/10	4/3/10	NM	Schedule 4 - inserted Lots 435, 436, 439 Lot 3002 – 3005 Bashford street, Jurien Bay to the Special Use Zones.
7	12/3/10	17/3/10	NM	Schedule 4 – Special Use Zones, inserted Lot 14 and Pt Lot 1121 Dandaragan Road, Dandaragan.
17	21/10/11	03/11/11	NM	Inserted 'No.4 – Lot 129 (No. 65) Bashford Street, Jurien Bay' into Schedule 2 – Additional Uses.
3	08/05/12	23/07/12	NM	Replaced Schedule 12. Replaced clause 5.15.2. Changed all references to 'Structure plan' to 'District Structure plan' within the Scheme. Changed all references to 'Development Plan' to 'Local Structure Plan' within the Scheme. Changed all references to 'Detailed site Plan' to 'Activity Centre Structural Plan' within the Scheme. Replaced Clause 5.15.4(a). Replaced Table 1 – Zoning Table. Inserted cabin, Holiday House, Serviced Apartment and Resort into Schedule 1 – Dictionary of defined words and Expressions – Land Use Definitions. Inserted 'structure plan' into Schedule 1 – Dictionary of defined words and Expressions – General Definitions.
6	30/11/12	4/12/12	NM	Inserted clauses 5.8.3, 5.2.5 and 5.24.1. Deleted Professional Office from Table 2. Inserted Showroom and Roadhouse into Table 1. Inserted Dwelling, Grouped Dwelling, Multiple Dwelling and Roadhouse into Schedule 1 – Definitions.
20	11/10/13	5/11/13	NM	Replaced Clauses 5.14.1(iv), 5.14.1(v) and 5.14.1(vi). Deleted Clause 5.14.1(iii). Inserted Clause 5.14.1 and renumbered subsequent clauses accordingly. Inserted Schedule 11 – Additional Specific Provisions for Particular Rural Residential Zones.
24	12/06/15	15/06/15	MLD	Rezone Lot 480 Hasting Street, Jurien Bay from "Tourist" to "Residential (R40)". Amend the Scheme Maps accordingly.
26	17/07/2015	21/07/2015	NG	Rezone portion of Lot 9016 Bashford Street, Jurien Bay from "Special Development Zone" to "Residential Zone". Include all the land within Lot 9016 which is zoned "Residential" within a Residential Design Code density of R40. Insert a new Clause 5.2.6.
21	18/09/15	13/10/15	HB	Rezone portion of Lot 62 Roberts Street from 'Tourist' to 'Special Use - Tourist Resort'. Rezone portion of Heaton Street road reserve to 'Special Use - Tourist Resort'. Rezone portion of Lot 62 Roberts Street from 'Tourist' to 'Local Road'. Insert a new entry (SU 4) into Schedule 4 for Lot 62 Roberts Street and a

AMD NO	GAZETAL DATE	UPDATED		DETAILS
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				portion of Heaton Street road reserve, Jurien Bay for specific conditions. Amend the Scheme Map accordingly.
25	04/12/15	15/01/16	RO	<p>Changing the designation for Reserve 11300 from 'Public purposes – Water (W)' to 'Public purposes – Infrastructure services (IS)'.</p> <p>Showing a designation for Public purposes – Infrastructure services in the Scheme Map legend.</p> <p>Showing a Special Control Area No. 2 – Wastewater Infrastructure on the Scheme Map legend.</p> <p>Delineate Special Control Area No. 2 – Wastewater Infrastructure around the Jurien Bay wastewater treatment plant on Reserve 11300.</p> <p>Amend sub-clause 6.1.1 Special Control Area No. 1 and No. 2</p> <p>Insert new sub-section 6.3 – Wastewater Infrastructure Special Control Area.</p>
28	02/12/16	12/01/17	RC	<p>Insert reference to the deemed provisions in the preamble to the scheme.</p> <p>Insert reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses.</p> <p>Correcting the references to the scheme maps in 1.4 Note.</p> <p>Correcting Schedule references as follows-</p> <ul style="list-style-type: none"> <li>• Table 1 – the Zoning Table for the Special Development Zone: Schedule 8;</li> <li>• Clause 5.14.3 and clause 5.14.4: Schedule 7</li> <li>• Clause 5.15.1: Schedule 8;</li> <li>• Clause 5.15.2: Schedule 8</li> <li>• Clause 5.16.1 and Schedule 4 No 1: Schedule 9</li> </ul> <p>Delete the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2-</p> <ul style="list-style-type: none"> <li>• Parts 2,7,8,9,10 and 11</li> <li>• Clauses 5.9; 5.12, 5.14.2(iii), 5.14.2(xiii), 5.15.4(b), 5.15.4(c), 5.15.4(d), 5.15.4(e), 5.15.4(f), 5.15.4(g) and 5.15.5.</li> <li>• The portion of clause 5.10 that reads “Notwithstanding anything else appearing in the Scheme, planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road”</li> <li>• Schedules 6, 7, 8 and 9.</li> </ul> <p>Amend remaining portion of paragraph 1 clause 5.10</p> <p>Remove the following clauses from the Scheme Text, as they have been inserted into Schedule A – Supplemental Provisions-</p> <ul style="list-style-type: none"> <li>• Clauses 8.2(b)(iii), 8.2(b)(v), 8.2(b)(vi), 8.2b(vii), 8.2(c), 8.2(f), 8.2(g), 5.21.1.</li> </ul> <p>Insert Schedule A and the following provisions into Schedule A – Supplemental Provisions:</p> <ul style="list-style-type: none"> <li>• Clause 61 (1)</li> </ul> <p>Delete definitions Advertisement, Amenity, Cultural heritage significance, Local government, Local Planning Strategy, Owner, Premises, Residential Planning Codes, Zone, substantially commenced and Place from Schedule 1, as they have been superseded.</p> <p>Amend clauses by removing cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2.</p> <p>Delete reference to the following terms and replace them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> <li>• 'local structure planning act' replaced with 'Planning and Development Act';</li> <li>• 'planning consent' replaced with 'development approval';</li> <li>• 'planning approval' replaced with 'development approval';</li> <li>• 'council' replaced with 'local government';</li> <li>• Town Planning Regulations' with 'Planning and Development (Local Planning Schemes) Regulations 2015'.</li> </ul> <p>Replace the references to a single dwelling:</p> <ul style="list-style-type: none"> <li>• Table 1: Zoning Table replace 'dwelling' with 'single house';</li> <li>• Existing clause 5.14(i) and 5.14(ii): replace 'single dwelling house' with 'single house';</li> <li>• Schedule 1, 2 Land use definitions: Insert the definition for a single house consistent with the R-Codes</li> </ul> <p>Insert clause 18(7) as new clause 3.4.3 of the model provisions.</p> <p>Delete reference to clause numbers from the <i>Town Planning Regulations 1967</i>.</p> <p>Amend Schedule 12 No. SDev2 point 3</p> <p>Renumber the scheme provisions and schedules sequentially and update any</p>

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				cross reference to the new clause numbers and deemed provisions as required and updating the Table of Contents.
33	25/05/18	29/05/18	HB	Amend Schedule 4 Special Use Zone 4, Condition 5
34	25/05/18	29/05/18	HB	Amend Schedule 4 Special Use Zone 4, Conditions 6, 8, 10 and 11.
29	10/08/18	21/08/18	HB	On the Scheme Maps rezone Lots 5, 7, 8, 9, 10 and 362 Catalonia Street and Lot 11 Madrid Street Cervantes from 'Residential' and 'Industrial' to 'Special Use 5'. In Schedule 4 - Special Use Zones add - Lot 11 (4) Madrid Street, Cervantes; Lots 10 (31), 9 (33), 8 (35), 7 (37), 362 (39) and 5 (41) Catalonia Street, Cervantes. Amend the definition of 'agriculture – intensive' in – Land use definitions of Schedule 1 – Dictionary of Defined Words and Expressions of the Scheme.
35	10/08/18	21/08/18	HB	Rezone Lot 4 White Street, Lot 31 Bashford Street and lots in the area bound by Bashford Street, Roberts Street, Sandpiper Street and Doust Street from Commercial zone to Regional Centre Zone. Delete Additional Use 1 and rezone Lots 1, 2, 78 and 92 Padbury Street, Lots 79-81, 92, 97-98 Cook Street and Lot 95-96 Bashford Street from Residential R12.5 to Regional Centre Zone. Rezone Lots 130-143 Bashford Street, Lot 162 Batt Street and Lot 144 Whitfield Road from Residential 12.5 to Regional Centre Zone. Delete Additional Use 4 and rezone Lot 129 Bashford Street from Residential 12.5 to Regional Centre zone. Rezone the following lots from Residential R12.5 to Residential R12.5/25: Lots 164-176 Sandland Street; Lots 1-2, 180-193, 196-201 and 203-211 Cameron Street; Lots 194-195 and 234-235 York Street; Lots 145-146, 216-233 and 412-418 Whitfield Street; Lot 161 Batt Street; Lots 147-160, 177-179, 215 and 236 Hamersley Street; Lots 82-89, 251-258 and 419-421 Bashford Street; Lots 422-428 Ackland Street; Lots 1, 2, 315-325, 355, 369, 394, 395 and 407-410 Hasting Street; Lots 1, 2, 268, 326, 328-336, 356-368, 370-384 and 402-406 Bower Street; Lots 385-393 and 396-401 Westlake Way; Lots 12, 272-278, 293-308 and 669-670 Dalton Street; Lots 11, 259-262, 369-370, 690 and 1215 Doust Street; Lots 1-12 Grigson Street; Lots 16-27, 50, 52-58 and 69-77 Padbury Street; Lots 1, 2, 13, 15 and 59-61 Cook Street; Lot 51 White Street; and Lots 90-91 Lindsay Street. Reclassify Lot 675 Bashford Street from Public Purposes: Fire Services reserve to Public Purposes: Emergency Services reserve. Reclassify Lot 125 Bashford Street from Public Purposes: Utility reserve to Public Purposes: Emergency Services reserve. Insert objectives for the Regional Centre zone under Clause 3.2. Insert a new objective for the Tourist Zone under Clause 3.2. Delete Clause 4.2.5 and 4.2.6 and insert two new clauses into Part 4. Amend Table 1: Zoning Table Rename the following land uses and reorder all land uses in alphabetical order: <ul style="list-style-type: none"> <li>• Educational to Educational establishment</li> <li>• Cottage industry to Industry – cottage</li> <li>• Extractive industry to Industry – extractive</li> <li>• General industry to Industry – general</li> <li>• Light industry to Industry – light</li> <li>• Mining industry to Industry – mining</li> <li>• Rural industry to Industry – rural</li> <li>• Service industry to Industry – service</li> </ul> Amend Table 2 by deleting the use 'Commercial zone Jurien' and the associated site/development requirements. Amend the Scheme Maps accordingly.
37	15/03/19	19/03/19	GM	Inserted new clause 4.25 State Planning Policy 2.6. Inserted new clause 5.1.1 (c). Inserted new clause 5.4. Scheme Maps amended accordingly.
36	23/07/19	30/7/19	HB	Delete Clause 4.20.1 and renumber Clause 4.20 Protection of Water Sources. Reword Clause 5.1.1. Delete the provisions in Clause 5.2 and replace with 5.2 Special Control Area No. 1 – Bassendean Sands. Retitle Clause 5.3 to Special Control Area No. 2 – Wastewater Infrastructure. Insert Clause 5.5 Special Control Area No. 4 – Public drinking water source areas. Amend the Scheme Maps accordingly. In Table 1 Zoning Table, delete the asterisks (*) against various land uses

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
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				<p>listed in the Rural zone and delete the explanatory text at the end of the Zoning Table.</p> <p>Amend Clause 4.21 by replacing DEC with the agency/s responsible for relevant water and environment matters.</p> <p>Replace the first paragraph of Clause 4.20.2</p>
27	11/10/19	16/10/19	GM	<p>Rezone a portion of Lot 1 Jurien Road, Jurien Bay from Rural zone to Rural Smallholdings zone.</p> <p>Amend the Scheme Maps accordingly.</p> <p>In Clause 3.2 delete the Rural Residential zone objective and replace.</p> <p>Insert Rural Smallholdings Zone into Clause 3.2 to follow Rural Residential zone.</p> <p>Insert the Rural Smallholdings zone into Table 1: Zoning Table with land use permissibilities.</p> <p>Amend the provisions in Clause 4.12.</p> <p>Insert a new Schedule as 'Schedule 10 - Specific provisions for Rural Smallholdings zones' and introducing site specific development and subdivision provisions for Rural Smallholdings 1.</p>
38	22/03/2022	22/03/2022	GM	<p>Amending Table 1 – Zoning Table by modifying the permissibility of the land use 'caravan park' from not permitted (X) to permitted (P) in the Harbour zone.</p>

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- Part 2 **Reserves** — sets out the reserves which apply in the Scheme area and related provisions.
- Part 3 **Zones and the use of land** — sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 4 **General development requirements** — sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 5 **Special control areas** — sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.

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# PART 1 — PRELIMINARY

## 1.1. CITATION

1.1.1. The Shire of Dandaragan Local Planning Scheme No. 7 (“**the Scheme**”) comes into operation on its Gazettal date.

1.1.2. The following Scheme(s) is (are) revoked —

Name: Shire of Dandaragan Town Planning Scheme No. 6  
Gazettal date: 6 April 1990

## 1.2. RESPONSIBLE AUTHORITY

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

## 1.3. SCHEME AREA

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

## 1.4. CONTENTS OF SCHEME

AMD 28 GG 02/12/16

The Scheme comprises —

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

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

*Note: The Scheme Map comprises a set of 10 maps. Maps 1-4 cover the Shire in an overall manner, Maps 5 and 6 cover the Jurien Bay Townsite, Map 7 covers the Badgingarra Townsite, Maps 8 and 9 cover the Cervantes Townsite and Map 10 covers the Dandaragan Townsite.*

## 1.5. PURPOSES OF SCHEME

AMD 28 GG 02/12/16

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 Planning and Development Act.

## 1.6. THE AIMS OF THE SCHEME

The aims of the Scheme are —

- Protection of the Shire of Dandaragan's viable agricultural base.
- Protection and enhancement of the environmental values and natural resources and to promote ecologically sustainable land use and development.
- Identification of urban expansion areas and future industrial areas
- Develop a strategy to determine what level of development should occur in the towns of Jurien Bay, Cervantes, Badgingarra and Dandaragan.
- Promote and foster the recreation potential of special features within the Shire of Dandaragan.
- Protect environmentally sensitive waterways throughout the Shire in recognition of their special management requirements.
- Protection of the rural vista adjacent to highways.
- Identify opportunities for subdivision, particularly rural residential lots and lots between 10 and 20 hectares.
- Provide for planning which is responsive to the changing needs of the community and advancements in technology.
- Protection of basic raw material deposits through the Shire.
- The need for an integrated catchment management based approach to planning issues.

