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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF DOWERIN

**LOCAL PLANNING
SCHEME No. 2**

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME

Shire of Dowerin

LOCAL PLANNING SCHEME No. 2

Ref: TPS/0520

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Dowerin Local Planning Scheme No. 2 on 9 January 2014, the scheme text of which is published as a schedule annexed hereto.

D. METCALF, Shire President.
D. ALCOCK, Chief Executive Officer.

Preamble

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

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

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

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF DOWERIN

LOCAL PLANNING SCHEME No. 2**Table of Contents**

Part 1	Preliminary —sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
Part 2	Local Planning Policy Framework —sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies.
Part 3	Reserves —sets out the local reserves that apply in the Scheme area and related provisions.
Part 4	Zones and the use of land —sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
Part 5	General development requirements —sets out the planning requirements that may apply to a particular use or development in a zone.
Part 6	Special control areas —sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
Part 7	Heritage protection —sets out special provisions that apply to heritage places and areas.
Part 8	Development of land —sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
Part 9	Applications for planning approval —sets out the procedure for applying for planning approval including both the use and development of land.
Part 10	Procedure for dealing with applications —sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.
Part 11	Enforcement and administration —sets out the general provisions for the administration and enforcement of the Scheme.

Schedules

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

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF DOWERIN

LOCAL PLANNING SCHEME No. 2

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

PART 1—PRELIMINARY**1.1 Citation**

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

1.1.2 The following is hereby revoked—

- Shire of Dowerin Town Planning Scheme No. 1.

1.2 Responsible authority

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

1.3. Scheme area

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

1.4. Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (Sheets 1-9).

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

1.5. Purposes of Scheme

The purposes of the Scheme are to—

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule Seven to the *Planning and Development Act 2005*.

1.6 The aims of the Scheme

The aims of the Scheme are—

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the local government area.

1.7 Definitions

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

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

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

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

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme determinations to conform to Local Planning Strategy

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

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

2.2 Local Planning Policies

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

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

and may amend or add to or rescind the Policy.

2.3 Relationship of Local Planning Policies to Scheme

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

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

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

2.4 Procedure for making or amending a Local Planning Policy

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

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

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

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

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

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and

- (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

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

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

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

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

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

PART 3—RESERVES

3.1 Reserves

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

3.2 Regional Reserves

There are no regional reserves in the Scheme area.

3.3 Local Reserves

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

3.4 Use and development of Local Reserves

3.4.1 A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

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

- (a) the matters set out in Part 10 (clause 10.2 in particular);
- (b) the ultimate purpose intended for the Local Reserve; and
- (c) the Use Classes permitted in the Zoning Table.

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

The objectives are—

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

Commercial zone

The objectives are—

- To maintain a compact and accessible centre.
- To centralise commercial and service functions.

- To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- To preclude the storage of bulky and unsightly goods where they may be in public view.
- To maintain the compatibility with the general streetscape for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- To provide sheltered places for pedestrians.
- To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.
- To provide for residential uses only where the uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

Light Industrial zone

The objectives are—

- To provide for service industries and light industries that will not have a detrimental affect on nearby residential areas.
- To provide for a range of employment opportunities.

Industrial zone

The objectives are—

- To provide for general industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.
- To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in close vicinity.
- To encourage the provision of landscaping to ensure the industrial development is appropriately screened from the main road.
- To provide a location where separate heavy vehicular access is provided.
- To provide a location for depots, warehouses, and large vehicle parking and servicing areas.
- To provide for a range of employment opportunities.

Townsite zone

The objectives are—

- To maintain a small town atmosphere.
- To maintain the status quo of uses within the zone.
- To allow a variety of uses necessary to service the normal functions of a small townsite.
- To provide for residential development and a range of commercial, industrial and other uses considered appropriate in small towns.

Special Use zone

The objectives are—

- To provide an area where special uses can be operated under the specific control of the local government in order to maintain the safety, health and welfare of surrounding users.
- To enable the local government to impose specific conditions to restrict the use and operation of any development that would normally not fit within the ambit of any other zone in this Scheme.

