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PLANNING AND DEVELOPMENT ACT 2005

**ADVERTISEMENT OF APPROVED
LOCAL PLANNING SCHEME**

Shire of Dandaragan

Local Planning Scheme No. 7

PLANNING AND DEVELOPMENT ACT 2005
ADVERTISEMENT OF APPROVED LOCAL PLANNING SCHEME
Shire of Dandaragan
 Local Planning Scheme No. 7

Ref: 853/3/6/8

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the Shire of Dandaragan Local Planning Scheme No. 7 on 14 September 2006, the scheme text of which is published as a Schedule annexed hereto.

G. SNOOK, Shire President.
 I. F. RENNIE, Acting Chief Executive Officer.

SCHEDULE

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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

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1 to 11).

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

Note: The Scheme Map comprises a set of 11 maps. Maps 1-5 cover the Shire in an overall manner, Maps 6 and 7 cover the Jurien Bay Townsite, Map 8 covers the Badgingarra Townsite, Maps 9 and 10 cover the Cervantes Townsite and Map 11 covers the Dandaragan Townsite.

1.5. Purposes of Scheme

The purposes of the Scheme are to—

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

2.1. Scheme determinations to conform with Local Planning Strategy

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

2.2. Local Planning Policies

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

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the Policy.

2.3. Relationship of Local Planning Policies to Scheme

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

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

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

2.4. Procedure for making or amending a Local Planning Policy

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

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

2.4.2. After the expiry of the period within which submissions may be made, the local government is to—

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3. If the local government resolves to adopt the Policy, the local government is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4. A Policy has effect on publication of a notice under clause 2.4.3(a).

2.4.5. A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.4.6. Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5. Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

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

PART 3—RESERVES

3.1. Reserves

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

3.2. Regional Reserves

There are no regional reserves in the Scheme area.

3.3. Local Reserves

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

3.4. Use and development of Local Reserves

3.4.1. A person must not—

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

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

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

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

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

PART 4—ZONES AND THE USE OF LAND

4.1. Zones

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

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

4.2. Objectives of the zones

The objectives of the zones are—

- 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. (Council’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 Council’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 development 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
To provide for rural lots for residential purposes. Lots should generally range in size between 2.0ha and 20.0ha.
- 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.

4.3. Zoning Table

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

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

- ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- ‘X’ means a use that is not permitted by the Scheme.

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

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

Note: 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. *The local government will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.*
3. *In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 10.2.*
4. *The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.*

4.4. Interpretation of the Zoning Table

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

TABLE 1: ZONING TABLE

Special Use Zone: Use in accordance with Schedule 4 Special Development Zone: Use in accordance with Schedule 12

P—Permitted D—Discretion A—Advertising X—Not Permitted

Use Classes	Residential	Commercial	Industrial	Harbour	Marine Services	Rural	Rural Residential	Tourist
Aged or Dependent Persons	A	X	X	X	X	X	X	D
Bed & Breakfast	A	P	X	X	X	A	D	P
Caravan Park	X	X	X	X	X	X	X	P
Caretakers Dwelling	D	D	D	D	X	D	D	D
Dwelling	P	D	X	X	X	P	P	D
Group Dwelling	A	X	X	X	X	X	X	D
Home Occupation	D	D	X	X	X	P	D	D
Multiple Dwelling	A	X	X	X	X	X	X	D
Park Home Park	X	X	X	X	X	X	X	P
Residential Building	D	X	X	X	X	X	X	D

Use Classes	Residential	Commercial	Industrial	Harbour	Marine Services	Rural	Rural Residential	Tourist
Hotel	X	P	X	A	X	X	X	P
Motel	X	P	X	X	X	X	X	P
Restaurant	A	P	X	A	D	X	X	P
Tavern	X	P	X	A	X	X	X	P
Cinema/Theatre	X	P	X	X	X	X	X	P
Consulting Rooms	A	P	D	X	X	X	X	X
Convenience Store	A	P	D	X	D	X	X	D
Fast Food Outlet	X	P	D	D	D	X	X	D
Funeral Parlour	X	A	D	X	X	X	X	X
Market	X	P	D	X	X	X	X	D
Night Club	X	D	X	X	X	X	X	P
Office	X	P	A	D	D	X	X	X
Service Station	X	P	D	A	X	X	X	D
Shop	X	P	D	A	D	X	X	D
Trade Display	X	P	P	D	D	X	X	X
Cottage Industry	A	D	P	X	X	D	D	D
Extractive Industry	X	X	X	X	X	A	X	X
Fuel Depot	X	X	A	D	D	X	X	X
General Industry	X	X	P	X	X	X	X	X
Light Industry	X	X	D	D	D	X	X	X
Mining Industry	X	X	P	X	X	A	X	X
Motor Vehicle Repairs	X	P	P	X	X	X	X	X
Service Industry	X	X	P	D	D	X	X	X
Warehouse	X	D	P	D	D	X	X	X
Child Care Premises	X	D	X	X	X	X	X	X
Civic Use	X	D	X	A	X	X	X	D
Club Premises	X	D	X	D	X	X	X	D
Community Purposes	X	D	X	D	X	A	X	D
Corrective Institution	X	X	D	X	X	D	X	X
Educational	D	D	X	D	X	X	X	X
Exhibition Centre	X	D	D	X	X	X	X	X
Hospital	X	D	X	X	X	X	X	X
Place of Worship	A	X	X	X	X	A	X	D
Reception Centre	X	D	X	X	X	X	X	D
Agriculture Extensive	X	X	X	X	X	P	X	X
Agriculture Intensive	X	X	X	X	X	D*	X	X
Agroforestry	X	X	X	X	X	D*	X	X
Animal Husbandry Intensive	X	X	X	X	X	D*	X	X
Aquaculture	D	D	D	D	D	D	X	X
Industry Rural	X	X	P	X	X	A	X	X
Rural Pursuit	X	X	X	X	X	P	D	X
Veterinary Centre	X	D	D	X	X	A	X	X

* Agriculture Intensive, Agroforestry, and Animal Husbandry-Intensive are "D" uses in a Public Drinking Water Supply Area where Council will have due regard to the potential impact on groundwater quality. (See 5.22.)

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

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5. Additional uses

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

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

4.6. Restricted uses

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.

4.7. Special use zones

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

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

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

4.8. Non-conforming uses

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

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

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

4.9. Extensions and changes to a non-conforming use

4.9.1. A person must not—

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

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

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

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

4.10. Discontinuance of non-conforming use

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

4.11. Termination of a non-conforming use

The local government may 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.