## 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; or
- b) if they are not defined in that Act —
  - (i) in the Dictionary of defined words and expressions in Schedule 1; 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 of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes —

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

1.7.3. 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 Dandaragan that apply to the Scheme area.

## **PART 2 — RESERVES**

### **2.1. RESERVES**

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

### **2.2. REGIONAL RESERVES**

There are no regional reserves in the Scheme area.

### **2.3. LOCAL RESERVES**

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

### **2.4. USE AND DEVELOPMENT OF LOCAL RESERVES**

*AMD 28 GG 02/12/16*

2.4.1. A person must not —

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

without first having obtained development approval under Part 7 of the deemed provisions.

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

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

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

## PART 3 — ZONES AND THE USE OF LAND

### 3.1. ZONES

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

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

### 3.2. OBJECTIVES OF THE ZONES

*AMD 28 GG 02/12/16*

The objectives of the zones are —

- Residential Zone

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes. (Local government's intent is to provide a high standard of housing in the area within Jurien, bounded by Hastings Street, Bashford Street, Seaward Drive and Casuarina Crescent).

- Commercial Zone

To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole. (It is local government's intent to foster the development of Service Industry in the area bounded by Doust Street, Sandpiper, Murray and Bashford Streets).

- Industrial Zone

To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by nature of their operations should be separated from residential areas.

- Harbour Zone

To provide for harbour uses including fishing, boat building, maintenance, servicing, tourism, commercial, public recreation, community and club facilities.

- Special Development Zone

To provide for future residential, industrial or commercial development in accordance with a comprehensive Local Structure Plan prepared under this scheme.

- Marine Services Zone

To provide for fishing related activities to support the fishing industry, community and tourism uses.

- Rural Zone

To provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the locality, in such a way as to prevent land degradation and further loss of biodiversity.

- Rural Residential Zone

*AMD 27 GG 11/10/19*

To provide for lot sizes in the range of 1 ha to 4 ha.

To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.

To set aside areas for the retention of vegetation and landform or other features which distinguish the land.

- Rural Smallholdings Zone  
*AMD 27 GG 11/10/19*

To provide for lot sizes in the range of 4 ha to 40 ha.

To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.

To set aside areas for the retention of vegetation and landform or other features which distinguish the land.

- Tourist Zone

To provide for tourism development and uses associated with tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.

To allow limited residential uses where appropriate and subsidiary to the tourism use.  
*AMD 35 GG 10/08/2018*

- Regional Centre Zone  
*AMD 35 GG 10/08/2018*

Provide a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment.

Ensure that there is a provision to transition between the uses in the regional centre and the surrounding residential areas to ensure that the impacts from the operation of the regional centre are minimised.

Provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre.

Encourage high quality, pedestrian-friendly, street-oriented development that responds to and enhances the key elements of the Regional Centre, to develop areas for public interaction.

Ensure that the provision of residential opportunities within the Regional Centre, including high density housing and tourist accommodation that supports the role of the regional centre and meets the needs of the community.

### **3.3. ZONING TABLE**

*AMD 28 GG 02/12/16*

3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left-hand side of the Zoning Table and the list of zones at the top of the Zoning Table (Table 1).

3.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings —

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

‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

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

'X' means a use that is not permitted by the Scheme.

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

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

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

### **3.4. INTERPRETATION OF THE ZONING TABLE**

*AMD 28 GG 02/12/16*

3.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

3.4.3. 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

### Table 1 - Zoning Table

AMD 03 GG 08/05/12; AMD 28 GG 02/12/16; AMD 35 GG 10/08/18; AMD 27 GG 11/10/19

Special Use Zone: Use in accordance with Schedule 4

Special Development Zone: Use in accordance with Schedule 8

Use Classes	P - Permitted		D - Discretion		A - Advertising		X- Not Permitted			Special Development	Rural Smallholdings <small>AMD 27 GG 11/10/19</small>
	Residential	Commercial	Industrial	Harbour	Marine Services	Rural	Rural Residential	Tourist	Regional Centre <small>AMD 35 GG 10/08/18</small>		
Aged or Dependent Persons	A	X	X	X	X	X	X	D	X		X
Agriculture Extensive	X	X	X	X	X	P	X	X	X		X
Agriculture Intensive <small>AMD 36 GG 23/7/19</small>	X	X	X	X	X	D	X	X	X		X
Agroforestry <small>AMD 36 GG 23/7/19</small>	X	X	X	X	X	D	X	X	X		X
Animal Husbandry Intensive <small>AMD 36 GG 23/7/19</small>	X	X	X	X	X	D	X	X	X		X
Aquaculture	D	D	D	D	D	D	X	X	X		X
Bed and Breakfast <small>AMD 27 GG 11/10/19</small>	A	P	X	X	X	A	D	P	P		D
Cabin <small>AMD 27 GG 11/10/19</small>	X	X	X	X	X	A	A	P	X		A
Caravan Park <small>AMD 38 GG 22/03/2022</small>	X	X	X	P	X	X	X	P	X		X
Caretakers Dwelling <small>AMD 27 GG 11/10/19</small>	D	D	D	D	X	D	D	D	D		D
Chalet <small>AMD 27 GG 11/10/19</small>	X	X	X	X	X	A	A	A	X		A
Child Care Premises	X	D	X	X	X	X	X	X	D		X
Cinema/Theatre <small>AMD 35 GG 10/08/18</small>	X	P	X	X	X	X	X	A	D		X
Civic Use	X	D	X	A	X	X	X	D	D		X
Club Premises	X	D	X	D	X	X	X	D	D		X
Community Purposes	X	D	X	D	X	A	X	D	D		X
Consulting Rooms	A	P	D	X	X	X	X	X	P		X
Convenience Store	A	P	D	X	D	X	X	D	D		X
Corrective Institution	X	X	D	X	X	D	X	X	X		X
Educational establishment <small>AMD 35 GG 10/08/18</small>	D	D	X	D	X	X	X	X	D		X
Exhibition Centre	X	D	D	X	X	X	X	X	D		X
Fast Food Outlet	X	P	D	D	D	X	X	D	D		X
Fuel Depot	X	X	A	D	D	X	X	X	X		X
Funeral Parlour	X	A	D	X	X	X	X	X	A		X
Group Dwelling	A	X	X	X	X	X	X	D	X		X
Holiday House <small>AMD 27 GG 11/10/19</small>	D	X	X	X	X	P	P	P	D		P
Home Occupation <small>AMD 27 GG 11/10/19</small>	D	D	X	X	X	P	D	D	D		D
Hospital	X	D	X	X	X	X	X	X	D		X
Hotel	X	P	X	A	X	X	X	P	A		X
Industry – cottage <small>AMD 35 GG 10/08/18; AMD 27 GG 11/10/19</small>	A	D	P	X	X	D	D	D	D		D
Industry – extractive <small>AMD 35 GG 10/08/18</small>	X	X	X	X	X	A	X	X	X		X
Industry – general <small>AMD 35 GG 10/08/18</small>	X	X	P	X	X	X	X	X	X		X
Industry – light <small>AMD 35 GG 10/08/18</small>	X	X	D	D	D	X	X	X	X		X
Industry – mining <small>AMD 35 GG 10/08/18</small>	X	X	P	X	X	A	X	X	X		X
Industry – rural <small>AMD 35 GG 10/08/18</small>	X	X	P	X	X	A	X	X	X		X
Industry - service <small>AMD 35 GG 10/08/18</small>	X	X	P	D	D	X	X	X	D		X
Market	X	P	D	X	X	X	X	D	D		X
Motel	X	P	X	X	X	X	X	P	A		X

Use Classes	P - Permitted      D - Discretion      A - Advertising      X - Not Permitted									Special Development	Rural Smallholdings <small>AMD 27 GG 11/10/19</small>
	Residential	Commercial	Industrial	Harbour	Marine Services	Rural	Rural Residential	Tourist	Regional Centre <small>AMD 35 GG 10/08/18</small>		
Motor Vehicle Repairs	X	P	P	X	X	X	X	X	D		X
Multiple Dwelling	A	X	X	X	X	X	X	D	D		X
Night Club <small>AMD 35 GG 10/08/18</small>	X	D	X	X	X	X	X	A	X		X
Office	X	P	A	D	D	X	X	X	P		X
Roadhouse <small>AMD 6 GG 30/11/12</small>	X	D	X	X	X	X	X	X	D		X
Park Home Park	X	X	X	X	X	X	X	P	X		X
Place of Worship	A	X	X	X	X	A	X	D	D		X
Reception Centre	X	D	X	X	X	X	X	D	D		X
Residential Building	D	X	X	X	X	X	X	D	D		X
Resort	X	X	X	P	X	A	X	P	A		X
Restaurant	A	P	X	A	D	X	X	P	D		X
Rural Pursuit <small>AMD 27 GG 11/10/19</small>	X	X	X	X	X	P	D	X	X		D
Serviced Apartment <small>AMD 35 GG 10/08/18</small>	X	A	X	P	X	X	X	P	D		X
Service Station <small>AMD 35 GG 10/08/18</small>	X	A	D	A	X	X	X	D	A		X
Single house <small>AMD 27 GG 11/10/19</small>	P	D	X	X	X	P	P	D	D		P
Shop	X	P	D	A	D	X	X	D	D		X
Showroom <small>AMD 6 GG 30/11/12</small>	X	D	D	D	X	X	X	X	D		X
Tavern	X	P	X	A	X	X	X	P	A		X
Trade Display	X	P	P	D	D	X	X	X	D		X
Veterinary Centre	X	D	D	X	X	A	X	X	D		X
Warehouse	X	D	P	D	D	X	X	X	X		X

### **3.5. 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.*

### **3.6. RESTRICTED USES**

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

*Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.*

### **3.7. SPECIAL USE ZONES**

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

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

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

### **3.8 NON-CONFORMING USES**

AMD 28 GG 02/12/16

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 authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 80 of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

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

### **3.9. EXTENSIONS AND CHANGES TO A NON-CONFORMING USE**

AMD 28 GG 02/12/16

3.9.1. A person must not —

- a) alter or extend a non-conforming use;
- b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or

- c) change the use of land from a non-conforming use to another non-conforming use,

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

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

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

### **3.10. DISCONTINUANCE OF NON-CONFORMING USE**

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

### **3.11. TERMINATION OF A NON-CONFORMING USE**

The local government may effect 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, those sections and the Scheme.*

### **3.12. DESTRUCTION OF NON-CONFORMING USE BUILDINGS**

*AMD 28 GG 02/12/16*

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

## **PART 4 — GENERAL DEVELOPMENT REQUIREMENTS**

### **4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS**

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

### **4.2. RESIDENTIAL DESIGN CODES**

*AMD 28 GG 02/12/16; AMD 35 GG 10/08/18*

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

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

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

4.2.4. With respect to the undeveloped portions of the Ardross Estates land at the southern edge of the Jurien Bay townsite and an indicated density code of R12.5, notwithstanding the lot size requirements of the R12.5 code where the Local government has adopted Residential Design Guidelines as a Policy under Clause 2.2 of the Scheme, the land may be deemed to be subject to the R15 density code for the purposes of determining minimum and average lot size requirements.

### **4.3. SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES**

*AMD 35 GG 10/08/18*

There are no exclusions or variations to the Residential Design Codes which apply to the Scheme.

4.3.1. Within areas coded above R12.5 including lots which are dual coded and developed to the higher code, development and/or subdivision shall only be supported where the lot(s) are connected to reticulated sewerage.

4.3.2. For lots coded R12.5/25, the Council may support development or subdivision to a maximum density of R30 where the lot is located on a corner, complies with the provisions of the R30 density coding, a development approval and any related Local Planning Policy.

### **4.4. RESTRICTIVE COVENANTS**

*AMD 28 GG 02/12/16*

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

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

#### **4.5. VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

AMD 28 GG 02/12/16

- 4.5.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 4.5.2. In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —
- a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
  - b) have regard to any expressed views prior to making its determination to grant the variation.
- 4.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that —
- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and
  - b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

#### **4.6. ENVIRONMENTAL CONDITIONS**

AMD 28 GG 02/12/16

- 4.6.1. Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 6 of the Scheme.
- 4.6.2. Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 4.6.3. The local government is to —
- a) maintain a register of all relevant statements published under sections 48F and 48G of the EP 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.*

#### **4.7. SITE AND DEVELOPMENT REQUIREMENTS**

AMD 28 GG 02/12/16

- 4.7.1. The Development Table (Table 2) sets out the site and development requirements for various land uses.
- 4.7.2. A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces in accordance with the Development Table or as specified by the Local government are provided and such spaces are constructed and maintained in accordance with the requirements of the Local government.

- 4.7.3 The Local government in determining applications for any development may require such development to comply generally with the standards required for development in that zone as required in the Development Table to ensure that the scale, nature, design, general appearance and impact of such uses is compatible with the intentions for the development in that zone and the objectives of the Scheme.
- 4.7.4 All applications for development approval along the Brand Highway and Indian ocean Drive are to be referred by the local government to Main Roads WA and the local government is to have due regard to recommendations/advice from Main Roads when determining applications. *AMD 6 GG 30/11/12*

#### **4.8 CAR PARKING**

*AMD 28 GG 02/12/16*

##### **4.8.1 General Parking Requirements**

- 4.8.1.1 The car parking requirements for various land uses are set out in the Development Table (Table 2 in the Scheme Text).
- 4.8.1.2 Subject to the provisions of this clause the car parking requirements shall be provided on the site which is the subject of the proposed development or with the approval of the Local government in the immediate vicinity thereof.
- 4.8.1.3 Each parking space shall be in accordance with dimensions provided for in Local government's parking policy.
- 4.8.1.4 All parking spaces and all necessary access ways shall, unless Local government agrees otherwise and except as hereinafter provided, be paved.
- 4.8.1.5 Where the dimensions of an open car parking area exceed 20m in length or width, one parking space in every ten shall be used for garden and planting of native plants and trees to provide visual relief, those parking spaces shall not be included in calculations as car parking and not as landscaping.
- 4.8.1.6 Where the owner demonstrates to the satisfaction of the Local government that there is not the demand for the number of parking spaces specified in the Development Table, the Local government may permit the owner to provide landscaping in lieu of parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping.
- 4.8.1.7 As provision has been made for public parking abutting the commercial centres of Jurien, Cervantes and Badgingarra, the car parking requirement for development proposed in the Commercial Zones of those towns may be waived by Local government.
- 4.8.1.8 Where a developer can satisfy the Local government that the minimum car parking requirements cannot be provided on the site the Local government may accept a cash payment in lieu of the provision of car parking spaces but subject to the requirements of this clause:
- (i) A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing the land and constructing the parking spaces required by the Scheme. The value of that area of his land which would have been occupied by the parking spaces may be stated by the Valuer General or by a licensed valuer appointed by Local government.
  - (ii) Before the Local government agrees to accept a cash payment in lieu of the provision of parking spaces the Local government must have already provided a public car park nearby, or must have firm proposals for providing a public car park area nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment.

