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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF DUMBLEYUNG

**LOCAL PLANNING
SCHEME No. 1
DISTRICT ZONING SCHEME**

Original Town Planning Scheme Gazettal Date: 4 April 2003

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF DUMBLEYUNG****LOCAL PLANNING SCHEME No. 1
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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF DUMBLEYUNG

**LOCAL PLANNING SCHEME No. 1
DISTRICT ZONING SCHEME****PART 1—PRELIMINARY****1. Citation**

This local planning scheme is the Shire of Dumbleyung Scheme No. 1.

2. Commencement

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

3. Scheme revoked

No scheme is revoked.

4. Notes do not form part of Scheme

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

5. Responsibility for Scheme

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

6. Scheme area

This Scheme applies to the area shown on the Scheme Map which comprises sheets 1 to 6 set out in Appendix 1.

7. Contents of Scheme

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

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
- (b) the supplemental provisions contained in Schedule A; and
- (c) the Scheme Map (sheets 1 to 6).

8. Purposes of Scheme

The purposes of this Scheme are to—

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide land use and development; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are—

- (a) To protect and enhance the environmental values and natural resources of the Scheme Area including the protection of remnant vegetation and the rehabilitation and revegetation of degraded land;
- (b) To promote ecologically sustainable land use and development;

- (c) To respond to social changes and facilitate the creation of vibrant, accessible, safe and self reliant rural communities;
- (d) To secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;
- (e) To actively assist the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles;
- (f) To facilitate strategic development by ensuring land use, transport and public utilities are mutually supportive;
- (g) To preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Scheme Area;
- (h) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- (i) To assist the effective implementation of the State Planning Strategy as it applies to the Wheatbelt Region; and
- (j) To make provision for other matters necessary or incidental to town planning and development generally.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

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

12. Relationship with region planning scheme

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

PART 2—RESERVES

13. Regional Reserves

There are no regional reserves in the Scheme area.

14. Local reserves

(1) In this clause—

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

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

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

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

(a) Environmental Conservation

- (i) To ensure proper management procedures are in place to protect the biodiversity of identified conservation areas for the future;
- (ii) To protect areas identified with biodiversity and conservation values from development and subdivision; and
- (iii) To provide for areas requiring improved environmental management measures or upgrades due to degradation or inappropriate use.

(b) Public Open Space

- (i) To provide for formal and structured recreational activities and sporting facilities that are deemed appropriate to service surrounding residents;
- (ii) To provide for passive recreational uses, parklands, amenities and buffer areas that are deemed appropriate for use and enjoyment by surrounding residents; and
- (iii) To provide for drainage purposes in a park setting.

(c) Public Purposes

- (i) To provide for a range of essential physical and community infrastructure facilities, civic and cultural uses and other purposes as required to service urban development; and
- (ii) To protect land from activities considered inappropriate to the successful continued use of public purposes, civic and cultural facilities.

(d) Civic and Community

- (i) To provide for a range of community facilities which are compatible with surrounding development; and
- (ii) To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.

- (e) Social Care Facilities
 - (i) Civic and community facilities which specifically provide for a range of essential social care facilities such as accommodation for the aged, aged care, youth camps, child care facilities and indigenous care.
- (f) Cultural Facilities
 - (i) Civic and community facilities which specifically provide for a range of essential cultural facilities such as halls, theatres, art galleries, museums and libraries.
- (g) Primary Distributor Road
 - (i) To set aside land required for a primary distributor road being a road classified as a Primary or Regional Distributor under the Western Australian Road Hierarchy.
 - (ii) To provide land and facilities for major road purposes and associated activities; and
 - (iii) To protect land from activities considered inappropriate to the successful continued operation of major road infrastructure.
- (h) Local Road
 - (i) To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
- (i) Railways
 - (i) To provide land and facilities for railway purposes and associated activities; and
 - (ii) To protect land from activities considered inappropriate to the successful continued operation of railway infrastructure.