4.12. Destruction of non-conforming use buildings

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

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1. Compliance with development standards and requirements

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

5.2. Residential Design Codes

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

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

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

5.2.4. 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 Council 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.

5.3. Special application of Residential Design Codes

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

5.4. Restrictive covenants

5.4.1. Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.4.2. Where clause 5.4.1. operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.5. Variations to site and development standards and requirements

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.6. Environmental conditions

5.6.1. Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.6.2. Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

5.6.3. The local government is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the 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.

5.7. Site and Development Requirements

5.7.1. The Development Table (Table 2) sets out the site and development requirements for various land uses.

5.7.2. 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 Council are provided and such spaces are constructed and maintained in accordance with the requirements of the Council.

5.7.3. The Council 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.

5.8. Car Parking**5.8.1. General Parking Requirements**

5.8.1.1. The car parking requirements for various land uses are set out in the Development Table (Table 2 in the Scheme Text).

5.8.1.2. 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 Council in the immediate vicinity thereof.

5.8.1.3. Each parking space shall be in accordance with dimensions provided for in Council's parking policy.

5.8.1.4. All parking spaces and all necessary access ways shall, unless Council agrees otherwise and except as hereinafter provided, be paved.

5.8.1.5. 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.

5.8.1.6. Where the owner demonstrates to the satisfaction of the Council that there is not the demand for the number of parking spaces specified in the Development Table, the Council 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.

5.8.7. 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 Council.

5.8.1.8. Where a developer can satisfy the Council that the minimum car parking requirements cannot be provided on the site the Council 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 Council.
- (ii) Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces the Council 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.

5.8.2. Parking requirements for Development in the Commercial Zone

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

5.9. Transportable Dwellings

5.9.1. Council may permit a Transportable Dwelling to be placed on a lot within the Shire and used as a residential dwelling if, in the opinion of the Council, the Transportable Dwelling:—

- (i) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable Dwelling is to be situate; or
- (ii) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.

5.10. Development on Lots Abutting Unconstructed Roads or with no Gazetted Road Access

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. In considering such an application the Council shall either—

- (i) 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
- (ii) 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

- (iii) require such other arrangements are made for permanent access as shall be to the satisfaction of the Council.

5.11. Environmental Protection

In assessing applications for Planning Approval the Shire Council 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.

5.12. Amenity

No buildings shall be constructed of materials, design, colour or texture of which in the opinion of the Council is detrimental to the amenity of the locality.

5.13. Caretaker's Dwellings

5.13.1. 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.

5.13.2. 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*.

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

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

5.13.5. A caretaker's dwelling shall comply with the following—

- (i) Contain 1 bedroom only within a total floor area which shall not exceed 100 square metres measured from the external face of walls.
- (ii) 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 (i).

5.14. Development in a Rural Residential Zone

5.14.1. Development in a Rural Residential Zone shall comply with the following general requirements—

- (i) In addition to a building licence, the Council's prior approval to commence development is required for all development including a single dwelling house and such application shall be made in writing to the Council.
- (ii) Not more than one single dwelling house per lot shall be erected.
- (iii) In addition to the provisions of the scheme and what may be shown in the plan of subdivision the WA Planning Commission may approve a minor variation to the subdivisional design but further breakdown of the lots so created shall be deemed to be contrary to the provisions of the Scheme.
- (iv) When an application is made to Council for a Planning Approval, a landscape plan shall be submitted identifying the location and species of trees 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.
- (v) All trees shall be retained unless their removal is authorised by Council except in the cases of trees which are proposed to be removed to make way for house construction, fences and constructed accessways. Where in the Council's opinion there is a deficiency of tree cover on any particular allotment, the Council may require the planting and subsequent maintenance of an adequate number of trees of a specified type as a condition of development approval.
- (vi) A proven potable water supply by means of either a 92,000 litre roof water tank, bore or main reticulation system connection shall be provided to each new allotment to the satisfaction of Council and other relevant authorities. In this instance of roof water tanks, the Council may permit the provision of such tanks as a condition of the subsequent building permit provided that in such cases, the subdivider shall enter into an agreement with the Council, whereby any subsequent owner of the land is to be advised of his responsibilities to comply with such a condition.
- (vii) The siting and erection of any building, outbuilding or fence shall not be approved by Council 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.
- (viii) On site effluent disposal systems servicing development on the lots should be to the specifications of the local authority. The use of non-standard effluent disposal systems may be required and in any event the following requirements shall be satisfied—
 - (a) Adequate separation achieved between the base of the leach drains and the highest recorded groundwater level.
 - (b) Adequate horizontal separations achieved between the disposal system and existing drains, water courses or water bodies.
 - (c) 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.
 - (d) Prevention of direct movement of wastewater and nutrients from the locality of each disposal area.

- (ix) The subdivider shall advise all purchasers of subdivided lots that if the lots are located within a Groundwater Area and that water extraction requires licensing.
- (x) 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 Council'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.
- (xi) 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 Council. The scale of outbuildings shall be of a domestic nature such that the Rural Residential amenity of the locality is not prejudiced. Large industrial type buildings will not be permitted.

5.14.2. Specific additional requirements which relate to Pt Victoria Location 10338, cnr Jurien and Munbinea Roads and Melbourne Location 984, Dandaragan Road, Dandaragan and Lots 1 and 2, portion Victoria Location 10602 Jurien Road, Jurien Bay and Part of Victoria Location 10602 Jurien East Road Jurien are set out in Schedule 11.

5.15. Development in a Special Development Zone

5.15.1. 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 12.

5.15.2. Development in the Special Development Zone in the Dandaragan townsite will be undertaken in accordance with a Structure Plan and Detailed Site Plan.

5.15.3. 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.

5.16. Development in Special Use Zone Victoria Location 10751

5.16.1. Development in Special Use Zone Victoria Location 10751 shall be in accordance with Schedule 4 and Schedule 13.

5.17. 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.

5.18. Harbour Zone—Overall Development Plan

5.18.1. Council shall not grant planning consent to development and recommend approval of a subdivision of any land within the Harbour Zone unless—

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

5.18.2. 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.

5.18.3. Where the Council 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 planning consent or recommend approval, as the case may be, before an overall plan has been approved.

5.19. Height of Building

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

5.20. Landscaping

5.20.1. 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 Council 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.

5.20.2. 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.

5.20.3. 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 Council may relax this requirement in the case of residential land use.

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

5.21. Setbacks—Scenic Routes

5.21.1. No person shall without approval of Council construct or permit to be constructed any building, 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.