- (iii) Payments made under this clause shall be paid into a special fund to be used to provide public car parks.

4.8.2 Parking requirements for Development in the Commercial Zone

4.8.2.1 The parking requirement may be provided on site. Where this is not possible 'cash-in-lieu' may be negotiated with Local government.

4.8.3 Subject to the provisions of Section 5.8 car parking in any zone must be designed in accordance with the current Australian Standards. *AMD 173 GG 30/11/12*

**4.9 DEVELOPMENT ON LOTS ABUTTING UNCONSTRUCTED ROADS OR WITH NO GAZETTED ROAD ACCESS**

*AMD 28 GG 02/12/16*

In considering an application, the Local government shall either:

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access as shall be to the satisfaction of the Local government.

**4.10 ENVIRONMENTAL PROTECTION**

*AMD 28 GG 02/12/16*

In assessing applications for Development Approval, the Shire Local government will take into consideration the Guidelines for Environmental Planning, prepared by the Environmental Protection Authority (1997), and will be guided by the Shire's Policy on such matters.

**4.11 CARETAKER'S DWELLINGS**

*AMD 28 GG 02/12/16*

4.11.1 A caretaker's dwelling shall not be developed and/or occupied on a lot unless that lot is used and developed with an industry, business, or office in accordance with the provisions of the Scheme.

4.11.2 Only one caretaker's dwelling shall be permitted on a lot, for the purposes of this clause "lot" shall exclude a strata lot or survey-strata lot created pursuant to the *Strata Titles Act 1985*.

4.11.3 A caravan or park home shall not be permitted as a caretaker's dwelling for either permanent or temporary occupation.

4.11.4 A caretaker's dwelling shall be screened and/or fenced from the frontage of the lot to the satisfaction of the Local government and wherever possible shall be sited at the rear of other buildings on the lot.

4.11.5 A caretaker's dwelling shall comply with the following:

- a) Contain 1 bedroom only within a total floor area which shall not exceed 100 square metres measured from the external face of walls.
- b) Open verandahs may be permitted but shall not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph b).

#### **4.12 DEVELOPMENT IN THE RURAL RESIDENTIAL AND RURAL SMALLHOLDINGS ZONES**

*AMD 20 GG 11/10/13; AMD 28 GG 02/12/16; AMD 27 GG 11/10/19*

- 4.12.1 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholdings zone shall generally be in accordance with a structure plan prepared and approved pursuant to Part 4 of the deemed provisions.
- 4.12.2 The subdivision of existing Rural Residential or Rural Smallholdings lots that do not have approved structure plans will generally not be supported.
- 4.12.3 Development in a Rural Residential or Rural Smallholdings zone shall comply with the following general requirements:
- a) Not more than one single house is permitted on any lot.
  - b) When an application is made to the local government for development approval, a landscape plan shall be submitted identifying the existing vegetation to be retained and the location and species of tree and shrubs to be planted as part of site development. Issue of a building licence will be conditional on the implementation and maintenance of the landscape plan.
  - c) Native vegetation shall be retained unless its removal is authorised by the local government except in the cases of vegetation which is proposed to be removed to make way for approved construction, fences, access ways, fire management and for trees that are dead diseased or dangerous. Where in the local government's opinion there is a deficiency of vegetation on any particular allotment, the local government may require the planting and subsequent maintenance of an adequate area of vegetation as a condition of development approval.
  - d) In the Rural Residential and Rural Smallholdings zones, a demonstrated and sustainable water supply is to be provided in accordance with Western Australian Planning Commission policy.
  - e) The siting and erection of any building, outbuilding or fence shall not be approved by the local government unless or until it is satisfied that the design construction, materials and position will be in harmony with the rural character of the land within the zone and locality generally.
  - f) On-site effluent disposal systems servicing development on the lots should be to the specifications of the local authority or Department of Health. The use of non-standard effluent disposal systems may be required and in any event the following requirements shall be satisfied:
    - (i) Adequate separation achieved between the base of the leach drains and the highest recorded groundwater level.
    - (ii) Adequate horizontal separations achieved between the disposal system and existing drains, water courses or water bodies.
    - (iii) The area around each effluent disposal system shall be planted with indigenous trees and shrubs by the land owner and be maintained to the satisfaction of the local authority.
    - (iv) Prevention of direct movement of wastewater and nutrients from the locality of each disposal area.
  - g) The sub divider shall advise all purchasers of subdivided lots if the lots are located within a groundwater area and that water extraction requires licensing.
  - h) The keeping of livestock for commercial purposes shall not be permitted. The keeping of livestock for domestic purposes will only be permitted to manage areas of cleared pasture and then only to maximum stocking rates permitted under Department of Agriculture guidelines given the soil and vegetation types in the locality. Given the local government's preferred aim to revegetate

cleared pasture areas, the keeping of livestock for domestic purposes is to be discouraged except on lots identified as equestrian lots.

- i) All residences, outbuildings, carports and the like shall be constructed of materials sympathetic to the character of the locality, as may be approved or required by the local government. The scale of outbuildings shall be of a domestic nature such that the amenity of the locality is not prejudiced. Large industrial type buildings will not be permitted.
- j) It is the responsibility of the landowner to maintain the bushfire protection measures on their property. This includes the vegetation separation distance, the asset protection zone and hazard separation zone and compliance with the local government's annual firebreak notice issues under s33 of the *Bush Fires Act 1954*.

4.12.4 Specific additional requirements which relate to Rural Residential or Rural Smallholdings zoned land are set out in Schedule 7 and 10. Where there is a conflict with any other provision of the Scheme, the provisions of Schedule 7 and 10 shall prevail.

#### **4.13 DEVELOPMENT IN A SPECIAL DEVELOPMENT ZONE**

*AMD 28 GG 02/12/16*

4.13.1 Development in the Special Development Zone on Victoria Locations 8837, 9302, 7950, 1556 and 7377 will be undertaken in accordance with the Permissibility of Uses and Special conditions set out in Schedule 8, and the requirements of Clause 4.13.4.

4.13.2 Development in the Special Development Zone will be undertaken in accordance with a District Structure Plan, Local Structure Plan and Activity Centre Structure Plan, prepared and adopted in accordance with Parts 4 and 5 of the deemed provisions and Schedule 8 - Special Conditions Related to the Special Development Zone.

*AMD 3 GG 08/05/12*

4.13.3 Development and subdivision applications in respect to land in the vicinity of the Hill River and its tributaries must have due regard to the environmental and recreational values of the Hill River and its tributaries. These areas are proclaimed under the "Rights in Water and Irrigation Act 1941." Any obstruction or interference with the waters, bed or banks of the Hill River and its tributaries is an offence under the above Act unless a conditional permit is issued by the Department of Environmental.

4.13.4 a) Development Hierarchy *AMD 3 GG 08/05/12*

Future development and subdivision within the zone shall be carried out in accordance with a staged approval process as follows -

- (i) District Structure Plan;
- (ii) Local Structure Plan; and
- (iii) Activity Centre Structure Plan (if required).

A local structure plan is to specify areas where further comprehensive planning may be required through the preparation of an activity centre structure plan. Areas which have not been designated do not require activity centre structure plans.

#### **4.14 DEVELOPMENT IN SPECIAL USE ZONE VICTORIA LOCATION 10751**

*AMD 28 GG 02/12/16*

4.14.1 Development in Special Use Zone Victoria Location 10751 shall be in accordance with Schedule 4 and Schedule 9.

#### **4.15 CERVANTES COMMERCIAL CENTRE - BUILDING SETBACKS**

Within the Cervantes Commercial Zone bounded by Seville, Casals, Nevada, Iberia and Aragon Streets, a minimum front boundary setback of 7.5m shall apply.

#### **4.16 HARBOUR ZONE - OVERALL LOCAL STRUCTURE PLAN**

*AMD 28 GG 02/12/16*

4.16.1 Local government shall not grant development approval to development and recommend approval of a subdivision of any land within the Harbour Zone unless:

- a) An adequate environmental assessment has been prepared that satisfies Local government that no adverse environmental, engineering, traffic or social problems will arise within the Zone or in related parts of the Scheme Area and satisfies Local government that zoned development can proceed.
- b) An overall plan in respect of the Harbour Zone has been prepared and approved by Local government.

4.16.2 An overall plan shall at least show the overall layout of land use, arterial, sub-arterial and collector road systems, location of major public utilities, community facilities and open space and shall include a report that explains the basis for the locations and layout of the elements of the plan.

4.16.3 Where the Local government is satisfied that a proposed development or subdivision is of a minor nature only and is consistent with the provisions of the Scheme it may grant development approval or recommend approval, as the case may be, before an overall plan has been approved.

#### **4.17 HEIGHT OF BUILDING**

*AMD 28 GG 02/12/16*

All development within the residential zone shall not exceed two stories in height. In all other zones Local government may determine the maximum number of stories that may be permitted.

#### **4.18 LANDSCAPING**

*AMD 28 GG 02/12/16*

4.18.1 The landscaping requirements shown in the Development Table or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use and at the discretion of Local government may include natural bushland, swimming pools, and areas under covered ways and shall include designated set-back areas but garbage collection and handling spaces and other open storage areas shall not be included.

4.18.2 Access driveways between a street alignment and any buildings may be included in the landscaping requirements but otherwise car parking areas and driveways shall not be included.

4.18.3 A requirement of the landscaping is that shrubs or trees shall be planted on a ratio of one for every ten square metres of landscaped area, but the Local government may relax this requirement in the case of residential land use.

4.18.4 In the case of development proposals in the Industry Zone the minimum landscaping required in the Development Table shall be located in accordance with Local government's landscaping policy.

#### **4.19 SETBACKS - SCENIC ROUTES**

*DELETED BY AMD 28 GG 02/12/16*

#### **4.20 PROTECTION OF WATER SOURCES**

*AMD 28 GG 02/12/16*

##### **4.20.1 Groundwater Areas**

*AMD 36 GG 23/07/19*

There are two groundwater protection areas in the Shire – the Jurien Groundwater Area and Gingin Groundwater area. *AMD 36 GG 23/7/19*

Landowners and developers are required to obtain a licence prior to the construction of a bore or well on any property for groundwater extraction except for stock or domestic purposes.

#### **4.21 WATERWAY MANAGEMENT AND PROTECTION**

*AMD 28 GG 02/12/16*

All development proposals that may have potential to impact on the State's water resources may be referred to agency/s responsible for relevant water and environmental matters for comment. Local government will encourage water conservation and water sensitive design as features of all development. *AMD 36 GG 23/7/19*

The objectives of Water Resource Management and Protection should be considered including:

- managing water balance;
- maintaining and where possible enhancing water quality;
- encouraging water conservation;
- maintaining water related environmental values, and
- maintaining recreational and cultural values.

#### **4.22 ROADHOUSE DEVELOPMENT**

*AMD 6 GG 30/11/12*

4.22.1 Other than in the 'Commercial' zone, any proposal for a "Roadhouse" will require an amendment to the Scheme for the land to be zoned as "Special Use".

#### **4.23 DEVELOPMENT IN THE REGIONAL CENTRE ZONE**

*AMD 35 GG 10/08/18*

Development in the Regional Centre zone shall be in accordance with the following:

- Development to be in accordance with the Jurien Bay City Centre Strategy Plan or any successive document.
- Development shall address matters including, but not limited to, achieving high quality built form, appropriate setbacks to street boundaries and adjoining residential zoned lots, site responsive design, landscaping, efficient access and parking to the satisfaction of the local government.
- Multiple dwellings may be developed to a maximum density of Residential R80 subject to satisfying all development controls.
- Parking for non-residential uses shall be provided at a rate of one bay for every 20sqm net lettable area.

#### **4.24 DEVELOPMENT IN THE TOURIST ZONE**

*AMD 35 GG 10/08/18*

Development in the Tourist Zone shall be in accordance with the following:

- development to be in accordance with the Jurien Bay City Centre Strategy Plan or any successive document; and
- development shall address matters including, but not limited to achieving high quality built form, site responsive design, landscaping, efficient access and parking to the satisfaction of the local government.

#### **4.25 STATE PLANNING POLICY 2.6**

*AMD 37 GG 15/03/19*

4.25.1 The provisions of State Planning Policy 2.6 State Coastal Planning Policy shall apply as if they were part of this scheme. All coastal development is to comply with the provisions of State Planning Policy 2.6 State Coastal Planning Policy.

4.25.2 The local government –

- a) must make a copy of SPP2.6 available for public inspection during business hours at the offices of the local government; and
- b) may publish a copy of SPP2.6 on the website of the local government.

**Table 2 - Site and Development Requirements Table \*\***

AMD 28 GG 02/12/16; AMD 35 GG 10/8/18

Controls	Minimum Boundary Setback (metres)			Maximum Plot Ratio	ΦMinimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Club	*	*	*	0.5	*	1 for every 45sqm of gross lettable area.
Commercial Zone Jurien	<i>DELETED BY AMD 35 GG 10/08/18</i>					
Consulting Room	*	*	*	0.4 in Res Zone 0.5 elsewhere	30 in Res Zone	1 for every 30sqm of gross lettable area, plus 1 per employee
Day Care Centre	7.5	7.5	*	*	*	1 for every 4 children plus 1 per employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays on site for students as determined by the Local government.
Fast Food Outlet	*	*	*	*	*	1 bay for every 20 sqm g.l.a.
Funeral Parlour	*	*	*	*	10	As determined by the Local government (minimum 6).
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hostel	7.5	7.5	*	*	30	1 per room plus 1 per 2 employees
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 3 per 25 sqm bar and lounge area plus 1 space per 2 employees
Industrial Service	7.5	nil	*	*	10	1 per 100sqm g.l.a. plus 1 per 2 employees.
Industrial Light	7.5	nil	*	*	10	1 per 100sqm g.l.a. plus 1 per 2 employees.
Industrial General	7.5	nil	*	*	15	1 per 100sqm g.l.a. plus 1 per 2 employees.
Motel	9.0	7.5	3 per storey	1.0	30	1 per unit, plus 3 spaces per 25sqm of service area plus 1 space per 2 employees
Office	*	*	*	*	*	1 for every 30sqm gross lettable area.
Professional Office	<i>DELETED BY AMD 6 GG 30/11/12</i>					
Reception Centre	*	*	*	0.5	30	1 for every 4 persons whom the building is designed to accommodate.
Restaurant	*	*	*	*	*	1 for every 10sqm of gross lettable area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 20sqm of gross lettable area.
Showroom	*	*	*	*	10	1 for every 50sqm of gross lettable area.
Vehicle Sales	*	*	*	*	5	1 for every 250msq of sales area, plus 1 for every person employed on site.
Veterinary Consulting Rooms	*	*	*	*	30	1 for every 10msq gross lettable area, plus 1 for each person employed.

\*\* This table is intended as a guideline and may be varied at the discretion of the Shire Local government

\* Means 'to be determined by the Local government' in each particular case.

Φ Landscaping to be generally at street frontage.