Rural Residential zone

The objectives are—

- To provide for closer settlement on land that is suitable for such a purpose, without impacting on the continued rural operation of adjoining land.
- To provide for development that maintains the rural character of the locality, maintains a high level of amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.
- To ensure development is compatible with the predominantly rural nature and amenity of the zone.
- To allow for cluster subdivision and other innovative rural residential designs, having consideration for conservation values.
- To ensure that rural residential areas are within easy access to community facilities and services.

- To encourage the provision of vegetation and fauna corridors and the revegetation of the land to adequately protect any areas or sites of conservation value within the design.
- To encourage rural residential subdivision by permitting a range of lot sizes in conventional subdivision.
- To ensure that wherever possible Rural Residential areas use existing local roads or develop road networks independent of the Goomalling-Merredin route. In order to protect the function and safety of the Goomalling-Merredin route these developments should not create additional direct access to the route.

Rural zone

The objectives are—

- To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.
- To protect the land from closer development that would detract from the rural character and amenity of the area.
- To prevent any development that may affect the viability of a holding.
- To encourage small scale, low impact tourist accommodation in rural locations.
- To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.

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

4.3 Table 1—Zoning Table

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

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

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

TABLE 1—ZONING TABLE (Part 1 of 3)

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
RESIDENTIAL USES							
Aged or dependent persons dwelling	D	X	X	X	A	X	X
Caretaker's dwelling	X	D	D	D	X	X	X
Grouped dwelling	P	D	X	X	D	X	X
Home business	D	D	X	X	D	D	D
Home Occupation	D	D	X	X	D	D	D
Home office	D	D	X	X	D	D	D
Home store	A	D	X	X	A	D	A
Lodging house	A	D	X	X	A	X	X
Park home park	X	A	X	X	A	X	X
Residential building	A	X	X	X	A	X	X
Rural Home business	X	X	X	X	X	A	D
Single house	P	A	X	X	P	P	P
TOURIST AND ENTERTAINMENT USES							
Amusement parlour	X	D	X	A	X	X	X
Bed and breakfast	A	D	X	X	A	D	D
Camping ground	X	X	X	X	X	X	A
Hotel	X	P	X	X	X	X	X
Motel	X	D	X	X	X	X	X
Short Stay accommodation	X	D	X	X	D	D	A
Tavern	X	P	X	X	X	X	X
OTHER USES							
Funeral parlour	X	A	X	P	A	X	X
Service utility	D	D	D	D	D	D	D
Telecommunications infrastructure	A	D	P	P	D	A	D
Veterinary centre	X	A	D	P	A	D	A

TABLE 1—ZONING TABLE (part 2 of 3)

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

TABLE 1—ZONING TABLE (part 3 of 3)

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

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

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

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

4.4 Interpretation of the Zoning Table

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

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

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

4.5 Additional uses

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

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

4.6 Restricted uses

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.

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

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

4.8 Non-conforming uses

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

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

Note: 'Land' has the same meaning as in the *Planning and Development Act 2005* 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 2005* enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a local planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

4.12 Destruction of non-conforming use buildings

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

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with development standards and requirements

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

5.2 Residential Design Codes

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

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

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

5.3 Special application of Residential Design Codes

5.3.1 The Residential Design Code for land zoned 'Residential', 'Townsite' and 'Commercial' shall be R10/35 unless otherwise indicated on the Scheme Maps.

5.3.2 The Council shall not approve a residential development with a density exceeding R10 unless the Council is satisfied that an alternative sewerage disposal system can be installed and managed to its satisfaction.

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 Planning 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 Environmental Protection Act; and
- (b) make the statements available for public inspection at the offices of the local government.

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

5.7 Site and Development Requirements

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

5.7.1 Development Requirements

Where development standards for a particular use are not set out in this Scheme, the development standards applicable shall be determined by the local government.

5.7.2 Combined Uses

Where 2 or more uses are combined in a single development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the local government shall determine.

5.7.3 Industrial Development

Unsewered industrial development will be restricted to 'dry industry' type (ie. industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1000m²).

5.8 Caretaker's dwelling

The provisions of this clause apply to all caretakers' dwellings in the Industrial zone.

5.8.1 A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation.

5.8.2 Only a single caretaker's dwelling shall be permitted on each lot and it shall be located at the rear of a lot zoned Industrial.