5.22. Protection of Water Sources

5.22.1. Public Drinking Water Source Reserves

Public Drinking Water Reserves are located close to existing townsites and are covered by Water Source Protection Plans prepared by the Water and Rivers Commission (now Department of Environment and Conservation—DEC). Guidelines are available from DEC which establish whether a proposed use is compatible, incompatible or could be approved with conditions to protect water quality and supply.

In considering any development within a Public Drinking Water Source Area (PDWSA) Council will have due regard for the potential impact on water supplies and the compatibility of the proposed use. Any development in conflict with the DEC guidelines must be referred to DEC for comment to ensure water quality protection of the public drinking water reserves.

5.22.2. Groundwater Areas

Groundwater protection areas have been established by the Water and Rivers Commission (now DEC) known as the Jurien Groundwater Area and Gingin Groundwater Area.

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.

5.23. Waterway Management and Protection

All development proposals that may have potential to impact on the State's water resources may be referred to DEC for comment. Council will encourage water conservation and water sensitive design as features of all development.

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.

TABLE 2: SITE AND DEVELOPMENT REQUIREMENTS TABLE **

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	*	*	*	*	*	1 bay for every 20 sqm (n/a). Ø
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 Council.
Fast Food Outlet	*	*	*	*	*	1 bay for every 20 sqm g.l.a.
Funeral Parlour	*	*	*	*	10	As determined by the Council (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.

Controls	Minimum Boundary Setback (metres)			Maximum Plot Ratio	ΦMinimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
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	*	*	*	0.5	*	1 for every 10sqm gross lettable area.
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 Council

* Means 'to be determined by the Council' in each particular case.

Φ Landscaping to be generally at street frontage.

Ø Refer Clause 5.8.2.1.

PART 6—SPECIAL CONTROL AREAS

6.1. Operation of special control areas

6.1.1. The following special control areas are shown on the Scheme Maps—

- Bassendean Precinct Special Control Area

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

6.2. Bassendean Precinct Special Control Area

The Bassendean Precinct Special Control Area is shown on the Scheme Maps by means of a dotted line.

Major Values

The Bassendean Precinct Area is an important environmental unit in the central coast region. The area comprises deep porous sands that are hydrologically connected to a number of wetlands in the area. The area is noted as a significant area of internal drainage which is particularly vulnerable to the use of fertilizers.

• Purpose of the Special Control Area

1. To preserve the ecological values of the Bassendean Precinct and interrelated wetlands.
2. To avoid development and land uses which would negatively impact on the environmental values of the area.
3. To ensure that future land use in the area, including agriculture, mining and recreational activities does not degrade the area.
4. To ensure that any development takes place in such a manner so as to safeguard the environmental values of the area.

• Application Requirements for Subdivision and Development

Planning approval is required for any other development (as defined below).

- **Relevant Considerations**

In considering any rezoning request, subdivision or development application the Council will have regard to the following—

- There is a presumption against rezoning of land within the Bassendean Precinct for more intensive land uses, such as horticulture, intensive animal stocking and rural residential.
- Subdivision applications for land within the Bassendean Precinct will generally not be supported by the Council to avoid creating the potential for additional development.
- The Council may consider supporting subdivision applications within the Bassendean Precinct where—
 - i. the subdivision is for the use of land which will not create the potential for additional development;
 - ii. the subdivision is for a boundary realignment, rationalization of landholdings or lots created for management purposes, which will not create the potential for additional development within the area; and
 - iii. the subdivision is consistent with the policies of the Western Australian Planning Commission.
- Development applications for land within the Bassendean Precinct should not be approved where the development may result in an increase of nutrient release into the soil. The impacts of proposals for aquaculture, commercial tree plantations, earthworks (such as filling and excavation) and intensive agriculture will be carefully assessed.
- Public works (for example, road construction) or community facilities may be permitted within the area, subject to advice from the Department of Environment and Conservation that such public works or development can be designed and located in a manner so as to minimize impact on the environment.

- **Referral of Applications**

Consultations regarding any rezoning request, subdivision or development application will be referred to the Department of Environment and Conservation for comment.

PART 7—HERITAGE PROTECTION

7.1. Heritage List

7.1.1. The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2. In the preparation of the Heritage List the local government is to—

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

7.1.3. In considering a proposal to include a place on the Heritage List the local government is to—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultations as it thinks fit; and
- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4. Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5. The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6. The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

Note: 1. The purpose and intent of the heritage provisions are—

- (a) *to facilitate the conservation of places of heritage value; and*
- (b) *to ensure as far as possible that development occurs with due regard to heritage values.*

2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.2. Designation of a heritage area

7.2.1. If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

7.2.2. The local government is to—

- (a) adopt for each heritage area a Local Planning Policy which is to comprise—
 - (i) a map showing the boundaries of the heritage area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the heritage area;and
- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3. If a local government proposes to designate an area as a heritage area, the local government is to—

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;and
- (c) carry out such other consultation as the local government considers appropriate.

7.2.4. Notice of a proposal under clause 7.2.3(b) is to specify—

- (a) the area subject of the proposed designation;
- (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.5. After the expiry of the period within which submissions may be made, the local government is to—

- (a) review the proposed designation in the light of any submissions made; and
- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6. If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7. The local government may modify or revoke a designation of a heritage area.

7.2.8. Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3. Heritage agreements

The local government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Note: 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.

2. Detailed provisions relating to heritage agreements are set out in the Heritage of Western Australia Act 1990.

7.4. Heritage assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5. Variations to Scheme provisions for a heritage place or heritage area

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.5.2.

7.6 Aboriginal Heritage

Where planning approval and development is requested the applicant must undertake an examination of the Register of Aboriginal Sites to identify areas of significance within the local government and will include; Artefact, Burial and Restricted Sites, man-made structures, quarries and “Mythological” sites.

In assessing an application for planning approval Council will require evidence that the potential impact on areas or sites of Aboriginal significance has been addressed in accordance with the *Aboriginal Heritage Act 1972*.

PART 8—DEVELOPMENT OF LAND

8.1. Requirement for approval to commence development

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

Note: 1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).

2. Development includes the erection, placement and display of any advertisements.

8.2. Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government—

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme;
 - (iii) the development will be located on a landlocked lot with no gazetted road access;
 - (iv) the development includes a relocated, transportable or second-hand dwelling;
 - (v) the development is in a Rural Residential Zone;
 - (vi) the development is in a Special Control Area.
 - (vii) the development is in a floodway.
- (c) 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*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area; and
- (g) any fence, privacy screen or trellis above 1.8m in height.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 157 of the Planning and Development Act.

8.3. Amending or revoking a planning approval

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.4. Unauthorized existing developments

8.4.1. The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2. Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

Note: 1. Applications for approval to an existing development are made under Part 9.