Ø Refer Clause 5.8.2.1

## PART 5 — SPECIAL CONTROL AREAS

### 5.1. OPERATION OF SPECIAL CONTROL AREAS

5.1.1. The following special control areas are shown on the Scheme Maps:

*AMD 25 GG 04/12/15*

(i) Special Control Area No.1 – Bassendean Sands

(ii) Special Control Area No.2 – Wastewater Infrastructure

(iii) Special Control Area No.3 – Coastal Hazard Risk Area. *AMD 37 GG 15/03/19*

(iv) Special Control Area No. 4 – Public Drinking Water Source Areas

*AMD 36 GG 23/7/19*

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

### 5.2 SPECIAL CONTROL AREA NO. 1 - BASSENDEAN SANDS

*AMD 28 GG 02/12/16; AMD 36 GG 23/7/19*

The Bassendean Sands is an important environmental unit in the central coast area, noted as a significant area comprising deep porous sands hydrologically connected to a number of wetlands. It is particularly vulnerable to pollution, eutrophication and salination due to its low nutrient-holding ability and the potential for winter waterlogging. It contains areas of native vegetation and wetlands that provide habitat for threatened species and communities, notably Banksia woodlands and black cockatoos.

5.2.1 The purpose of the Special Control Area is to preserve and enhance the ecological values of the Bassendean Sands and interrelated wetlands, and to ensure protection of the Shire's public drinking water sources.

5.2.2 The objectives of the Special Control Area are:

- a) to avoid land uses and development of a type and intensity that would impact on native vegetation, wetlands and their buffers, and groundwater quantity and quality; and
- b) to ensure that future land uses in the area do not degrade the area.

5.2.3 A request for rezoning, subdivision or development approval in the Special Control Area should be referred to the agencies responsible for wetlands, groundwater, biodiversity and/or environmental impacts for advice and any recommendations, and the local government is to have due regard to any advice received.

5.2.4 In considering an application for rezoning, subdivision or development approval in the Special Control Area, the local government will only support proposals where there would be:

- a) minimal impact on native vegetation, including individual trees and other remnants located within pasture;
- b) no clearing, filling or additional discharge into, or other impacts on, wetlands and their buffers, and other waterlogged areas;
- c) sustainable nutrient loads and where the introduction of additional nutrients that may enter the groundwater, for example, from fertilizers or stock or wastewater or increased stormwater runoff, is managed; and
- d) no reduced quantity of water within adjoining public drinking water source areas (in Special Control Area 4) as a result of any water extraction.

- 5.2.5 In considering an application for rezoning, subdivision or development approval, the local government is to be satisfied that the proposal can occur and be managed in accordance with Clause 5.2.4, taking into account any cumulative adverse effects of previously accepted proposals, without affecting the quality of water and other environmental attributes of the area.
- 5.2.6 Despite any other provision of the Scheme, all development in the Special Control Area requires approval of the local government.
- 5.2.7 Notwithstanding Table 1 and Clause 3.3 of the Scheme, where a development may affect water quality and other environmental attributes it shall not be permitted within the Special Control Area.

### **5.3 SPECIAL CONTROL AREA NO. 2 - WASTEWATER INFRASTRUCTURE**

*AMD 25 GG 4/12/15; AMD 28 GG 02/12/16; AMD 36 GG 23/7/19*

- 5.3.1 The purpose of identifying the wastewater infrastructure special control area is to avoid sensitive land uses being established within the odour buffer, and to protect the long-term operation and expansion of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's wastewater.
- 5.3.2 Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, development approval is required for any proposed use or development within the wastewater infrastructure special control area as depicted on the Scheme Map.
- 5.3.3 The Wastewater Treatment Plant and its associated infrastructure may create odour nuisance to surrounding land uses. Therefore, when determining applications for development approval for development or land use within the Special Control Area, the Local government shall:
  - a) consider the compatibility of the use or development with wastewater treatment plant infrastructure having regard to potential odour and noise emissions from the wastewater treatment plant;
  - b) consider whether the use or development would have a detrimental impact on the long-term operation of the wastewater treatment plant;
  - c) obtain and have regard to the advice and recommendations of the wastewater treatment operator and the Department of Environmental Regulations and any relevant policies of the Department of Environment Regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy);
  - d) not approve any application for land use or development within the buffer that are considered to be sensitive land uses and would suffer unacceptable impacts from odour, or which by its nature may adversely impact on the continued operation of the wastewater treatment plant.

### **5.4 SPECIAL CONTROL AREA NO. 3 – COASTAL HAZARD RISK AREA**

*AMD 37 GG 15/03/19*

- 5.4.1 The purpose of the Special Control Area is to provide guidance as to the appropriate scope of land use and development to be permitted within the coastal erosion and inundation hazard risk area.
- 5.4.2 The objectives of the Special Control Area are:
  - a) to ensure land in the coastal zone is continuously provided for coastal foreshore management, public access, recreation and conservation;

- b) to ensure public safety and reduce risk associated with coastal erosion and inundation;
  - c) to avoid inappropriate land use and development of land at risk from coastal erosion and inundation;
  - d) to ensure land use and development does not accelerate coastal erosion or inundation risks; or have a detrimental impact on the functions of public reserves; and
  - e) to ensure that development addresses the Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan prepared in accordance with SPP2.6
- 5.4.3 All proposed development within the Special Control Area requires development approval. Development approval will be issued on a temporary or time limited basis.
- 5.4.4 Applications for development approval should be referred to the agency/s responsible for coastal erosion and inundation management.
- 5.4.5 In granting development approval on a lot located within the Special Control Area, the Shire shall apply a condition requiring the proponent to place the following notification on the certificate of title in accordance with Section 70A of the *Transfer of Land Act 1987* and SPP2.6:

VULNERBALE COASTAL AREA – this lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.

## **5.5 SPECIAL CONTROL AREA NO. 4 – PUBLIC DRINKING WATER SOURCE AREAS**

*AMD 36 GG 23/7/19*

Public drinking water source areas (PDWSAs) are groundwater areas that provide drinking water for the towns and communities within the shire. The PDWSAs are proclaimed under the Country Areas Water Supply Act 1947 and are covered by Water Source Protection Plans. Water Quality Protection Note 25: Land use Compatibility Tables for Public Drinking Water Source areas sets out guidelines on appropriate land uses and activities within PDWSAs.

- 5.5.1 The purpose of the Special Control Area is to ensure land use and development within the public drinking water source areas does not result in detrimental impacts on public drinking water sources.
- 5.5.2 The objectives of the Special Control Area are:
- (a) to protect public drinking water source quality and quantity;
  - (b) to prevent increased nutrient loads into public drinking water sources; and
  - (c) to ensure that any development takes place in such a manner so as to safeguard the hydrological values of the PDWSAs.
- 5.5.3 A request for rezoning, subdivision or development approval in the Special Control Area should be referred to the agency responsible for PDWSAs for advice and any recommendations, and the local government is to have due regard to any advice received.
- 5.5.4 In considering an application for rezoning, subdivision or developmental approval in the Special Control Area, the local government shall have regard to:
- a) the potential impact that the proposal may have on the quality of public drinking water, including:
    - (i) potential increased nutrient loading, particularly from point sources for nutrients, such as a poultry farm or piggery;

- (ii) intensification of the application of fertilisers and pesticides;
  - (iii) storage of chemicals, fuels and other potentially polluting substances;
  - (iv) a substantial increase in runoff;
  - (v) any other impact which the local government considers may have an impact;
- b) any recommendations in the Drinking Water Source Protection Plans;
  - c) the Water Quality Protection Note 25: Land Use Compatibility Tables for Public Drinking Water Source Areas;
  - d) the requirements of State Planning Policy No 2.7: Public Drinking Water Source Policy (or as amended); and
  - e) any advice from the agency responsible for PDWSAs.

5.5.5 Despite any other provision of the Scheme, all development in the Special Control Area requires the approval of the local government.

5.5.6 Notwithstanding Table 1 and Clause 3.3 of the Scheme, where a development:

- a) is inconsistent with the provisions of Water Quality Protection Note 25: Land Use Compatibility Tables for Public Drinking Water Source Areas, unless the agency responsible for PDWSAs considers it to be satisfactory; and/or
  - b) may have a detrimental impact on the quality of public drinking water
- it shall not be permitted within the Special Control Area.

# SCHEDULES

AMD 28 GG 02/12/16

<u>Schedule 1</u>	Dictionary of defined words and expressions <u>General definitions</u> <u>Land use definitions</u>
<u>Schedule 2</u>	Additional uses
<u>Schedule 3</u>	Restricted uses
<u>Schedule 4</u>	Special use zones
<u>Schedule 5</u>	Exempted advertisements
<u>Schedule 6</u>	Environmental conditions
<u>Schedule 7</u>	Additional Specific Provisions for Particular Rural Residential Zones
<u>Schedule 8</u>	Permissibility of Uses and Special Conditions Related to the Special Development Zone
<u>Schedule 9</u>	Special Conditions for Rural Development on Victoria Location 10751

## SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

AMD 28 GG 02/12/16

[cl. 1.7]

### 1. GENERAL DEFINITIONS

In the Scheme —

<b>"Art Gallery"</b> <i>AMD 21 GG 18/09/15</i>	means premises that are open to the public and where artworks are displayed for viewing or sale;
<b>"building envelope"</b>	means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;
<b>"category"</b>	means a definable area where particular planning policies, guidelines or standards apply;
<b>"conservation"</b>	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> ;
<b>"floor area"</b>	has the same meaning as in the Building Code of Australia 1996 published by the Australian Building Codes Board;
<b>"frontage"</b>	when used in relation to a building that is used for — (a) residential purposes, has the same meaning as in the Residential Design Codes; and (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;
<b>"Gazettal date"</b>	in relation to a Scheme, means the date on which the Scheme is published in the <i>Gazette</i> under section 87 Planning and Development Act;
<b>"height"</b>	when used in relation to a building that is used for — (a) residential purposes, has the same meaning as in the Residential Design Codes; or (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;
<b>"incidental use"</b>	means a use of premises which is ancillary and subordinate to the predominant use;
<b>"lot"</b>	has the same meaning as in the Planning and Development Act but does not include a strata or survey strata lot;
<b>"minerals"</b>	has the same meaning as in the <i>Mining Act 1978</i> ;
<b>"net lettable area (nla)"</b>	means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas — (a) all 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 such facilities are not for the exclusive use of occupiers of the floor or building;
<b>"non-conforming use"</b>	has the same meaning as it has in section 172 <i>Planning and Development Act</i> ;

<b>“plot ratio”</b>	in the case of residential dwellings has the same meaning as in the Residential Design Codes;
<b>“precinct”</b>	means a definable area where particular planning policies, guidelines or standards apply;
<b>“predominant use”</b>	means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
<b>“structure plan”</b> AMD 03 GG 08/05/12	is a document (incorporating reports and plans) that nominates land use arrangements, transport networks, open space systems, utility networks, urban water management land requirements and development standards over an area of land. The term ‘structure plan’ replaces all other terms used throughout the planning industry for similar documents, including outline development plans and subdivision guide plans. There are three levels of structure plans, district, local and activity centre structure plans which pertain to the level of detail and planning provided in each.
<b>“retail”</b>	means the sale or hire of goods or services to the public;
<b>“Planning and Development Act”</b>	means the <i>Planning and Development Act 2005</i> ;
<b>“wholesale”</b>	means the sale of goods or materials to be sold by others.

## 2. LAND USE DEFINITIONS

AMD 28 GG 02/12/16

In the Scheme —

<b>“agriculture - extensive”</b>	means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;
<b>“agriculture - intensive”</b> AMD 29 GG 10/8/18	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); or (d) aquaculture;
<b>“agroforestry”</b>	means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
<b>“amusement parlour”</b>	means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
<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>	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

<b>“bed and breakfast”</b>	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
<b>“betting agency”</b>	means an office or totalisator agency established under the <i>Totalisator Agency Board Betting Act 1960</i> ;
<b>“cabin”</b> AMD 03 GG 08/05/12	means an individual self-contained unit similar to chalet which may lack ensuite facilities and may comprise only one room and is designed for short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period;
<b>“caravan park”</b>	has the same meaning as in the <i>Caravan Parks and Camping Grounds Act 1995</i> ;
<b>“caretaker’s dwelling”</b>	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
<b>“carpark”</b>	means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
<b>“Chalet”</b> AMD 9 GG 24/4/09	means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12 month period.
<b>“child care premises”</b>	has the same meaning as in the <i>Community Services (Child Care) Regulations 1988</i> ;
<b>“cinema/theatre”</b>	means premises where the public may view a motion picture or theatrical production;
<b>“civic use”</b>	means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
<b>“club premises”</b>	means premises used by a legally constituted club or association or other body of persons united by a common interest;
<b>“community purpose”</b>	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
<b>“consulting rooms”</b>	means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
<b>“convenience store”</b>	means premises — (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods; (b) operated during hours which include, but may extend beyond, normal trading hours; (c) which provide associated parking; and (d) the floor area of which does not exceed 300 square metres net lettable area;
<b>“corrective institution”</b>	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

<p><b>“dwelling”</b> AMD 6 GG 30/11/12</p>	<p>means a building or portion of a building used, adapted, designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family;</p>
<p><b>“educational establishment”</b></p>	<p>means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;</p>
<p><b>“exhibition centre”</b></p>	<p>means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;</p>
<p><b>“family day care”</b></p>	<p>means premises used to provide family day care within the meaning of the <i>Community Services (Child Care) Regulations 1988</i>;</p>
<p><b>“fast food outlet”</b></p>	<p>means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;</p>
<p><b>“fuel depot”</b></p>	<p>means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;</p>
<p><b>“funeral parlour”</b></p>	<p>means premises used to prepare and store bodies for burial or cremation;</p>
<p><b>“grouped dwelling”</b> AMD 6 GG 30/11/12</p>	<p>means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another. Except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey stratum with common property;</p>
<p><b>“holiday house”</b> AMD 03 GG 08/05/12</p>	<p>means a single house (excluding Ancillary Accommodation) which might also be used from time to time for short stay accommodation for no more than six (6) people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit);</p>
<p><b>“home business”</b></p>	<p>means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —</p> <ul style="list-style-type: none"> <li>(a) does not employ more than 2 people not members of the occupier’s household;</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(c) does not occupy an area greater than 50 square metres;</li> <li>(d) does not involve the retail sale, display or hire of goods of any nature;</li> <li>(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 a vehicle more than 3.5 tonnes tare weight; and</li> <li>(f) does not involve the use of an essential service of greater capacity than normally required in the zone;</li> </ul>