5.8.3 The Council will not support the subdivision or development of land in an industrial zone that will—

- allow the dwelling to be sold separately from the industrial use of the land;
- restrict the use of the land for industrial purposes.

5.8.4 A caretaker's dwelling shall contain only 1 bedroom.

5.8.5 A caretaker's dwelling shall have a maximum floor area of 100m² measured from the external face of the walls.

5.8.6 Open verandahs may be permitted but are not to be enclosed by any means unless the total floor area remains less than 100m².

5.9 Rural Residential Zone

5.9.1 Only 1 dwelling will be permitted on any lot in the Rural Residential zone.

5.9.2 All dwellings shall be developed in accordance with all provision of the R2 requirements of the Residential Design Codes, with the exception of lot area.

5.9.3 Provision must be made for all dwellings to be connected to a reticulated potable water supply or have appropriate provision for alternative potable water supply to the satisfaction of the appropriate authority.

5.9.4 The local government may require a Development Plan be prepared by the proponent and endorsed by the local government in the Rural Residential Zone prior to any development being approved or subdivision being recommended for approval.

5.10 Outline Development Plans

5.10.1 The local government may prepare or may require the preparation of an Outline Development Plan prior to considering any subdivision or development proposal in any zone.

5.10.2 Notwithstanding the requirements of this Scheme, all development is to comply with the requirements of any endorsed outline development plan/s.

5.10.3 Any departure or alterations to an outline development plan may, subject to the approval of the Commission, be permitted if the local government considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area.

5.10.4 A proposed development plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed development plan becomes a development plan, the local government is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land within. In the absence of an endorsed development plan the symbols in the Zoning Table will apply.

5.10.5 Advertising of Outline Development Plans

The local government may within 30 days of receiving the outline development plan require that it be advertised in accordance with clause 9.4.

5.10.6 Adoption of Outline Development Plans

Following adoption of the outline development plan, with or without modifications, the local government shall request the Commission to endorse the outline development plan as the basis for approval of subdivision applications within areas covered by the plan.

5.10.7 Right of Review

The proponent of an outline development plan required by this Scheme seek right of review under Section 14 of the *Planning and Development Act 2005*—

- (a) The failure of the local government to make a determination on the content and requirement of an outline development plan (or an amendment to an outline development plan) within 120 days of receiving a request for direction;
- (b) A decision by the local government not to endorse an outline development plan (or an amendment to a development plan);
- (c) Conditions of approval of the outline development plan (or alterations to an outline development plan).

5.11 Rural Zone

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

TABLE II—DEVELOPMENT TABLE

Controls Use	Minimum Boundary Setback (Metres)			Maximum Plot Ratio	Minimum Landscaped Area (%)	Minimum Number of on-site Car Parking Bays
	Front	Rear (Average)	Sides			
Club Premises	*	*	*	0.5	*	1 for every 45m ² of gross floor area.
Community Purpose	*	*	*	*	10	1 for every 4 persons whom the building is designed to accommodate.
Consulting Rooms	*	*	*	0.4 in Res Zone 0.5 elsewhere	*	1 for every 30m ² of gross floor area, plus 1 for each person employed.
Child Care Premises	7.5	7.5	*	*	*	1 for each employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.
Funeral Parlour	*	*	*	*	10	As determined by the Council, (minimum 6).
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 2m ² of bar and lounge area.
Industrial—Service	7.5	7.5	*	*	10	1 per 2 employees.

Controls Use	Minimum Boundary Setback (Metres)			Maximum Plot Ratio	Minimum Landscaped Area (%)	Minimum Number of on-site Car Parking Bays
	Front	Rear (Average)	Sides			
Industrial—Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial—General	7.5	7.5	*	*	15	1 per 2 employees.
Motel	9.0	7.5	3.0 per storey	1.0	30	1 per unit, plus 1 space per 25m ² of service area.
Office	*	*	*	*	*	1 for every 30m ² plot ratio area.
Restaurant	*	*	*	*	*	1 for every 10m ² of gross floor 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 15m ² of gross floor area.
Showroom	*	*	*	*	10	1 for every 100m ² of gross floor area.
Motor Vehicle, Boat or Caravan Sales	*	*	*	*	5	1 for every 250m ² of sales area, plus 1 for every person employed on site.

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

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of special control areas

There are no special control areas which apply to the Scheme.