2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1. Form of application

9.1.1. An application for approval for one or more of the following—

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2. An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

9.2. Accompanying material

Unless the local government waives any particular requirement every application for planning approval is to be accompanied by—

- (a) a plan or plans to a scale of not less than 1:500 showing—
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

9.3. Additional material for heritage matters

9.3.1. Heritage List

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application—

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.3.2. Aboriginal Heritage

Where sites of Aboriginal significance exist the consent of the Minister for Indigenous Affairs under the *Aboriginal Heritage Act 1972* may be required. Planning Approval does not constitute a consent

under that Act and the Council does not take responsibility for assessing the site of the development in terms of compliance with the Aboriginal Heritage Act. The Applicant is advised to pursue their own enquiries with the Department of Indigenous Affairs to ensure compliance with the *Aboriginal Heritage Act 1972*.

9.4. Advertising of applications

9.4.1. Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (a) an 'A' use as referred to in clause 4.3.2; or
- (b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2. Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

9.4.3. The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways—

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4. The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

9.4.5. Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

9.4.6. After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1. Consultation with other authorities

10.1.1. In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2. In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.2. Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application—

- (a) the aims and provisions of the Scheme and any other relevant local planning schemes operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;

- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;
- (za) any other planning consideration the local government considers relevant.

10.3. Determination of applications

In determining an application for planning approval the local government may—

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

10.4. Form and date of determination

10.4.1. As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's determination.

10.4.2. Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

10.5. Term of planning approval

10.5.1. Where the local government grants planning approval for the development of land—

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2. A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6. Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

10.7. Scope of planning approval

Planning approval may be granted—

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

10.8. Approval subject to later approval of details

10.8.1. Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.

10.8.2. In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

10.8.3. Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9. Deemed refusal

10.9.1. Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.2. An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.3. Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10. Right of Review

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may make application for review under Part 14 of the Planning and Development Act.

PART 11—ENFORCEMENT AND ADMINISTRATION

11.1. Powers of the local government

11.1.1. The local government in implementing the Scheme has the power to—

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Planning and Development Act; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Planning and Development Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2. An employee of the local government authorized by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2. Removal and repair of existing advertisements

11.2.1. Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2. Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to—

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
- (b) remove the advertisement.

11.2.3. For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify—

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4. A person on whom notice is served under this clause may apply for right of review under Part 14 of the Planning and Development Act against the determination of the local government.

11.3. Delegation of functions

11.3.1. The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2. The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.

11.3.3. The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

11.3.4. Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

11.4. Person must comply with provisions of Scheme

A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area—
 - (i) otherwise than in accordance with the Scheme;
 - (ii) unless all approvals required by the Scheme have been granted and issued;
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Note: Section 218 of the Planning and Development Act provides that a person who—

- (a) *contravenes or fails to comply with the provisions of a local planning scheme; or*
- (b) *commences or continues to carry out any development which is required to comply with a local planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme, is guilty of an offence.*

Penalty: \$50 000, and a daily penalty of \$5 000.

11.5. Compensation

11.5.1. A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 173 of the Planning and Development Act—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,not later than 6 months after the application is refused or the permission granted.

11.5.2. A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1.

Note: A claim for compensation under Section 173 of the Planning and Development Act may be made in the Form No. 7 in Appendix A of the Town Planning Regulations 1967.

11.6. Purchase or taking of land

11.6.1. If, where compensation for injurious affection is claimed under the Planning and Development Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.6.2. The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Sections 190 and 191 of the Planning and Development Act empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

11.7. Notice for removal of certain buildings

11.7.1. Under Section 214 of the Planning and Development Act, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.7.2. The local government may recover expenses under Section 214 of the Planning and Development Act in a court of competent jurisdiction.

SCHEDULE 1—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[cl. 1.7]

1. General definitions

In the Scheme—

“**advertisement**” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“**amenity**” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“**building envelope**” 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;

“**category**” means a definable area where particular planning policies, guidelines or standards apply;

“**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**cultural heritage significance**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“**frontage**”, 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;

“**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87 Planning and Development Act;

“**height**” 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;

“**incidental use**” means a use of premises which is ancillary and subordinate to the predominant use;

“**local government**” means the Shire of Dandaragan;

“**Local Planning Strategy**” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

“**lot**” has the same meaning as in the Planning and Development Act but does not include a strata or survey strata lot;

“**minerals**” has the same meaning as in the *Mining Act 1978*;

“**net lettable area (nla)**” 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;

“**non-conforming use**” has the same meaning as it has in section 172 Planning and Development Act;

“**owner**”, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity—

- (a) is entitled to the land for an estate in fee simple in possession;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

- “**place**”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;
- “**plot ratio**”, in the case of residential dwellings has the same meaning as in the Residential Design Codes;
- “**precinct**” means a definable area where particular planning policies, guidelines or standards apply;
- “**predominant use**” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
- “**premises**” means land or buildings;
- “**Residential Design Codes**” means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;
- “**retail**” means the sale or hire of goods or services to the public;
- “**substantially commenced**” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
- “**Planning and Development Act**” means the *Planning and Development Act 2005*;
- “**wholesale**” means the sale of goods or materials to be sold by others;
- “**zone**” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme—

- “**agriculture—extensive**” means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;
- “**agriculture—intensive**” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—
- the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - the establishment and operation of plant or fruit nurseries;
 - the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
 - aquaculture;
- “**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
- “**amusement parlour**” 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;
- “**animal establishment**” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;
- “**animal husbandry—intensive**” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
- “**bed and breakfast**” 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;
- “**betting agency**” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;
- “**caravan park**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “**caretaker’s dwelling**” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “**carpark**” 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;
- “**child care premises**” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;
- “**cinema/theatre**” means premises where the public may view a motion picture or theatrical production;
- “**civic use**” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
- “**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;

- “**community purpose**” 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;
- “**consulting rooms**” 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;
- “**convenience store**” means premises—
- 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;
 - operated during hours which include, but may extend beyond, normal trading hours;
 - which provide associated parking; and
 - the floor area of which does not exceed 300 square metres net lettable area;
- “**corrective institution**” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “**exhibition centre**” 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;
- “**family day care**” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;
- “**fast food outlet**” 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;
- “**fuel depot**” 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;
- “**funeral parlour**” means premises used to prepare and store bodies for burial or cremation;
- “**home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- does not employ more than 2 people not members of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 50 square metres;
 - does not involve the retail sale, display or hire of goods of any nature;
 - 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
 - does not involve the use of an essential service of greater capacity than normally required in the zone;
- “**home occupation**” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- does not employ any person not a member of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 20 square metres;
 - does not display a sign exceeding 0.2 square metres;
 - does not involve the retail sale, display or hire of goods of any nature;
 - 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
 - does not involve the use of an essential service of greater capacity than normally required in the zone;
- “**home office**” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—
- entail clients or customers travelling to and from the dwelling;
 - involve any advertising signs on the premises; or
 - require any external change to the appearance of the dwelling;
- “**home store**” 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;
- “**hospital**” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;
- “**hotel**” means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