<p><b>“home occupation”</b></p>	<p>means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —</p> <ul style="list-style-type: none"> <li>(a) does not employ any person not a member of the occupier’s household;</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(c) does not occupy an area greater than 20 square metres;</li> <li>(d) does not display a sign exceeding 0.2 square metres;</li> <li>(e) does not involve the retail sale, display or hire of goods of any nature;</li> <li>(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and</li> <li>(g) does not involve the use of an essential service of greater capacity than normally required in the zone;</li> </ul>
<p><b>“home office”</b></p>	<p>means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not —</p> <ul style="list-style-type: none"> <li>(a) entail clients or customers travelling to and from the dwelling;</li> <li>(b) involve any advertising signs on the premises; or</li> <li>(c) require any external change to the appearance of the dwelling;</li> </ul>
<p><b>“home store”</b></p>	<p>means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;</p>
<p><b>“hospital”</b></p>	<p>means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;</p>
<p><b>“hotel”</b></p>	<p>means premises providing accommodation the subject of a hotel licence under the <i>Liquor Licensing Act 1988</i>, and may include a betting agency on those premises, but does not include a tavern or motel;</p>
<p><b>“industry”</b></p>	<p>means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for —</p> <ul style="list-style-type: none"> <li>(a) the storage of goods;</li> <li>(b) the work of administration or accounting;</li> <li>(c) the selling of goods by wholesale or retail; or</li> <li>(d) the provision of amenities for employees, incidental to any of those industrial operations;</li> </ul>
<p><b>“industry - cottage”</b></p>	<p>means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which —</p> <ul style="list-style-type: none"> <li>(a) does not cause injury to or adversely affect the amenity of the neighbourhood;</li> </ul>

	<p>(b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;</p> <p>(c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;</p> <p>(d) does not occupy an area in excess of 50 square metres; and</p> <p>(e) does not display a sign exceeding 0.2 square metres in area;</p>
<b>"industry - extractive"</b>	means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;
<b>"industry - general"</b>	means an industry other than a cottage, extractive, light, mining, rural or service industry;
<b>"industry - light"</b>	means an industry — <p>(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;</p> <p>(b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;</p>
<b>"industry - mining"</b>	means land used commercially to extract minerals from the land;
<b>"industry - rural"</b>	means — <p>(a) an industry handling, treating, processing or packing rural products; or</p> <p>(b) a workshop servicing plant or equipment used for rural purposes;</p>
<b>"industry - service"</b>	means — <p>(a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or</p> <p>(b) premises having a retail shop front and used as a depot for receiving goods to be serviced;</p>
<b>"lunch bar"</b>	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>	means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;
<b>"marine filling station"</b>	means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
<b>"market"</b>	means premises used for the display and sale of goods from stalls by independent vendors;

<b>“medical centre”</b>	means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
<b>“Microbrewery”</b> AMD 9 GG 24/4/09	is a brewery brewing beers, ales and/or stouts sold at the site for consumption on-site or off-site and having a throughput of less than 250,000 litres per year;
<b>“motel”</b>	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the <i>Liquor Licensing Act 1988</i> ;
<b>“motor vehicle, boat or caravan sales”</b>	means premises used to sell or hire motor vehicles, boats or caravans;
<b>“motor vehicle repair”</b>	means premises used for or in connection with — (a) electrical and mechanical repairs, or overhauls, to vehicles; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
<b>“motor vehicle wash”</b>	means premises where the primary use is the washing of motor vehicles;
<b>“multiple dwelling”</b> AMD 6 GG 30/11/12	means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but — (a) does not include grouped dwelling; and (b) includes any dwellings above the ground floor in a mixed-use development;
<b>"net lettable area (nla)"</b>	means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas: (a) all 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 for the provision of facilities or services to the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;
<b>“night club”</b>	means premises — (a) used for entertainment with or without eating facilities; and (b) licensed under the <i>Liquor Licensing Act 1988</i> ;
<b>“office”</b>	means premises used for administration, clerical, technical, professional or other like business activities;
<b>“roadhouse”</b> AMD 6 GG 30/11/12	means only land and a building or buildings used for the predominant purposes of a service station but incidentally included rest facilities, café, restaurant and/or shop;
<b>“park home park”</b>	has the same meaning as in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> ;
<b>“place of worship”</b>	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

<b>“plantation”</b>	has the same meaning as in the <i>Code of Practice for Timber Plantations in Western Australia</i> (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;
<b>“reception centre”</b>	means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
<b>“recreation - private”</b>	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
<b>“residential building”</b>	has the same meaning as in the Residential Design Codes;
<b>“restaurant”</b>	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the <i>Liquor Licensing Act 1988</i> ;
<b>“restricted premises”</b>	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>Censorship Act 1996</i> ; (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;
<b>“rural pursuit”</b>	means any premises used for — (a) the rearing or agistment of animals; (b) the stabling, agistment or training of horses; (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or (d) the sale of produce grown solely on the lot, but does not include agriculture – extensive or agriculture – intensive;
<b>“service station”</b>	means premises used for — (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
<b>“serviced apartment”</b> AMD 03 GG 08/05/12	means a complex where all units or apartments provide for self-contained accommodation for short-stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum of three months in any 12-month period;
<b>“shop”</b>	means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;
<b>“Short-Stay Accommodation”</b> AMD 7 GG 12/3/10	means a building or group of buildings forming a complex, designed for the Accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three months in any 12-month period;

<b>“showroom”</b>	means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;
<b>“single house”</b>	means a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access to services and excludes dwellings on titles with areas held in common property;
<b>“storage”</b>	means premises used for the storage of goods, equipment, plant or materials;
<b>“tavern”</b>	means premises licensed as a tavern under the <i>Liquor Licensing Act 1988</i> and used to sell liquor for consumption on the premises;
<b>“telecommunications infrastructure”</b>	means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;
<b>“trade display”</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement;
<b>“resort”</b> <i>AMD 03 GG 08/05/12</i>	means integrated, purpose-built luxury or experiential premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of three months in any 12- month period;
<b>“veterinary centre”</b>	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”</b>	means premises used to store or display goods and may include sale by wholesale;
<b>“winery”</b>	means premises used for the production of viticultural produce and may include sale of the produce.

## SCHEDULE 2 - ADDITIONAL USES

AMD 28 GG 02/12/16

[cl. 4.5]

No.	Description of land	Additional use	Conditions
1.	<p>Lots 79-81 and 97 and 98 Cook Street, Jurien Bay</p> <p>Lots 78, 92 &amp; 93 (Strata Lots 1 and 2) Padbury Street, Jurien Bay</p> <p>Lots 95 &amp; 96 Bashford Street, Jurien Bay</p>		<i>DELETED BY AMD 35 GG 10/08/18</i>
2.	<p>Proposed Lot 178, Marine Fields Estate</p> <p><i>AMD 9 GG 24/4/09</i></p>	<p>Microbrewery Restaurant and Caretakers dwelling</p>	<p>a) Further subdivision of proposed Lot 178 is not permitted.</p> <p>b) All development shall be subject to development approval/Consent, which addresses the following requirements.</p> <p>i. Noise and odour impacts of the development are to be addressed to the satisfaction of Local government.</p> <p>ii. A waste and effluent management plan is to be prepared to the satisfaction of the appropriate State health and water agencies.</p> <p>iii. A hygiene management plan is to be prepared which addresses weed and fungal disease management, to the satisfaction of Local government and the appropriate State environment and conservation agency.</p> <p>iv. Development shall be in harmony with the rural character of the land and locality generally.</p> <p>v. Development shall have regard for the remnant vegetation on the site. To this end, development shall be confined to a single building envelope not exceeding 1.5ha.</p> <p>vi. All trees shall be retained unless their removal is authorised by Local government except in the case of trees which are proposed to be removed to make way for building construction, fences and constructed accessways. Where in the Local government's opinion there is a deficiency of tree cover the Local government may require the planting and subsequent maintenance of an adequate number of trees of a specified type as a condition of development approval.</p>

No.	Description of land	Additional use	Conditions
2.	<p>Proposed Lot 178, Marine Fields Estate (Cont'd)</p> <p><i>AMD 9 GG 24/4/09</i></p>		<ul style="list-style-type: none"> <li>vii. Roads and fire breaks are to be located to ensure remnant vegetation is not fragmented.</li> <li>viii. An overall landscape plan of the site shall be prepared identifying the location and species of trees and shrubs to be planted as part of site development. Issue of a building licence shall be conditional on the implementation and maintenance of the landscape plan.</li> <li>ix. A property fire management plan is to be prepared to the satisfaction of Local government and the appropriate State environment and conservation agency.</li> <li>x. Consideration is to be given to any required updates to the area's fire management plan as a result of the development to the satisfaction of Local government and the appropriate State environment and conservation agency.</li> <li>xi. Development of a caretakers dwelling is to occur in conjunction with the development of a microbrewery.</li> <li>xii. Vehicle access and traffic management impacts of the development are to be addressed to the satisfaction of Local government and the appropriate State road agency.</li> <li>c) A local water management strategy shall be prepared in accordance with State policy and guidelines, and outline potable and non-potable water requirements, groundwater management, stormwater, drainage and nutrient management.</li> <li>d) A proven potable water supply by means of either a 92,000-litre roof water tank, bore or main reticulation system connection to each dwelling to the satisfaction of Local government. A minimum roof catchment of 208m<sup>2</sup> per dwelling is required.</li> <li>e) Development is not permitted on floodprone land within the area, in accordance with advice from the appropriate State water agency.</li> </ul>
3.	<p>Proposed Lots 179 and 180 Marine Fields Estate</p> <p><i>AMD 9 GG 24/4/09</i></p>	Chalets	<ul style="list-style-type: none"> <li>a) Further subdivision of proposed lots 179 and 180 is not permitted.</li> <li>b) A maximum of 2 chalets per lot is permitted.</li> <li>c) All development shall be subject to development approval/Consent, which addresses the following requirements: <ul style="list-style-type: none"> <li>i. A waste and effluent management plan is to be prepared to the satisfaction of the appropriate State health and water agencies.</li> </ul> </li> </ul>

No.	Description of land	Additional use	Conditions
3.	<p>Proposed Lots 179 and 180 Marine Fields Estate (Cont'd)</p> <p>AMD 9 GG 24/4/09</p>		<ul style="list-style-type: none"> <li>ii. A hygiene management plan is to be prepared which addresses weed and fungal disease management, to the satisfaction of Local government and the appropriate State environment and conservation agency.</li> <li>iii. Development shall be in harmony with the rural character of the land and locality generally.</li> <li>iv. Development shall have regard for the remnant vegetation on the site. To this end, the cleared area of the site shall not exceed 1.5ha.</li> <li>v. All trees shall be retained unless their removal is authorised by Local government except in the case of trees which are proposed to be removed to make way for building construction, fences and constructed accessways. Where in the Local government opinion there is a deficiency of tree cover the Local government may require the planting and subsequent maintenance of an adequate number of trees of a specified type as a condition of development approval.</li> <li>vi. Roads and fire breaks are to be located to ensure remnant vegetation is not fragmented.</li> <li>vii. An overall landscape plan of the site shall be prepared identifying the location and species of trees and development. Issue of a building licence shall be conditional on the implementation and maintenance of the landscape plan.</li> <li>viii. A property fire management plan is to be prepared to the satisfaction of Local government and the appropriate State environment and conservation agency.</li> <li>ix. Consideration is to be given to any required updates to the area's fire management plan as a result of the development to the satisfaction of Local government and the appropriate State environment and conservation agency.</li> </ul> <p>d) A local water management strategy shall be prepared in accordance with State policy and guidelines, and outline potable and non-potable water requirements, groundwater management, stormwater, drainage and nutrient management.</p> <p>e) A proven potable water supply by means of either a 92,000-litre roof water tank, bore or main reticulation system connection to each dwelling and/or chalet</p>

No.	Description of land	Additional use	Conditions
3.	Proposed Lots 179 and 180 Marine Fields Estate (Cont'd)  <i>AMD 9 GG 24/4/09</i>		to the satisfaction of Local government. A minimum roof catchment of 208m2 per dwelling is required.  f) Development is not permitted on floodprone land within the area, in accordance with advice from the appropriate State water agency
4.	Lot 129 (No. 65) Bashford Street, Jurien Bay <i>AMD 17 GG 21/10/11</i>	<i>DELETED BY AMD 35 GG 10/08/18</i>	

### SCHEDULE 3 - RESTRICTED USES

[cl. 4.6]

No.	Description of land	Restricted use	Conditions
R 1	<p>Proposed Lots 1, 73 and 93 ('Grouped Residential Sites') on the Landcorp Cervantes Development Project site, Lot 5000 Valencia Road, Cervantes</p> <p><i>AMD 15 GG 22/9/09</i></p>	Grouped Dwellings	<p>These lots may not be developed for multiple dwellings or single houses on small lots.</p> <p>The design of the development on these lots needs to ensure the protection of the amenity of its setting and locality with attention to minimising scale and bulk and the addition of appropriate landscaping.</p> <p>The development of these sites is to be high quality, especially regarding provision of open space.</p>

## SCHEDULE 4 - SPECIAL USE ZONES

AMD 28 GG 02/12/16

[cl. 4.7.1]

No.	Description of land	Special use	Conditions
1.	Victoria Location 10751	Rural Development	All development and subdivision to occur in accordance with Schedule 9. <i>AMD 28 GG 02/12/16</i>
2.	Lots 435, 436, 439, Lot 3002 – 3005 Bashford Street, Jurien Bay  <i>AMD 13 GG 12/2/10</i>	<i>Community Purpose Aged Persons Accommodation</i>	<ol style="list-style-type: none"> <li>1. Development approval is required to be issued by Local government.</li> <li>2. The development shall be connected to a reticulated sewerage and water system.</li> <li>3. Access shall be from Nineteenth Avenue and no direct access shall be from Bashford Street in accordance with the requirements of the appropriate State Government road agency.</li> <li>4. Development shall be generally consistent with an R30 standard and may apply a bonus consistent with the Design Codes for aged persons accommodation.</li> <li>5. Fencing adjacent to Bashford Road shall be design and constructed in such a manner as to provide surveillance of the street and be visually permeable.</li> <li>6. Nineteenth Avenue shall be constructed with a minimum bitumen standard incorporating necessary drainage.</li> </ol>
2.	Lot 14 and Pt Loc 1121 Dandaragan Road, Dandaragan  <i>AMD 7 GG 12/3/10</i>	Special Accommodation, including, but not limited to, the following uses at Local government's discretion: <ol style="list-style-type: none"> <li>1. Bed and Breakfast</li> <li>2. Caretaker's Dwelling</li> </ol>	<ol style="list-style-type: none"> <li>1. Development of the land is to be generally in accordance with a Development Concept Plan adopted by the local government.</li> <li>2. Development on the site being connected to a reticulated water supply.</li> </ol>