15. Additional uses for local reserves

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

PART 3—ZONES AND USE OF LAND

16. Zones

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

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 R-Codes.

Commercial Zone

To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole.

General Industry Zone

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

Regional Rural Zone

- (a) To ensure the continuation of broad-acre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;
- (b) To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
- (c) To consider other non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;
- (d) To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality;
- (e) To provide for a range of commercial and industrial land uses that are appropriately located and will not cause land use conflicts or adverse impacts on the amenity and character of the zone;
- (f) To prevent the fragmentation of broad-acre farming properties through the process of subdivision;
- (g) To protect broad-acre agricultural land from land degradation and any further loss of biodiversity by—
 - (i) minimising the clearing of remnant vegetation on public and private lands;
 - (ii) encouraging the retention and protection of existing remnant vegetation;
 - (iii) encouraging the development and protection of corridors of native vegetation;
 - (iv) encouraging the development of environmentally acceptable surface and sub-surface drainage works;
 - (v) encouraging the rehabilitation of salt affected land;
 - (vi) controlling the introduction and spread of alien species of flora and fauna;
 - (vii) encouraging soil conservation through the application of cultural vegetational land management measures.

Local Rural Zone

To provide for a mix of residential and business related uses in a rural setting which achieves a high standard of visual amenity, facilitates landscape protection and conservation and will not cause land use conflicts or adverse impacts on the amenity and character of the zone.

Special Use Zone

To provide for special categories of land use which are not fully compatible with other zones in the Scheme.

Rural Townsite Zone

To provide for residential development and a range of commercial, industrial and other uses in small towns.

17. Zoning table

The zoning table for this Scheme is as follows—

Table 1—Zoning Table

USE CLASSES	ZONES					
	Residential	Commercial	General Industry	Rural Townsite	Regional Rural	Local Rural
Abattoir	X	X	X	X	A	X
Agriculture—extensive	X	X	X	X	P	D
Agriculture—intensive	X	X	X	X	D	A
Amusement parlour	X	D	D	D	X	X
Animal establishment	X	X	X	X	P	D
Animal husbandry—intensive	X	X	X	X	P	X
Art gallery	A	P	D	D	D	D
Bed & breakfast	D	D	X	D	D	D
Betting agency	X	P	X	D	X	X
Bulky goods showroom	X	P	D	D	X	X
Caravan park	X	X	X	A	A	A
Caretakers dwelling	P	D	D	D	D	D
Car park	A	D	D	D	D	D
Child care premises	A	A	X	D	A	D
Cinema / theatre	X	P	X	D	X	X
Civic use	X	D	D	A	D	D
Club premises	A	D	D	A	D	D
Community purpose	D	D	D	D	D	D
Consulting room(s)	A	P	X	D	D	A
Convenience store	X	D	D	D	X	X
Corrective institution	X	X	X	X	A	X
Educational establishment	A	D	A	D	A	A
Exhibition centre	A	P	D	D	D	D
Family day care	A	A	X	A	A	A
Fast food outlet	X	D	D	D	X	X
Fuel depot	X	X	D	A	A	X
Funeral parlour	X	D	D	D	X	X
Garden centre	X	D	D	D	D	D
Guest house	A	D	X	A	D	D
Home business	A	D	X	A	A	A
Home occupation	A	P	X	A	A	A
Home office	P	P	X	P	P	P
Home store	A	D	X	A	A	A
Hospital	X	A	X	A	X	X
Hotel	X	A	X	D	X	X
Industry—cottage	D	P	P	D	P	P
Industry—extractive	X	X	X	X	A	X
Industry	X	X	D	A	A	X
Industry—light	X	X	P	D	A	X