“**industry**” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees,

incidental to any of those industrial operations;

“**industry—cottage**” means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (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;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

“**industry—extractive**” 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;

“**industry—general**” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“**industry—light**” means an industry—

- (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;
- (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;

“**industry—mining**” means land used commercially to extract minerals from the land;

“**industry—rural**” means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“**industry—service**” means—

- (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
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“**lunch bar**” 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;

“**marina**” 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;

“**marine filling station**” means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

“**market**” means premises used for the display and sale of goods from stalls by independent vendors;

“**medical centre**” 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);

“**motel**” 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 *Liquor Licensing Act 1988*;

“**motor vehicle, boat or caravan sales**” means premises used to sell or hire motor vehicles, boats or caravans;

“**motor vehicle repair**” 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;

- “**motor vehicle wash**” means premises where the primary use is the washing of motor vehicles;
- “**net lettable area (nla)**” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—
- (i) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
 - (ii) lobbies between lifts facing other lifts serving the same floor;
 - (iii) areas set aside for the provision of facilities or services to the floor or building;
 - (iv) 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.
- “**night club**” means premises—
- (a) used for entertainment with or without eating facilities; and
 - (b) licensed under the *Liquor Licensing Act 1988*;
- “**office**” means premises used for administration, clerical, technical, professional or other like business activities;
- “**park home park**” has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;
- “**place of worship**” means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- “**plantation**” has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;
- “**reception centre**” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- “**recreation—private**” means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
- “**residential building**” has the same meaning as in the Residential Design Codes;
- “**restaurant**” 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 *Liquor Licensing Act 1988*;
- “**restricted premises**” 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 *Censorship Act 1996*;
 - (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;
- “**rural pursuit**” 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;
- “**service station**” 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;
- “**shop**” 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;
- “**showroom**” 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;
- “**storage**” means premises used for the storage of goods, equipment, plant or materials;
- “**tavern**” means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;
- “**telecommunications infrastructure**” 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;
- “**trade display**” means premises used for the display of trade goods and equipment for the purpose of advertisement;

“**veterinary centre**” means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

“**warehouse**” means premises used to store or display goods and may include sale by wholesale;

“**winery**” means premises used for the production of viticultural produce and may include sale of the produce.

SCHEDULE 2—ADDITIONAL USES

[cl. 4.5]

No.	Description of land	Additional use	Conditions

SCHEDULE 3—RESTRICTED USES

[cl. 4.6]

No.	Description of land	Restricted use	Conditions

SCHEDULE 4—SPECIAL USE ZONES

[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 13

SCHEDULE 5—EXEMPTED ADVERTISEMENTS

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 ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not applicable.
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m. Maximum permissible total area, shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex of facility concerned either from other private land or from public places and streets.	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
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	n/a
	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 council of a municipality, and	n/a
	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	n/a
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 ² in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	n/a
All classes of buildings other than single family 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 ²

SCHEDULE 6—FORM OF APPLICATION FOR PLANNING APPROVAL

[cl. 9.1.1]

Application for planning approval

Owner details		
Name:		
Address:		Postcode:
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person:		
Signature:		Date:
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i>		

Applicant details		
Name:		
Address:		Postcode:
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person for correspondence:		
Signature:		Date:

Property details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest street intersection:		

Existing building/land use:
Description of proposed development and/or use:
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

OFFICE USE ONLY	
Acceptance Officer's initials:	Date received:
Local government reference no:	

SCHEDULE 7—ADDITIONAL INFORMATION FOR ADVERTISEMENTS

[cl. 9.1.2]

Note: to be completed in addition to the Application for Planning Approval form

1.	Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:
2.	Details of proposed sign: (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other): (b) Height: Width: Depth: (c) Colours to be used: (d) Height above ground level: • (to top of advertisement): • (to underside): (e) Materials to be used: Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:
3.	Period of time for which advertisement is required:

4. Details of signs (if any) to be removed if this application is approved:

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of advertiser(s):
 (if different from land owners)
 Date:

SCHEDULE 8—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

[cl. 9.4.4]

PLANNING AND DEVELOPMENT ACT 2005

Shire of Dandaragan

Notice of public advertisement of planning proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No.: Street: Suburb:
 Proposal:

.....

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of

Signed: Dated:

for and on behalf of the Shire of Dandaragan

SCHEDULE 9—NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

[cl. 10.4.1]

PLANNING AND DEVELOPMENT ACT 2005

Shire of Dandaragan

Determination on application for planning approval

Location:
 Lot: Plan/Diagram:
 Vol. No.: Folio No.:
 Application date: Received on:
 Description of proposed development:

.....

The application for planning approval is:
 granted subject to the following conditions:
 refused for the following reasons(s):
 Conditions/reasons for refusal:

.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of review under Part 14 of the *Planning and Development Act 2005*. An application for review must be lodged within 60 days of the determination.

Signed: Dated:

.....
for and on behalf of the Shire of Dandaragan

SCHEDULE 10—ENVIRONMENTAL CONDITIONS

[cl. 5.6.1]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE 11—ADDITIONAL SPECIFIC PROVISIONS FOR PARTICULAR RURAL RESIDENTIAL ZONES

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

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 Council 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 Council. 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.

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 Council 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.

**SCHEDULE 12—PERMISSIBILITY OF USES AND SPECIAL
CONDITIONS RELATED TO THE SPECIAL
DEVELOPMENT ZONE**

The following permissibility of uses and special conditions apply to Victoria Locations 8837, 9302, 7950, 1556 and 7377

1. Interpretation

For the purpose of this Zone: "estate" means the land referred to in the Land Particulars for this Zone, "proponent" means an owner of land within the estate who submits a plan to the Council for approval pursuant to the provisions hereof and the term shall include the Council where the Council proposes a plan.

2. Objectives of the Estate

The purpose and intent of the estate is expressed in the following objectives to which the Council shall have regard when dealing with any proposed Structure Plan for and any proposed development within the Estate.

- a. To provide for the long term expansion of Jurien Bay by providing as the major service centre of the central coast.
- b. To expand the economic base of Jurien Bay by providing for the development of the tourism industry, mariculture and appropriate light and service industries.
- c. In providing for the development of the tourist industry, to make land available for resort development and facilities including inland waterways and recreational activities for tourists.
- d. To make provision for cohesive development including transport systems and the provision of services infrastructure.
- e. To make provision for school sites, commercial development and community facilities.
- f. To provide open space and recreation areas for future residents.