No.	Description of land	Special use	Conditions
		3. Short Stay Accommodation 4. Office 5. Park Home Park 6. Recreation - Private	3. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the local government. The stormwater management system should be designed in accordance with the guidelines contained in the "Stormwater Management Manual of Western Australia" (Department of Environment, 2004).  4. A Landscaping Plan is to be prepared and implemented to the satisfaction of the local government. All landscaped areas are to be maintained in good condition thereafter.  5. Built form is to be consistent with a predominant theme for the site, in terms of scale, colour and use of materials.  6. Use of second-hand materials is not permitted.  7. All driveways, parking and manoeuvring areas are to be constructed and maintained to the satisfaction of the local government.  8. Accommodation units are to be used for temporary accommodation only. No Permanent residents (except for the site management) are permitted within the complex.  9. Development on the site being provided with an onsite effluent disposal system Alternative Treatment unit to the satisfaction of the local government and the Department of Health.
4.	Lot 62 (No.20) Roberts Street and a portion of the Heaton Street road reserve, Jurien Bay as designated on the Scheme Map.  <i>AMD 21 GG 18/09/15</i>	<b>Permitted</b> <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Tourist resort</li> <li>• Motel</li> <li>• Serviced apartment</li> <li>• Restaurant</li> <li>• Cinema/theatre</li> <li>• Tavern</li> <li>• Grouped Dwelling</li> </ul>	1. Prior to the submission of an application for development approval, a Local Development Plan (LDP) for the land is to be prepared and approved by the local government.  2. Development of the land shall be in accordance with a LDP

No.	Description of land	Special use	Conditions
		<ul style="list-style-type: none"> <li>• Multiple Dwelling</li> <li>• Office</li> <li>• Shop</li> </ul> <p><b>Discretionary</b></p> <ul style="list-style-type: none"> <li>• Caretaker's Dwelling</li> <li>• Civic Use</li> <li>• Club Premises</li> <li>• Convenience Store</li> <li>• Reception Centre</li> <li>• Fast Food Outlet</li> <li>• Art Gallery</li> </ul>	<p>adopted by the local government. The LDP should provide sufficient information to address the requirements of the Scheme and the following:</p> <ul style="list-style-type: none"> <li>(i) the staging of development;</li> <li>(ii) the staging of land tenure changes;</li> <li>(iii) provision of public, communal and private open spaces and landscaping on the site;</li> <li>(iv) provision of public access to areas of high amenity within or adjoining the site;</li> <li>(v) unrestricted access to the Jurien Bay Foreshore area;</li> <li>(vi) a connection between Heaton and Sandpiper Streets that incorporates a street of a minimum width of 11 metres along the north-eastern boundary of the site;</li> <li>(vii) the integration of the realigned Heaton Street road reserve into the overall site;</li> <li>(viii) utilisation of the western portion of the site (divided by the realignment of Heaton Street) for hotel accommodation and associated ancillary uses;</li> <li>(ix) demonstration that the design and scale of any residential component within the site is subsidiary to the tourism component such that the tourism component remains dominant;</li> <li>(x) demonstration that the residential accommodation is to be concentrated in an area of the site and located to provide a transition between tourist development and surrounding residential uses;</li> <li>(xi) how areas of the site that provide the highest tourist values will be retained predominantly for tourist purposes and not permanent residential units;</li> <li>(xii) the integration of facilities associated with tourist accommodation such as recreation (e.g. pools, gymnasium, function space), entertainment facilities (e.g. food and beverage facilities) and management facilities into the tourist resort;</li> </ul>

No.	Description of land	Special use	Conditions
			<p>(xiii) the integration of the management and use of recreation and amenity facilities associated with permanent residential accommodation into the tourist resort;</p> <p>(xiv) evidence that the proportion of permanent residential accommodation units relative to the total number of accommodation units on the site will be equal to or less than 45%;</p> <p>(xv) demonstration that the non-tourist developments (such as commercial, office, retail, reception centre, restaurant) will not detract from the main Jurien Bay commercial centre and will form an integrated part of the tourist resort;</p> <p>(xvi) evidence that physical processes setback are in accordance with <i>State Planning Policy 2.6 Coastal Planning Policy</i>;</p> <p>(xvii) consideration of the visual impacts of proposed structures on views from the Jurien Bay Marine Park and from the land and associated height limitations;</p> <p>(xviii) traffic management for the site, including the provision of car parking, vehicle access and circulation, loading and unloading areas, storage yards and rubbish collection closures, pedestrian access and walkways within and from the site; and</p> <p>(xix) any other relevant matter, which the local government considers to be warranted to ensure properly and orderly planning of the site.</p> <p>3. All development on the land (including change of use) shall be subject to an application to the local government for approval to commence development unless specifically exempted in an approved LDP.</p> <p>4. All development on the land shall be connected to a reticulated water supply and sewerage system.</p> <p>5. Prior to the commencement of development, the site is to be remediated to the extent required for its intended use.</p>

No.	Description of land	Special use	Conditions
			<p>Investigations and remediation are to be carried out in compliance with the <i>Contaminated Sites Act 2003</i> and current Department of Water and Environmental Regulation's Contaminated Sites Guidelines.</p> <p>In accordance with regulation 31(1)(c) of the <i>Contamination Sites Regulations 2006</i>, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with Condition 5. AMD 33 GG 25/5/18</p> <p>6. Prior to approval of development on the site, a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) is to be prepared in accordance with <i>State Planning Policy 2.6: State Coastal Planning Policy</i> and approved by the local government. The CHRMAP should include but not be limited to consideration of inundation, erosion, finished floor levels, setbacks and drainage. Recommended management and adaptation actions are to be implemented at timings indicated within the approved implementation plan. AMD 34 GG 25/5/18</p> <p>7. The only permitted land use on the portion of the site divided by the realignment of Heaton Street (the western portion) is a 'Hotel' and associated ancillary uses.</p> <p>8. Any proposed 'Hotel' or 'Motel' on the land shall provide 100% short-stay accommodation. For all accommodation units proposed on the land, the maximum proportion of permanent residential units relative to the total number of short stay units on the site shall be equal to or less than 45%. AMD 34 GG 25/5/18</p> <p>9. Any residential unit for use for permanent occupation must:</p> <ul style="list-style-type: none"> <li>(i) form part of a mixed-use development proposal;</li> <li>(ii) form an integrated component of the tourist complex in terms of the type, style and character</li> </ul>

No.	Description of land	Special use	Conditions
			<p>and the landscaping of the building;</p> <p>(iii) shall be in a concentrated area located to provide a transition between tourism development and surrounding residential uses;</p> <p>(iv) be provided with recreation and amenity facilities; and</p> <p>(v) shall be designed to enable management and use on an integrated basis with the overall tourist resort.</p> <p>10. Prior to the commencement of the hotel development the closure, realignment and land transfers of a portion of the Heaton Street road reserve must be finalised to the satisfaction of the local government. <i>AMD 34 GG 25/5/18</i></p> <p>11. Prior to the commencement of development, the ceding of a minimum 11-metre-wide street along the north east boundary of the land, providing a connection between Heaton and Sandpiper Streets, is to be completed to the satisfaction of the local government. <i>AMD 34 GG 25/5/18</i></p> <p>12. No structure shall exceed 40 metres in height measured from natural ground level, unless it forms part of the telecommunications infrastructure, and the height of individual structures will be in accordance with an approved LDP.</p> <p>13. Subdivision of the land will be limited to built or survey strata subdivision.</p> <p>14. A notification to the following effect is to be placed on the certificate(s) of title of any proposed lot(s) identified in the Coastal Hazard Risk Management and Adaptation Plan that may be affected by coastal hazards: <i>Vulnerable coastal area – This lot is located in an area likely to be subject to coastal erosion/inundation over the next 100 years.</i></p> <p>15. For all short-stay accommodation a register of guests showing periods of occupancy is to be kept and made available to the local government on request in order to ensure compliance with the requirement to limit</p>

No.	Description of land	Special use	Conditions
			<p>occupation to a maximum of three months in any 12-month period.</p> <p>16. In accordance with Section 5C of the <i>Strata Titles Act (1985)</i> (as amended) a condition of any future built strata subdivision of tourist accommodation shall include the preparation and submission of a management statement and associated agreements for the local governments approval, that includes:</p> <ul style="list-style-type: none"> <li>▪ the establishment of a Schedule 1 by-law that requires, as a minimum, a unit management agreement, lease or alternative arrangement between each owner of a strata unit and the common facility manager/operator to provide for common management of all such units for a minimum period of 25 years as a tourist facility;</li> <li>▪ the ability for a Strata Company to terminate a contract with the facility manager/operator at the end of a 5-year contract or lesser period based on performance criteria as determined by the Strata Company;</li> <li>▪ the management agreement, lease or alternative shall cover but not be limited to letting agent (manager) arrangements, resort reception, access, security, maintenance, caretaking, refurbishment, marketing and other services reasonably required for the development to operate as a tourism facility; and</li> <li>▪ any other additions the local government considers appropriate to ensure the ongoing sustainability of the proposal for tourism purposes.</li> </ul>
5.	<p>Lot 11 (4) Madrid Street, Cervantes; Lots 10 (31), 9 (33), 8 (35), 7 (37), 362 (39) and 5 (41) Catalonia Street, Cervantes.</p> <p>AMD 29 GG 10/08/18</p>	<p>Lobster processing plant and restaurant and associated land uses, generally in accordance with development approvals issued by the local government prior to June 2018:</p> <ol style="list-style-type: none"> <li>1. Agriculture – intensive – confined to the existing lobster processing plant (aquaculture).</li> </ol>	<p>The Special Use designation seeks to recognise land uses approved on the site prior to June 2018. The following conditions apply:</p> <ol style="list-style-type: none"> <li>1. Parking is to be contained on-site, in accordance with the provisions of the scheme.</li> <li>2. The site is to be landscaped in accordance with local government requirements.</li> <li>3.</li> </ol>

No.	Description of land	Special use	Conditions
		2. Restaurant – confined to the existing ‘Lobster Shack’. 3. Single house – confined to the existing dwellings on Lots 362 and 5 Catalonia Street. 4. Uses incidental to the lobster processing plant and restaurant, being for sale of seafood, lobster-related merchandise and souvenirs, tours of the plant, parking storage, and maintenance of fishing boats.	4. The site is to be provided with water and wastewater services. 5. Any future development on the land (including change of use) shall be subject to an application for approval to commence development and is limited to the defined special uses. 6. If all lots within Special Use Zone 5 are amalgamated, the land use grouped dwelling may be permitted at the local government’s discretion to recognize the existing dwellings on the site.

## SCHEDULE 5 - EXEMPTED ADVERTISEMENTS

AMD 28 GG 02/12/16

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function, and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup>
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 Bylaws.	Not applicable.
Industrial 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 a 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 15m.</p> <p>Maximum permissible total area, shall not exceed 10m<sup>2</sup> and individual advertisement signs shall not exceed 6m<sup>2</sup></p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex of facility concerned either from other private land or from public places and streets.	n/a
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or Local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	n/a

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
	<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 direction of a Government department, public authority or the Local government of a 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>
Railway Property and Reserve	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.
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	n/a
All classes of buildings other than single family dwelling	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>

## SCHEDULE 6 - ENVIRONMENTAL CONDITIONS

[cl. 5.6.1]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions



## **SCHEDULE 7- ADDITIONAL SPECIFIC PROVISIONS FOR PARTICULAR RURAL RESIDENTIAL ZONES**

AMD 28 GG 02/12/16

### **1. Pt Victoria Location 10338 Cnr Jurien and Munbinea Road and Melbourne Location 984 Dandaragan Road**

The special provision applying is:

- (a) No building shall be permitted within 30 metres of the front of any allotment, 100 metres from any side boundary of any allotment.

### **2. Melbourne Locations Pt 3112, 757, 2520, 716, 618, 744, Pt 2528 and Pt Crown Reserves 19206, 1222 and 36053 (and any other lots that may be created in this area as a result of subdivision)**

AMD 9 GG 24/4/09

The special provisions applying are:

- (a) Subdivision shall generally be in accordance with the Plan Subdivision Hill River (Fatfields), endorsed by the Shire Clerk, the Plan of Subdivision shall be kept with the Scheme.
- (b) No building shall be permitted within 20 metres of the front of any allotment, 50 metres from the rear boundary of any allotment and 10 metres from the side boundaries of any allotment.
- (c) Where the Local government is of the opinion that a proposed dwelling would detract from the visual amenity of the open Molah Hill landscape, it may require the applicant to submit alternative plans which specify the use of permanent materials, and which merge buildings into the natural landscape in terms of building proportions and the colours and textures of materials.
- (d) The Hamersley homestead originally built on CG 681 in the 1890s shall not be modified in any way without the prior consent of the Local government. The owner of the homestead allotment will be encouraged to restore and maintain the environs of the house including original exotic and indigenous trees to conserve early European settlement associations. The homestead may be used as an Ancillary Dwelling as defined in the Residential Design Codes or as a Cabin or Chalet for the purposes of short term accommodation in addition to the other permissible uses of the Rural Residential zone.
- (e) Development in close proximity to the Hill River and its` tributaries will incorporate provisions to ensure that the environmental and recreational values of the river are protected and enhanced.
- (f) No buildings shall be erected on flood-prone land within the area in accordance with advice from the appropriate State water agency.

AMD 9 GG 24/4/09

### **3. Lot 1 and Lot 2, Portion of Victoria Location 10602 Jurien Road, Jurien Bay**

The special provisions applying are:

- (a) Subdivision shall be generally in accordance with the Plan of Subdivision Plan No 1, which forms part of the Scheme. Plan of Subdivision No 1 may be varied by Local government to avoid areas of limestone outcropping for effluent disposal.
- (b) The subdivider shall ensure that each prospective purchaser of the subdivided lot acknowledges in writing, at the time of purchase of a lot, that they have been made aware of the provisions of the Shire's Local Planning Scheme pertaining to the subdivision and development within the Rural Residential Zone.

- (c) Notwithstanding the provisions of the Scheme and what may be shown on the Plan of Subdivision, the Western Australian Planning Commission after consultation with the Local Authority may approve a minor variation to the subdivisional design.
- (d) No building shall be permitted within 20 metres of the front of any allotments, 30 metres from the rear boundary of any allotment and 10 metres from the side boundaries of any allotment.
- (e) No second-hand or relocated dwellings will be permitted on any lots in the subdivision.
- (f) Tree planting inside the landscape buffer fronting Jurien Road shall be undertaken by the subdivider in accordance with the Plan No 1 as forming part of this Scheme.
- (g) All development shall comply with the following development guidelines:
  - (i) buildings on land steeper than gradients of 1:10 shall be of split level or pier construction to minimize the amount of cut and fill;
  - (ii) non-reflective building materials only will be permitted. Non-reflective roofing material shall be of a colour consistent with the vegetation and/or predominant colours of the individual building sites;
  - (iii) buildings shall form a unified group with the main building and should be of a similar form, colour and materials;
  - (iv) clearing of existing native vegetation within building envelopes should be limited to 30 metres around buildings and should be an absolute minimum necessary for the installation of services;
  - (v) a minimum of 160mm topsoil should be stripped from earthworks areas and replaced immediately after construction onto disturbed areas; and
  - (vi) landscaping should be with materials that are sympathetic with the surrounding natural landscape;
- (h) No direct road access shall be permitted for lots abutting Jurien Road and Canover Road. Access to those roads will be denied by the establishment of a 0.1 metre pedestrian access way along the common boundary between adjoining lots and the road.