PART 7—HERITAGE PROTECTION

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

PART 8—DEVELOPMENT OF LAND

The provisions of part 8 of the Model Scheme Text as current including any amendments apply, with the following addition to Clause 8.2(b)—

- (iii) the proposal is for a transportable dwelling or relocated structure intended to be modified for use as a dwelling and is located within a townsite as shown on the scheme maps.

8.5 Requirement for consultation to commence mining

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

PART 9—APPLICATIONS FOR PLANNING APPROVAL

The provisions of part 9 of the Model Scheme Text as current including any amendments apply.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

The provisions of part 10 of the Model Scheme Text as current including any amendments apply.

PART 11—ENFORCEMENT AND ADMINISTRATION

The provisions of part 11 of the Model Scheme Text as current including any amendments apply.

SCHEDULES

Schedule 1	Dictionary of defined words and expressions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements

Schedule 6	Form of application for planning approval
Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval
Schedule 10	Environmental conditions

SCHEDULE 1

DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

The general definitions and land use definitions in schedule 1 of the Model Scheme Text as current including any amendments apply.

‘Camping Area’ means land set aside for the erection of tents and other similar structures for temporary accommodation.

‘Dry-cleaning Premises’ means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

‘Essential service utility’ means any work or undertaking constructed or maintained by a service agency as may be required to provide water, sewerage, electricity, gas, drainage or other similar essential services.

‘Lodging House’ shall have the same meaning as is given to it in and for the purposes of the *Health Act 1911* (as amended).

‘Plant Nursery’ means the growing of trees, plants, shrubs or flowers, for replanting in domestic, commercial or industrial gardens.

‘Rural Home Business’ means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50m²;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

‘Short Stay Accommodation’ means a building or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of 3 months in any 12-month period and excludes those uses more specifically defined elsewhere.

‘Transport Depot’ means land or a building or buildings used for the parking or garaging of road motor vehicles (including taxis) which are used or intended to be used for the carriage of passengers or goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and included the maintenance of repair of such vehicles.

‘Wayside stall’ means a stall located adjacent to a street in which only fruit, vegetables and artifacts grown, produced or made on the land are sold or offered for sale.

SCHEDULE 2

ADDITIONAL USES

There are no additional uses that apply to the Scheme.

No.	Description of land	Additional use	Conditions

SCHEDULE 3

RESTRICTED USES

There are no restricted uses that apply to the Scheme.

No.	Description of land	Restricted use	Conditions

SCHEDULE 4
SPECIAL USE ZONES

There are no special use zones that apply to the Scheme.

No.	Description of land	Special use	Conditions

SCHEDULE 5
EXEMPTED ADVERTISEMENTS

Land Use and/or Development	Exempted Sign ¹	Maximum Size
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 5m from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
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 2 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 or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government, and	N/A N/A

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

Land Use and/or Development	Exempted Sign ¹	Maximum Size
	(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 Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 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 dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

SCHEDULE 6

FORM OF APPLICATION FOR PLANNING APPROVAL

The form of application for planning approval in schedule 6 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 7

ADDITIONAL INFORMATION FOR ADVERTISEMENTS

The form of additional information for advertisements in schedule 7 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 8

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

The notice of public advertisement of planning proposal in schedule 8 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 9

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

The notice of determination on application for planning approval in schedule 9 of the Model Scheme Text as current including any amendments applies.

SCHEDULE 10
ENVIRONMENTAL CONDITIONS

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

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

ADOPTION

Adopted by resolution of the Council of the Shire of Dowerin at the Ordinary Meeting of the Council held on the 21st day of December 2010.

D. METCALF, Shire President.

Dated: 7 November 2013.

D. ALCOCK, Chief Executive Officer.

Dated: 7 November 2013.

FINAL APPROVAL

Adopted for final approval of the Shire of Dowerin at the meeting of Council held on the 16th day of April 2013.

D. METCALF, Shire President.

Dated: 27 November 2013.

D. ALCOCK, Chief Executive Officer.

Dated: 27 November 2013.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

P. BASKIND, delegated under S.16 of the PD Act 2005.

Dated: 23 December 2013.

FINAL APPROVAL GRANTED

J. DAY, Minister For Planning.

Dated: 9 January 2014.