3. Development Hierarchy

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

- a. Structure Plan;
- b. Development Plan; and
- c. Detailed Site Plan.

4. Structure Plan

1. The Council shall not consider a Development Plan submitted to it for approval by a proponent until the Council has considered and the Western Australian Planning Commission has approved a Structure Plan in accordance with the following provisions of this paragraph.

2. No new development or use of land within the Estate shall be commenced or carried out until a Structure Plan has been approved in accordance with these provisions.

3. Unless otherwise agreed by the Council any proposed Structure Plan presented to the Council for approval shall be prepared to a scale not greater than 1:5000 nor less than 1:10000.

4. A proposed Structure Plan shall include such land as is necessary to satisfy the Council as to the orderly and proper planning of the locality generally and to that end shall not necessarily be limited to the land within the Estate.

5. A proposed Structure Plan should generally accord with any approved regional structure plan for the area and shall be sufficient in its detail to establish the urban form, and the proposals in general terms for land use dispositions and densities, movement systems, and services, and other matters which in the opinion of the Council are relevant to the orderly and proper planning of the Estate, and where appropriate the Structure Plan should contain policy statements on the general aims and objectives to be achieved in the various components of the Estate.

6. A proposed Structure Plan shall show such detail as the Council requires to establish the orderly and proper planning and amenity of the Estate, and without limiting the generality of the foregoing, shall include detailed information dealing with the following—

- a. Major transportation and movement systems;
- b. Hierarchy of Centres;
- c. Service commercial areas;
- d. Landscape protection areas;
- e. Major conservation and recreation areas;
- f. Proposals for sewerage, drainage and other physical infrastructure services;
- g. Details derived from any ethnographic, heritage or cultural study conducted in relation to the Estate.

7. A proposed Structure Plan should include information sufficient to demonstrate the contemplated method of implementation of its proposals.

8. The proposed Structure Plan when presented to the Council shall be accompanied by or shall include a Report or information in the nature of a Report which should so far as possible contain the information provided in a Local Planning Strategy, but in any event describing and explaining existing site conditions, the objectives of the Plan, policies, guidelines and development standards, and such other explanatory material as is necessary to provide the Council with a full understanding of the scope, purpose and intent of the Plan.

9. Where a proposed Structure Plan is, in the opinion of Council, lacking in detail on some aspect or component, Council shall, as soon as is practicable, notify the proponent of the deficiencies in the Plan.

10. The Council shall not approve a Structure Plan unless and until—

- a. The proposed Structure Plan has first been advertised for public inspection by one or more of the methods of advertising proposals for development involving an “A” use as set out in Sub-clause 9.4 of the Scheme except that the period of advertising shall be 42 days;
- b. The proponent of the Structure Plan shall convene a public meeting at the direction of Council to explain the intent of the plan to the public;
- c. Such notification and information as the Council considers appropriate has been given by the Council or by the proponent at the direction of the Council to the Commission and to all public authorities or other bodies providing or likely to provide services to the area when developed and to such other authorities or persons as the Council nominates; and
- d. The Council has considered all of the submissions received as a result of the advertising.

11. A proposed Structure Plan shall be deemed to be refused by the Council where a decision on the proposal has not been made by the Council within 5 months of the Council's receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.

Where the Council in its opinion is not able to approve a proposed Structure Plan due to the requirements of some other written law, and subject to the consent of the proponent, the 5 month period shall not begin to run until such impediment has been removed or rectified.

12. The Council after considering all submissions and comments received by it in accordance with the preceding provisions of this clause may recommend refusal of the proposed Structure Plan, or may recommend approval of the Structure Plan with or without modifications.

13. The Council shall not make a final recommendation to refuse approval of a proposed Structure Plan until the proponent (if any) has been allowed an opportunity to provide a further submission to the Council. Any such further submission shall be lodged within 14 days of notification of Council's intention to recommend refusal of approval. The Council shall proceed without delay to its determination if the proponent waives the right to make a further submission.

14. A summary of the submissions and Council's recommendations in relation to those submissions together with a copy of Council's recommendation to approve the Structure Plan with or without modification or to refuse approval shall be forwarded to the Western Australian Planning Commission as soon as practical.

15. The Commission shall consider the submissions received and Council's recommendations and decide to approve the Structure Plan with or without modification or refuse approval of the Structure Plan and convey its decision to the Council.

16. The Council shall give notice of approval or refusal to approve a proposed Structure Plan by such means as to the Council seems proper, but in any event shall publish notice of an approval in a newspaper circulating in the District and shall give notice in writing of the decision to the proponent as soon as practicable after the decision is made.

17. An approved Structure Plan shall be kept at the Council's administrative offices and shall be made available for inspection by any member of the public during office hours.

18. The Council may approve or permit any change or departure from an approved Structure Plan which in the opinion of the Council—

- a. is minor;
- b. does not affect any State interest;
- c. has minimal impact upon any person other than the proponent;
- d. does not affect the interest of any authority or body providing or likely to provide services within the area of the Structure Plan.

but any other proposed change or departure shall be advertised and notified in accordance with subparagraph (10) and considered in accordance with the procedures outlined in sub paragraphs (11) to (17).

5. Development Plan

1. The Council shall not approve any application for Development Approval and shall not support any application for subdivision of land within the Estate until a Structure Plan has been approved in accordance with the preceding paragraph and until a Development Plan relating to the land has been approved in accordance with the provisions of this paragraph.

2. Any owner of land within the Estate may submit to the Council for approval a Development Plan for that land, though the Council may require that the area dealt with by the Development Plan be reduced or expanded to reflect what the Council considers to be the relevant planning precinct.

3. The general purpose of a Development Plan is to refine the proposals in a Structure Plan affecting the same land to guide development of land to which the plan relates. Any such plan shall conform with the zoning and land use policies, guidelines, development standards and objectives contained in an approved Structure Plan.

4. Any proposed Development Plan presented to the Council for approval shall be prepared to a scale not greater than 1:5000 and not less than 1:2000.