**4. Lots 509 and 2520 and a portion of Lot 9005 Marine Fields, Jurien Bay**

*AMD 20 GG 11/10/13*

The special provisions applying are -

- (a) Prior to subdivision or development, a structure plan is required in accordance with Clause 5.14.1 of the Scheme.
- (b) In addition to the requirement in (a), the following matters need to be addressed in the structure plan—
  - (i) coastal management issues including potential for wind erosion and sand drift;
  - (ii) a north-south access road linking this land and the adjacent rural residential land;
  - (iii) minimising vegetation clearance through the provision of strategic firebreaks;

- (iv) provision for a range of lot sizes in keeping with the zone objectives, with potential to reduce the minimum lot size where disturbance of native vegetation can be substantially reduced;
  - (v) provision for protection against poor drainage in low lying areas;
  - (vi) identification of building envelopes;
  - (vii) bush fire management in accordance with Western Australian Planning Commission policy; and
  - (viii) building envelopes to contain a 20m building protection zone.
- (c) Provision of a 120 000-litre rainwater tank and a combined catchment area of 240 sqm.
- (d) Where lots are adjacent to conservation reserves, fencing shall only be erected around the building envelope.
- (e) Where the Local government is of the opinion that a proposed dwelling would detract from the visual amenity of the open Molah Hill landscape, it may require the applicant to submit plans which merge buildings into the natural landscape in terms of building proportions and the colours and textures of materials.
- (f) No building shall be permitted within 20 metres of the front of any allotment, 50 metres from the rear boundary of any allotment and 10 metres from the side boundaries of any allotment.

## SCHEDULE 8 - SPECIAL CONDITIONS RELATED TO THE SPECIAL DEVELOPMENT ZONE

AMD 3 GG 08/05/12; AMD 28 GG 02/12/16

NO.	DESCRIPTION OF LAND	CONDITIONS
SDev1	Victoria Locations 8837, 9302, 7950, 1556 and 7377	<p>District Structure Plans, Local Structure Plans and Activity Centre Structure Plans shall be prepared and implemented in accordance with the following environmental objectives and requirements.</p> <p>The key environmental objectives are—</p> <ul style="list-style-type: none"> <li>• To promote environmental sustainability;</li> <li>• To conserve biological diversity;</li> <li>• To prevent adverse effects on interdependent elements of natural systems;</li> <li>• To prevent pollution;</li> </ul> <p>In creating a project which departs from conventional metropolitan styles of urbanisation in preference for nodes of development within a natural setting incorporating principles of environmental sustainability.</p> <p>In meeting these objectives, the following environmental requirements apply—</p> <p>(a) Implement and manage development in a manner that is consistent with the following documents and their updates—</p> <ul style="list-style-type: none"> <li>• Strategy for Nature Conservation and Biodiversity (October 2001).</li> <li>• Targeted Flora Survey (26 November 2001).</li> <li>• Water Management Plan.</li> <li>• Turquoise Coast Development—Jurien Bay.</li> </ul> <p>(b) Implement and manage development in a manner that retains natural and semi natural areas in addition to those identified in the Strategy for Nature Conservation and Biodiversity, through the detailed planning process. Open spaces in this category may include some recreational space that retains bushland; semi natural areas required by management plans such as the Water Management Plan to protect key ecosystem processes; and, following more detailed planning studies, additional coastal foreshore reserves and wetland buffer areas and buffer areas around any dunes that are to be retained to accommodate any sand blow that may affect residential amenity, and movements, if any, of those dunes.</p> <p>(c) Implement and manage development in a manner that is consistent with the purposes of the Jurien Bay Marine Park.</p> <p>(d) Implement and manage development in a manner which —</p> <ul style="list-style-type: none"> <li>• promotes reduced car use,</li> <li>• encourages public transport use,</li> <li>• creates activity nodes,</li> <li>• provides jobs near residences,</li> <li>• produces a lot layout conducive to solar energy utilisation and the provision of natural light,</li> <li>• maintains the healthy functioning of key ecological processes and key areas of natural ecosystems,</li> <li>• protects biodiversity,</li> </ul>

		<ul style="list-style-type: none"> <li>• limits greenhouse gas and other emissions damaging to air quality,</li> <li>• reduces the use of materials and energy in infrastructure, transport, communities, services, housing etc. compared with conventional development and promotes the use of renewable energy and recycled materials, □ □ manages waste by minimising its production and promoting recycling, ensuring environmentally acceptable locations are available to process wastes from the development,</li> <li>• reduces the demand for fresh water compared with conventional development and promote the reuse of water,</li> <li>• protects the community from pollution and adverse amenity impacts and,</li> <li>• promotes a vision for environmentally sensitive development and the development of a community ethos that supports sustainable development and caring for the local environment.</li> </ul> <p>(e) Prepare and implement Management Plans for the Conservation Reserves in a timely fashion.</p>
SDev2	Victoria Location 8836 – 'North Head'	<ol style="list-style-type: none"> <li>1. Local government will not support an application for subdivision and will not approve an application for development until the proposed extension to boundaries of the Jurien Water Reserve have been adopted or there has been adoption of an appropriate agreement to ensure the provision of water between the Western Australian Planning Commission, Water Corporation, Local government and the proponent.</li> <li>2. No subdivision or development will be supported until a district and local structure plan have been approved by the Local government and Western Australian Planning Commission in accordance with Part 4 of the deemed provisions.</li> <li>3. In determining land use permissibility due regard shall be given to a structure plan prepared in accordance with Part 4 of the deemed provisions</li> <li>4. At the first stage of subdivision, suitable access and egress roads are to be constructed to service the proposed lots. This may require the provision of two points of access to the surrounding movement network.</li> <li>5. All development is to be assessed in accordance with the approved design guidelines which form part of the relevant local structure plan. Development which does not comply with the design guidelines requires development approval from the local government and a person must not commence or carry out any development without first having applied for and obtained development approval from the local government under Part 7 of the deemed provisions.</li> <li>6. In accordance with Clause 5.15.4(a) of the Scheme, a local structure plan is to specify areas where further comprehensive planning may be required through the preparation of an activity centre structure plan. Areas which have not been designated do not require activity centre structure plans.</li> <li>7. Prior to the final approval of a local structure plan, the following management plans are to be prepared and considered in accordance with advice from the relevant authority, to the satisfaction of the local government—</li> </ol>

		<p><b><u>Local Water Management Strategy</u></b></p> <p>A Local Water Management Strategy (LWMS) shall be prepared and approved to the specification and satisfaction of the Department of Water, in accordance with the requirements of the Environmental Protection Authority and advice from the Shire of Dandaragan to protect water resources, enhance the living environment for the community, provide protection from flooding and ensure that the rate, quantity and quality of water leaving the site will not adversely impact on the adjacent ocean environment.</p> <p><b><u>Environmental Management Plan</u></b></p> <p>An Environmental Management Plan pertaining to that area of development shall be prepared. The Environmental Management Plan is to be prepared by the developer to the satisfaction of the Shire of Dandaragan on advice of the Department of Environment and Conservation and the EPA.</p> <p><b><u>Fire Management Plan</u></b></p> <p>A Fire Management Plan pertaining to that area of development shall be prepared and approved to the specification and satisfaction of the Local government, in accordance with advice from Fire Emergency Services Authority to reduce the threat to residents and fire fighters in the event of bush fire within or near the site.</p> <p><b><u>Foreshore Management Plan</u></b></p> <p>A Foreshore Management Plan shall be prepared for the foreshore reserve and interface between the development area and the foreshore, to be approved to the specification and satisfaction of the Shire of Dandaragan in accordance with the requirements of the EPA and advice from the Department of Environment and Conservation for the foreshore reserve. The Foreshore Management Plan is to be prepared to establish a co-operative approach between the proponent, the Shire of Dandaragan and DEC for foreshore access, construction of public facilities and management associated with the proposed development.</p> <p><b><u>Design Guidelines and Development Controls</u></b></p> <p>Design guidelines are to be prepared to the satisfaction of the Shire of Dandaragan and Western Australian Planning Commission and included as a part of the local structure plan. The design guidelines are to include provisions regarding the built form of all future development to ensure the special qualities of the site are protected and are to specify an agreed method for implementation of the relevant controls. All development is to be assessed in accordance with these guidelines, with non-complying development required to apply for development approval with the Shire. The Western Australian Planning Commission may impose conditions on subdivision applications, requiring covenants to be placed on the titles of lots enforcing this requirement.</p> <p>8. Prior to a stage of subdivision, the following management plans are to be prepared and considered in accordance with advice from the relevant authority, to the satisfaction of the local government—</p>
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		<p><b><u>Urban Water Management Plan</u></b></p> <p>An Urban Water Management Plan (UWMP) shall be prepared and approved to the specification and satisfaction of the Department of Water, in accordance with advice from the Shire of Dandaragan, to protect water resources, enhance the living environment for the community, provide protection from flooding and ensure that the rate, quantity and quality of water leaving development at the site will not adversely impact on the Marine Environment, or wetlands in the vicinity of the subject land.</p> <p><b><u>Flora and Fauna Management Plan</u></b></p> <p>Should any specially protected and/or threatened fauna habitats or any declared flora be found within the development area at the site, a Flora and Fauna Management Plan shall be required to be prepared and approved prior to ground disturbing activities and to the specification and satisfaction of the Shire of Dandaragan in accordance with advice from the Department of Environment and Conservation, to ensure the proper management, protection or relocation of flora and fauna species within the development area.</p>
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# **SCHEDULE 9 - SPECIFIC CONDITIONS FOR RURAL DEVELOPMENT ON VICTORIA LOCATION 10751**

AMD 28 GG 02/12/16

## **General**

The use and development of land within the Special Use Zone encompassing that land currently or previously within Victoria Location 10751 shall be in accordance with the provisions of this Local Structure Plan.

Notwithstanding the above the Local government may recommend a variation to the Development Guide Plan but substantial modifications shall be deemed to be contrary to the scheme.

Development shall accord with the specified development criteria; however, Local government shall generally be guided by the Statement of Intent and relevant Category Policy Statements.

## **Statement of Intent**

The objective of Development Guide Plan No. 1A is to guide subdivision and development in a manner which will maximise economic output of the land, facilitate a range of rural residential opportunities and other tourist and recreational uses but at all times having due regard for the relative capabilities of the land.

## **Development Criteria**

The following subdivision and development criteria shall be applied to all land within Development Guide Plan No. 1A.

### **1. Location of Buildings and Structures**

AMD 28 GG 02/12/16

- 1.1 All buildings in category 3 shall be located within a building envelope not exceeding 3000m<sup>2</sup> and in categories 1 and 2 within a building envelope not exceeding 4000m<sup>2</sup>. The location of building envelopes shall be determined on site by the landowner in conjunction with Local government with the intention of protecting significant remnant vegetation, reducing the risk of soil erosion, and minimising the external and internal visual impact of dwellings, outbuildings and access arrangements.
- 1.2 All building envelopes and development on any lot shall be setback a minimum of 30 metres from front lot boundaries, 50 metres from rear lot boundaries and 15 metres from side lot boundaries.
- 1.3 Not more than one dwelling house may be constructed on any lot and all buildings shall be located within the designated building envelope as shown on the approved plan of building envelopes.
- 1.4 Local government shall require a buffer distance of 150 metres between the nearest boundary of the waste landfill site and any dwelling consistent with the Department of Environmental Protection's Draft Code of Practice for Country Landfill Management.

### **2. Building Design and Colour**

AMD 28 GG 02/12/16

- 2.1 Buildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. No materials or colours shall be used which the Local government considers will have an undue impact on the visual amenity of the adjoining sites or the surrounding locality.
- 2.2 Dwellings and all ancillary buildings shall be restricted to a height of two storeys. However, the height of any building shall not exceed 7.5 metres which is measured vertically from the natural ground level.

- 2.3 The use of fibro cement, metal sheeting or wooden picket for boundary fencing will not be permitted. If fencing is utilised, it shall be of rural construction such as open post and rail or post and wire, to the satisfaction of Local government.

### **3. Vegetation and Revegetation**

AMD 28 GG 02/12/16

- 3.1 If the Local government considers a lot within the area requires tree cover improvement it may require the owner of the lot as a condition of development, to undertake a tree planting programme to its specifications. It may also require the owner to maintain these trees.
- 3.2 No clearing of trees or vegetation shall occur without the approval of Local government, and where appropriate, Agriculture Western Australia, except for:
- (a) clearing to comply with the requirements of the *Bush Fires Act 1954* (as amended);
  - (b) clearing as may reasonably be required to construct an approved building and curtilage, including fences and on-site effluent disposal systems;
  - (c) clearing to gain vehicular access to an approved development on the land;
  - (d) trees which are dead, diseased or in a dangerous condition;
  - (e) clearing required to establish and maintain a low fuel buffer.
- 3.3 Fences shall be erected to protect trees and other remnant vegetation by grazing livestock where required. Local government may request the Commission to impose a condition at the time of subdivision for the fencing of remnant vegetation and revegetation areas.

### **4. Effluent Disposal**

AMD 28 GG 02/12/16

- 4.1 The disposal of liquid and/or solid wastes on the lots shall be carried out by way of an effluent system approved by the Local government and the health Department of Western Australia. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Effluent disposal areas for development utilising conventional effluent disposal systems shall be setback a minimum of 100 metres from a natural permanent water course, water body or existing drain, and situated 2 metres above the highest known ground water level.
- 4.2 Local government shall require the use of amended soil type effluent disposal systems, such as ECOMAX, Biocycle, Aquarius or other similar approved ATU Systems acceptable to the Health Department of Western Australia, in the following situations:
- where a 100-metre setback from a water course, water body or existing drain cannot be achieved;
  - where soil conditions are not conducive to the retention of nutrients; and
  - in low lying areas.

Separation from waterways and ground water shall be determined by Local government in accordance with the Health Department of Western Australia and Department of Environmental Protection guidelines.

## **5. Keeping of Stock**

*AMD 28 GG 02/12/16*

- 5.1 The keeping and rearing of livestock shall not be permitted in Categories 4 and 5 except for domestic purposes and in such case, shall not exceed one horse or one cow or two sheep, and shall be restricted to an appropriate yard area within the building envelope.
- 5.2 Stock may be permitted in Categories 1, 2 & 3 to a maximum of 5 dry sheep equivalent (DSE) as defined by Agriculture Western Australia. Animal numbers shall not exceed the stocking rates recommended by Agriculture Western Australia in accordance with the pasture type.
- 5.3 The keeping of stock shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance. Where in the opinion of Local government and Agriculture Western Australia the continued presence of animals on any portion of land is likely to contribute, or is contributing to soil degradation, dust nuisance or significant additional nutrient application, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.
- 5.4 Where notice has been served on a landowner in accordance with this Clause the Local government may also require the land to be rehabilitated to its satisfaction within three (3) months of serving the notice. In the event that such action is not undertaken, Local government may carry out such works as are deemed necessary, with all costs being borne by the landowner.

## **6. Bushfire Management & Control**

*AMD 28 GG 02/12/16*

- 6.1 Local government may request the Commission to impose a condition at the time of subdivision for the construction of strategic firebreaks to the satisfaction of the Local government and the Bush Fires Board.
- 6.2 Strategic firebreaks shall be designed and constructed so as to avoid erosion impacts and to a standard suitable for all year access by heavy duty fire appliances and two-wheel drive vehicles.
- 6.3 Low fuel buffers, at least 20 metres wide shall be established and maintained around each building.
- 6.4 Local government may request the Commission to impose a condition at the time of subdivision for fire suppression and prevention measures and equipment to be provided in the locality. Local government will facilitate discussions between the subdivider and the Bush Fires Board regarding such requirements.
- 6.5 The subdivider shall make arrangements to the satisfaction of Local government to ensure prospective purchasers, in the transfer of lots, are made aware of the fire management guidelines of the Home Owners Bushfire Survival Manual and the Australian Standard 3959 - 1991 Construction of Buildings in Bushfire Prone Areas.

## **7. Water Supply Provisions**

*AMD 28 GG 02/12/16*

- 7.1 The subdivider shall make arrangements satisfactory to the Local government to ensure that prospective purchasers of the lots are advised that no reticulated water supply can be provided by the Water Corporation and that the land is located within the Jurien Groundwater area and that licensing of underground water usage applies in the area.

7.2 Each dwelling shall be provided with a supply of potable water comprising of not less than 120,000 litres of storage directly connected to the necessary roof catchment area to provide this supply.

## **8. Road Upgrading, Access and Design.**

*AMD 28 GG 02/12/16*

8.1 Local government may request the Commission to impose at the time of subdivision requirements for the upgrading of Canover Road.

## **9. Notification of Prospective Owners**

*AMD 28 GG 02/12/16*

9.1 Provision shall be made to Local government's satisfaction to ensure prospective purchasers of land within the area covered by Local Structure Plan No. 1A are given a copy of these special provisions prior to entering into an agreement to acquire any property.

## **10. Protection of Landscape Elements**

10.1 When subdividing the land, the subdivider will be required to ensure that landscape values are not compromised in areas which are clearly visible from Hill River, the coastline and adjoining roads. This may entail:

- retaining remnant vegetation;
- providing larger lot sizes in sensitive areas;
- locating buildings away from ridge-tops;
- ensuring building design, materials and colour, complement surrounding landscape elements.

## **11. Horticultural Development**

11.1 A Nutrient and Irrigation Management Plan shall be included as part of any proposal for horticultural use and/or development.

## **12. Buffer Requirements**

*AMD 28 GG 02/12/16*

12.1 Local government shall consider the Environmental Protection Authorities Guidelines contained in its draft "Industrial Residential Buffer Areas (Separation Distances)" or subsequent adopted policy, when considering applications for horse stables, market gardens and rural pursuits.

### **Category 1**

#### **Category Policy Statement**

The objective for Category 1 is to achieve economic output by encouraging the use of small areas of cleared land available for land based agricultural use and, in the absence of such areas, attempting to diversify into non-land based agricultural or recreational uses.

#### **Development Criteria**

The following subdivision and development criteria shall apply to those lots within Category 1 only.

- (a) The recommended minimum lot sizes within this category shall range from 4.0ha to 6.0ha.

- (b) Stocking of lots within this category will only be allowed up to a maximum of 5 dry sheep equivalent (DSE) as defined by the Department of Agriculture of Western Australia, for the quantity of cleared pasture available.
- (c) The following uses may be permitted subject to the explanation of symbols in Clause 4.3.2 of the scheme.

- P - Dwelling - Single House
- D - Home Occupation
- A - Stable
- A - Private Recreation
- A - Market Garden
- A - Retail Nursery
- A - Rural Pursuit
- A - Veterinary Clinic and Hospital
- A - Dog Kennels
- A - Industry Rural

### **Category 2**

#### **Category Policy Statement**

The objective for Category 2 is to achieve economic output by encouraging the use of small areas of cleared land available for land based agricultural use and, in the absence of such areas, attempting to diversify into non-land based agricultural or recreational uses.

#### **Development Criteria**

The following subdivision and development criteria shall apply to those lots within Category 2 only.

- (a) The recommended minimum lot sizes in this category shall range from 2.0 ha to 4.0 ha.
- (b) Stocking of lots within this category will only be allowed up to a maximum of 5 dry sheep equivalent (DSE) as defined by the Department of Agriculture of Western Australia, for the quantity of cleared pasture available.
- (c) The following uses may be permitted subject to the explanation symbols given in Clause 4.3.2.

- P - Dwelling - Single House
- D - Home Occupation
- A - Stable
- A - Private Recreation
- A - Market Garden
- A - Retail Nursery
- A - Rural Pursuit
- A - Veterinary Clinic and Hospital

### **Category 3**

#### **Category Policy Statement**

The objective for Category 3 is to facilitate Rural Residential development and provide an alternative form of housing to that provided within the Jurien townsite.

### **Development Criteria**

The following subdivision and development criteria shall apply to those lots within Category 3 only.

- (a) The recommended minimum lot sizes in this category shall range from 2.0 ha to 6.0 ha.
- (b) Stocking of lots will only be permitted with the approval of Local government and will generally require the applicant to demonstrate an appropriate source of imported feed and the restriction of stock to an appropriate yard area.
- (c) Development within this category shall only occur within the building envelope as designated on the approved Plan of Subdivision.
- (d) The following uses may be permitted subject to explanation of symbols in Clause 4.3.2.

P - Dwelling - Single Housing

D - Home Occupation

A – Stable

## **SCHEDULE 10 – SPECIFIC PROVISIONS FOR RURAL SMALLHOLDINGS ZONES**

AMD 27 GG 11/10/19

### **Rural Smallholdings 1 - Portion of Lot 1 Jurien Road, Jurien Bay**

1. Subdivision and development is to be in accordance with an approved structure plan.
2. The structure plan is to set out the following:
  - (a) the location of remnant vegetation, including the Banksia Woodlands of the Swan Coastal Plain and population of *Eucalyptus camaldulensis* (River Gum), and mechanisms for retention and protection;
  - (b) the location of wetland(s) and mechanisms for retention and protection;
  - (c) an appropriate buffer from the limestone quarry on adjoining Lot 501;
  - (d) the location of karst risk area(s);
  - (e) the location of building envelopes; and
  - (f) the location of strategic bushfire infrastructure.
3. Prior to approval of the structure plan, a Local Water Management Strategy, informing the layout of the structure plan, is to be prepared and approved by the local government, in consultation with the Department of Water and Environmental Regulation.
4. Prior to approval of the structure plan, a Bushfire Management Plan is to be prepared and approved by the local government, in consultation with the Department of Fire and Emergency Services.
5. Prior to subdivision approval, a sub-surface investigation report certifying the foundation stability of each building envelope identified within the karst risk area on the structure plan is to be prepared and approved by the local government. The investigation is to involve the minimum sinking of eight boreholes across the karst risk area to determine depth to water table and thickness of limestone.

The report is to be produced by a suitably qualified consultant and is to explain any analysis and findings and detail if further work is required to guarantee the foundation stability of each building envelope. In the event that further work is required, the landowner/applicant is to provide an additional sub-surface investigation report certifying foundation stability once the work has been completed.
6. Prior to subdivision approval, a Drainage Study and Stormwater Management Plan are to be prepared and approved by the local government. The Drainage Study is to determine how to alleviate adjacent lots from hazards posed by floodwaters and protect water values of the area and is to reflect the criteria in the Land Capability and Geotechnical Assessment by Landform Research.
7. At the time of subdivision, the local government may request the Western Australian Planning Commission impose condition(s) that require the landowner/applicant to:
  - (a) prepare and implement a management plan to the satisfaction of the local government for any recreation/public open space reserve(s) identified on the subdivision plan which addresses the following:
    - (i) rehabilitation of the natural environment;
    - (ii) a maintenance regime; and

- (iii) access to water for fire-fighting purposes.
  - (b) prepare building guidelines to the satisfaction of the local government to inform the desired character of future development.
  - (c) install suitable rural fencing to the perimeter of the estate and to the boundaries of the lots within.
  - (d) construct any roads, battle-axe legs, shared access legs, or crossovers required to provide adequate vehicular access to the proposed lots.
  - (e) provide fire-fighting facilities (or a financial contribution in-lieu of) to service the subdivision.
8. Prior to the local government recommending endorsement to the Western Australian Planning Commission of a deposited plan of subdivision, the landowner/applicant shall:
- (a) provide a written undertaking to advise registered proprietors and prospective purchasers that the lot is subject to the provisions of the local planning scheme and a structure plan that relate to the use and management of the land. The notification shall be made pursuant to s165 of the *Planning and Development Act 2005* and be prepared at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and is to be placed on the certificate(s) of title of the proposed lots.
  - (b) implement the recreation/public open space management plan and make arrangements with the local government to ensure the ongoing maintenance of the public open space in accordance with the provisions of the management plan for a specified period, to the satisfaction of the local government.
9. Subdivision and/or development is not permitted in the quarry buffer area delineated on the structure plan until the extraction and rehabilitation of the resource to the satisfaction of the Director of Geological Survey of WA.
10. In addition to a building licence, the local government's prior approval to commence development is required for all development including a single dwelling and such an application shall be made in writing to the local government.
11. Development must be consistent with the Western Australian Planning Commission's Indian Ocean Drive Planning Guidelines (March 2014), if it will be visible from Indian Ocean Drive.
12. All buildings and effluent disposal systems shall be contained within a building envelope not exceeding 4,000m<sup>2</sup>.
13. Building envelopes shall comply with the following:
- (a) Minimum front setback 20 metres.
  - (b) Minimum side setback: 10 metres.
  - (c) Minimum rear setback: 10 metres
  - (d) Minimum setback from water body: 50 metres.
  - (e) Minimum setback from adjoining rural lot: 100 metres (as measured from the lot boundary containing the rural use).

14. An application to approve the re-location of a building envelope must be accompanied by relevant building plans, and information addressing visual amenity, privacy and screening, vegetation loss, access and proximity to natural features. For lots within the identified karst risk area, a sub-surface investigation report is to certify the foundation stability of the building envelope.
15. Only one dwelling is permitted on any lot, although the local government may, at its discretion, also approve one ancillary accommodation unit as defined in the Residential Design Codes.
16. Construction of a dwelling on any lot shall be supported by a minimum:
  - (a) 400m<sup>2</sup> of roof catchment area (excluding tank roof area) and a minimum rain water storage tank capacity of no less than 220,000 kL; and
  - (b) a 10,000 litre storage tank fed from roof collection, an on-site dam or under-ground bore for fire-fighting use. All tanks shall include the installation of a 50mm outlet with gate valve and male coupling located at the base clearly marked Fire Brigade Connection Point.
17. A licence is not required to install a groundwater bore/well and to extract water if the water from the bore/well is not from superficial water resources and the water is to be used for one or more of the following:
  - (a) firefighting;
  - (b) watering cattle or other stock but not under intensive conditions;
  - (c) watering an area of lawn or garden that does not exceed 0.2 ha; or
  - (d) other ordinary domestic purposes

in accordance with the Rights in Water and Irrigation Exemption [s.26c] Order 2011 under the *Rights in Water and Irrigation Act 1914*.
18. Aerobic treatment units for onsite effluent disposal systems are required to be used.
19. Onsite effluent disposal systems are to have a minimum separation distance of 100m, and preferably upstream, from drinking water supply sources.
20. Notwithstanding any other provision of the Scheme, outbuildings or shed structures shall not be used for habitable purposes.
21. No clearing or destruction of any remnant vegetation or revegetation shall be permitted except for:
  - (a) clearing to comply with the requirements of the *Bush Fires Act 1954* (as amended), the local government's Bush Fire Notice and/or any bushfire management plan endorsed by the local government;
  - (b) clearing in accordance with a permit approved under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;
  - (c) clearing for vehicular access or fire breaks specifically identified on the structure plan;
  - (d) clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the local government;
  - (e) trees that are diseased or dangerous as determined by the local government.

22. To protect Carnaby's Black Cockatoo habitat on and along the southern boundary of the site, no clearing of the *eucalyptus camaldulensis* (river gums) will be permitted without the approval of the local government and the Department of Biodiversity, Conservation and Attractions.

**SCHEDULE A – PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES)  
REGULATIONS 2015 DEEMED PROVISIONS FOR LOCAL PLANNING SCHEMES**

AMD 28 GG 02/12/16

**Supplemental provisions to the deemed provisions**

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

Clause 61 (1)

- (k) the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed -
  - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
  - (ii) on land located within an area designated under this Scheme as a heritage area.
- (l) the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply) in which that lot is located and where the development standards and specific conditions set out in the scheme (including the schedules) for that particular zone are satisfied, unless the development is located in a place that is:
  - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
  - (vi) on a landlocked lot with no gazetted road access and lots abutting unconstructed roads; or
  - (vii) on a lot within 200 metres of the Brand Highway or Indian Ocean Drive, such measurement being from the side of the reservation of the roads adjacent to the allotment on which the building is proposed; or
  - (viii) in a Rural Residential zone, where the development is consistent with the provisions of the scheme.
- (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”) use in the zone (where the R Codes do not apply) and where the development standards set out in the scheme (including the schedules) for that particular zone are satisfied, unless the development is located in a place that is:
  - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or

- (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (ix) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
  - (x) on a landlocked lot with no gazetted road access and lots abutting unconstructed roads; or
  - (xi) on a lot within 200 metres of the Brand Highway or Indian Ocean Drive, such measurement being from the side of the reservation of the roads adjacent to the allotment on which the building is proposed; or
  - (xii) in a Rural Residential zone, where the development is consistent with the provisions of the scheme.
- (n) the demolition of any building or structure except where the building or structure is:
- (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on the Heritage List prepared in accordance the Scheme; or
  - (iv) located in a heritage area designated under the Scheme.
- (o) the erection of a boundary fence, privacy screen or trellis above 1.8m in height in a zone where the R Codes do not apply.

**ADOPTION**

AMD 28 GG 02/12/16

Adopted by resolution of the Local government of the Shire of Dandaragan at the meeting of the Council held on the 13th day of May 1999.

.....  
Shire President

.....  
Date 24 June 2004

.....  
Acting/Chief Executive Officer

.....  
Date 24 June 2004

**FINAL APPROVAL**

- 1. Adopted by resolution of the Local government of the shire of Dandaragan at the meeting of the Local government held on the 14th day of February 2002 and the seal of the Municipality was pursuant to that resolution affixed in the presence of

.....  
Shire President

.....  
Acting/Chief Executive Officer

- 2. Submitted and recommended for final approval by the Western Australian Planning Commission.

.....  
DELEGATED UNDER S.16 OF PD ACT 2005

.....  
Date 20...

- 3. Final approval granted

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Minister for Planning and Infrastructure

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Date 14 September 2006