5. A proposed Development Plan shall show such detail as the Council requires to ensure that the development of the land within the plan would be consistent with orderly and proper planning and the achievement of the highest appropriate level of amenity and without limiting the generality of the foregoing, shall include information or detail dealing with the following—

- a. the definition zones in accordance with the range of zones set out in clause 2.1 respectively of the Scheme;
- b. proposed residential densities within zones where residential use is permissible;
- c. proposed transportation systems, road layouts and vehicular traffic, cycle, and pedestrian networks, underpass locations, and public transport routes;
- d. provision for major land uses including residential, shopping, resorts, commercial, office, educational, civic, employment centre, open space, recreational, waterways and community facilities.;
- e. indicative lot pattern and general location of any major buildings; and
- f. the integration of land use and development.

6. A proposed Development Plan should include information sufficient to demonstrate the contemplated method of implementation of its proposals.

7. A proposed Development Plan when presented to the Council shall be accompanied by or shall include a Report or information in the nature of a Report which should so far as possible contain the information provided in a Local Planning Strategy, but in any event describing and explaining existing site conditions, the objectives of the plan, policies, guidelines and development standards and such other explanatory material and details as is necessary to provide the Council with a full understanding of the scope, purpose and intent of the plan.

8. Where a proposed Development Plan is, in the opinion of Council, lacking in detail on some aspect or component Council shall, as soon as is practicable, notify the proponent of the deficiencies in the Plan.

9. The Council shall not approve a Development Plan unless and until—
- a. The proposed Development Plan has first been advertised for public inspection by one or more of the methods of advertising proposals for development involving an “A” use as set out in Sub-clause 9.4 of the Scheme except that the period of advertising shall be 42 days;
 - b. The proponent of the Development Plan shall convene a public meeting at the direction of Council to explain the intent of the Development Plan;
 - c. Such notification and information as the Council considers appropriate has been given by the Council or by the proponent at the direction of the Council to the Commission and to all public authorities or other bodies providing or likely to provide services to the area when developed and to such other authorities or persons as the Council nominates; and
 - d. The Council has considered all of the submissions received as a result of the advertising.

10. A proposed Development Plan shall be deemed to be refused by Council where a decision on the proposal has not been determined by the Council within 5 months of Council’s receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.

Where the Council, in its opinion, is not able to determine a proposed Development Plan due to the requirements of some other written law, and subject to the consent of the proponent, the 5 month period shall not begin to run until such impediment has been removed or rectified to the satisfaction of the Council.

11. The Council after considering all submissions and comments received by it in accordance with the preceding provisions of this clause may recommend refusal of the proposed Development Plan, or may recommend approval of the Development Plan with or without modifications.

12. The Council shall not make a final recommendation to refuse approval of a proposed Development Plan until the proponent (if any) has been allowed an opportunity to provide a further submission to the Council. Any such further submission shall be lodged within 14 days of notification of Council’s intention to recommend refusal of approval. The Council shall proceed without delay to its determination if the proponent waives the right to make a further submission.

13. A summary of the submissions and Council’s recommendations in relation to those submissions together with a copy of Council’s recommendation to approve the Development Plan with or without modification or to refuse approval shall be forwarded to the Western Australian Planning Commission as soon as practical.

14. The Commission shall consider the submissions received and Council’s recommendations and decide to approve the Development Plan with or without modification or refuse approval of the Development Plan and convey its decision to the Council.

15. The Council shall give notice of its approval or its refusal to approve a proposed Development Plan by such means as to the Council seems proper, but in any event shall publish notice of an approval in a newspaper circulating in the District and shall give notice in writing of its decision to the Commission and the proponent as soon as practicable after the decision is made. If the Council approves the Development Plan it shall request the Commission to adopt the Plan as a basis for its decision making.

16. An approved Development Plan shall be kept at the Council’s administrative offices and shall be made available for inspection of any member of the public during office hours.

17. The Council may approve any change or departure from an approved Development Plan which in the opinion of the Council—

- a. is minor;
- b. does not affect any State interest;
- c. has minimal impact upon any persons other than the proponent.
- d. Does not affect the interest of any authority or body providing or likely to provide services within the area of the Development Plan; and
- e. is consistent with the Structure Plan for the area,

but any other proposed change or departure shall be advertised and notified in accordance with sub-paragraph (9) and considered in accordance with the procedures outlined in sub-paragraphs (10) and (16).

18. The Council when exercising its discretion in regard to the approval to a Development Plan shall have regard to the matters listed in Sub-clause 10.2 of the Scheme.

19. An approved Development Plan together with all approved amendments shall apply in relation to the land within the area of the Development Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect within the area accordingly. Without limiting the generality of the foregoing, within the zones designated in the Development Plan the use classes referred to in the Zoning and Development Table shall have the same permissibility spread as set out in those Tables.

20. The Council and the Commission may deal simultaneously with a Structure Plan and a Development Plan but a Development Plan may not be approved without a Structure Plan first having been approved.

6. Detailed Site Plan

1. (a) Where in the opinion of the proponent or the Council it is desirable to enhance, elaborate and expand the planning proposals or the provisions contained within a Structure Plan or Development Plan on a lot by lot basis, such proposal shall be depicted in such detail as is necessary within a Detailed Site Plan.

- (b) Once approved by Council a Detailed Site Plan shall be used as the basis for applications to the Commission to subdivide land within the Estate
- (c) In addition to the details required by the Commission with respect to subdivision applications, a Detailed Site Plan may, without limiting the generality of this paragraph, include—
 - a. building envelopes either two or three dimensional;
 - b. non access areas;
 - c. natural vegetation preservation areas;
 - d. nil setback areas;
 - e. special development controls and policies;
 - f. other matters considered relevant by Council.
- (d) With the approval of the Council an approved Detailed Site Plan may be modified or varied provided such a modification or variation is in conformity with the Development Plan.

2. The proponent shall prior to seeking approval of the Commission to any diagram or plan of survey, provide to the Council a consolidated Detailed Site Plan at such a scale and format as the Council prescribes. A consolidated Detailed Site Plan shall supersede those Detailed Site Plans or parts of plans contained within any Detailed Site Plan for previously Consolidated Detailed Site Plan dealing with the same land.

7. Environmental Requirements

7.1 Structure Plans, Development Plans and Detailed Site Plans shall be prepared and implemented in accordance with the following environmental objectives and requirements.

7.2 The key environmental objectives are—

- To promote environmental sustainability;
- To conserve biological diversity;
- To prevent adverse effects on interdependent elements of natural systems;
- To prevent pollution;

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.

7.3 In meeting these objectives, the following environmental requirements apply—

- (a) Implement and manage development in a manner that is consistent with the following documents and their updates—
 - Strategy for Nature Conservation and Biodiversity (October 2001)
 - Targeted Flora Survey (26 November 2001).
 - Water Management Plan.
 - Turquoise Coast Development—Jurien Bay
- (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.
- (c) Implement and manage development in a manner that is consistent with the purposes of the Jurien Bay Marine Park.
- (d) Implement and manage development in a manner which—
 - promotes reduced car use,
 - encourages public transport use,
 - creates activity nodes,
 - provides jobs near residences,
 - produces a lot layout conducive to solar energy utilisation and the provision of natural light,
 - maintains the healthy functioning of key ecological processes and key areas of natural ecosystems,
 - protects biodiversity,
 - limits greenhouse gas and other emissions damaging to air quality,
 - 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,

- reduces the demand for fresh water compared with conventional development and promote the reuse of water,
 - protects the community from pollution and adverse amenity impacts and,
 - promotes a vision for environmentally sensitive development and the development of a community ethos that supports sustainable development and caring for the local environment.
- (e) Prepare and implement Management Plans for the Conservation Reserves in a timely fashion.

8. Development and Subdivision

1. Development and subdivision of land within the Estate shall be in accordance with the approved Development Plan and any approved Detailed Site Plan for the particular area and in particular shall comply with the permissibility of land uses under the Scheme, the permissible residential densities and any policy guidelines, development standards and conditions included within an approved Development and Detailed Site Plan.

9. Advertising

Where a Structure Plan or Development Plan has been advertised before the gazettal of Amendment in a manner which would have complied with the provisions of sub-paragraph 4(10) or 5(9) respectively had those provisions been in operation at the time of the advertising, such advertising shall be deemed to satisfy the requirements hereof as if the gazettal had occurred before the advertising.

10. Right of Review

1. If a proponent is dissatisfied by a requirement of the Council for detail under any of sub-paragraphs 4(vi), 5(v) or 6(i)(a), the proponent within 14 days of being notified of the requirement may request the Council in writing for a consideration of the requirement. A proponent who requests the Council to reconsider a requirement under this sub-paragraph shall not exercise the right of review hereinafter referred before the expiration of thirty five (35) days from the date of delivery to the Council of the request for consideration so as to allow an opportunity to the Council to consider the request at its next meeting.

2. A proponent who is dissatisfied with a requirement whether it be the Council's original decision or the decision of the Council following a request for reconsideration under the preceding sub-paragraph, may make application for review against the decision imposing the requirement in accordance with Part 14 of the Planning and Development Act and the Rules and Regulations made pursuant to the Planning and Development Act.

3. Without affecting the generality of Sub-clause 10.10 of the Scheme Text, it is the intent of this sub-paragraph that a right of review may be precipitated by a proponent in the following circumstances—

- a. Where in respect of a Structure Plan or a Development Plan—
 - (i) a proposed Plan has been presented to the Council;
 - (ii) all required details have been supplied by the proponent and the Council is not precluded from approving by some written law;
 - (iii) the proposed Plan has been advertised and submitted to the Commission;
 - (iv) the Council is not waiting for the proponent to make a further submission under sub-paragraph 4(13) or sub-paragraph 5(12).
 - (v) the five (5) months deemed refusal period referred to in sub-paragraph 4(11) or 5(10) (as the case may be) or any extension of that period agreed by the proponent under those sub-paragraphs, has not expired; and
 - (vi) the Council has not decided to approve or refuse approval of the proposed Plan; or
- b. Where in respect of a proposed Detailed Site Plan the Council or the Principal Planner of the Shire (under delegated authority) has not made a decision to approve or refuse approval of the proposed Plan within sixty (60) days of the Council's receipt or the proposed Plan; or
- c. The Council within sixty (60) days of receiving a request by the proponent for approval of any change or departure from an approved Structure Plan or an approved Development Plan which change or departure the Council is able to approve under sub-paragraph 4(18) or 6(17) (as the case may be) has not approved or refused the request; or
- d. The Council has failed to make a decision within sixty (60) days after receiving a request by the proponent for the modification or variation of an approved Detailed Site Plan, being a modification or variation referred to in sub-paragraph 6(1)(d).

THEN in any of those circumstances the proponent may serve notice on the Council that within a specified period being not less than sixty (60) days, the Council is required to make a decision on the matter, and thereafter if the Council—

1. refuses to approve the Structure Plan, Development Plan or Detailed Site Plan, or the requested change or departure or the requested modification or variation; or
2. approves the Structure Plan, Development Plan or Detailed Site Plan or the change or departure or the modification or variation thereto subject to any condition that is acceptable to the proponent; or
3. fails to make a decision within the period specified in the notice given by the proponent as provided in this sub-paragraph.

The proponent may in any of those circumstances make application for review as provided in Sub-clause 10.10 of the Scheme Text.

In the case of the failure to make a decision, the decision or determination for the purpose of making application for review is deemed to be a refusal on the expiration of the notice period.

SCHEDULE 13—SPECIFIC CONDITIONS FOR RURAL DEVELOPMENT ON VICTORIA LOCATION 10751

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 development plan.

Notwithstanding the above the Council 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, Council 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

1.1 All buildings in category 3 shall be located within a building envelope not exceeding 3000m² and in categories 1 and 2 within a building envelope not exceeding 4000m². The location of building envelopes shall be determined on site by the landowner in conjunction with Council 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 Council 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

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 Council 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 Council.

3. Vegetation and Revegetation

3.1 If the Council 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 Council, 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. Council 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

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 Council 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 Council 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 Council in accordance with the Health Department of Western Australia and Department of Environmental Protection guidelines.

5. Keeping of Stock

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 Council 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 Council 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, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.

6. Bushfire Management & Control

6.1 Council may request the Commission to impose a condition at the time of subdivision for the construction of strategic firebreaks to the satisfaction of the Council 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 Council 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. Council 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 Council 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

7.1 The subdivider shall make arrangements satisfactory to the Council 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

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

9. Notification of Prospective Owners

9.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within the area covered by Development 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. Requirements

12.1 Council 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 Council 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

ADOPTION [Regulation 13 (1)]

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

G. SNOOK, Shire President.

Date: 24/06/2004.

I. F. RENNIE, Acting Chief Executive Officer.

Date: 24/06/2004.

FINAL APPROVAL

1. Adopted by resolution of the Council of the Shire of Dandaragan at the meeting of Council held on the 14th day of February 2002 and the seal of the Municipality was pursuant to that resolution affixed in the presence of—

G. SNOOK, Shire President.

Date: 14/02/2002.

I. F. RENNIE, Acting Chief Executive Officer.

Date: 14/02/2002.

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

P. WOODWARD, Delegated under s.16 of PD Act 2005.

Date: 06/09/2006.

3. Final approval granted by Minister for Planning and Infrastructure.

A. MacTIERNAN, Minister for Planning and Infrastructure.

Date: 14/09/2006.