USE CLASSES	ZONES					
	Residential	Commercial	General Industry	Rural Townsite	Regional Rural	Local Rural
Industry—primary production	X	X	X	X	A	X
Market	X	D	D	D	D	X
Medical centre	X	P	X	D	X	X
Mining operations	X	X	X	X	D*	D*
Motel	X	A	X	D	X	X
Motor vehicle, boat or caravan sales	X	P	P	D	X	X
Motor vehicle repairs	X	D	P	D	D	A
Motor vehicle wash	X	D	P	D	D	A
Office	D	P	X	D	X	X
Park home park	X	X	X	D	A	A
Place of worship	A	D	X	D	A	A
Reception centre	X	A	X	D	A	X
Recreation—private	X	P	D	D	A	A
Repurposed dwelling	D	D	X	D	D	D
Residential						
Aged & dependent persons dwelling	D	A	X	D	D	D
Grouped dwelling	D	A	X	D	D	D
Multiple dwelling	D	A	X	D	X	X
Single house	P	D	X	P	P	P
Restaurant / cafe	X	P	X	D	A	D
Restricted premises	X	D	D	D	X	X
Roadhouse	X	A	D	D	X	X
Rural pursuit	X	X	A	X	P	A
Second-hand dwelling	D	D	X	D	D	D
Service station	X	A	D	D	X	X
Shop	X	P	D	D	X	X
Storage	X	A	D	D	D	A
Tavern	X	A	X	D	X	X
Telecommunications infrastructure	A	D	D	D	D	D
Trade display	X	P	P	D	X	A
Trade supplies	X	P	P	D	X	A
Transport depot	X	X	D	D	D	A
Tree farm	X	X	X	X	P	
Veterinary centre	X	D	P	D	P	D
Warehouse	X	D	P	D	X	X
Waste disposal facility	X	X	D	A	A	X
Waste storage facility	X	X	D	A	A	X
Wind farm	X	X	X	X	A	X
Winery	X	X	D	X	D	D

*Mining operations' covered by the *Mining Act 1978* are exempt from the requirement for development approval and will be determined in accordance with the *Mining Act 1978*.

18. Interpreting zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

(2) The symbols used in the zoning table have the following meanings—

P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;

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

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

X means that the use is not permitted by this Scheme.

Notes—

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.
2. In considering an application for development approval the local government will have regard to clause 67 of the deemed provisions.

(3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table—

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

(5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

(6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless—

- (a) the development approval application relates to land that is being used for a non-conforming use; and
- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

(7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land—

- (a) structure plan;
- (b) an activity centre plan;
- (c) a local development plan.

19. Additional uses

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

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

(1) Table 2 sets out—

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

Table 2—Special use zones in Scheme area

No.	Description of land	Special use	Conditions
1.	Lot 1, 36, 37 & 38 Harvey Street, Dumbleyung	• Caravan Park and Caretaker's Dwelling	Nil
2.	Reserve No. 41655 (Lot 178) Bath Street, Kukerin	• Caravan Park and Caretaker's Dwelling	Nil

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

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

22. Non-conforming uses

(1) Unless specifically provided, this Scheme does not prevent—

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or

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

23. Changes to non-conforming use

- (1) A person must not, without development approval—
 - (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use—
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

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

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

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

26. Modification of R-Codes

The following variations to the R-Codes apply in the Scheme area—

- (1) In areas coded R10/30 the development standards of the R10 Code shall apply except that the development standards of the R30 Code shall apply if the development is to be connected to a reticulated sewerage system.

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) State Planning Policy 3.6—Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.

(2) The local government—

- (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification to State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

There are no other State planning policies that are to be read as part of the Scheme.

30. Environmental conditions

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

31. Additional site and development requirements

(1) General site and development requirements

- (a) Table 3 sets out the site and development requirements for various land uses which may be supplemented by the local government's specific requirements.
- (b) The requirements for the development of uses not referred to in Table 3 shall be in accordance with the local government's specific requirements in each particular case.

Table 3—Site and Development Requirements Table

Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Φ Minimum Landscape Area (%)	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Club Premises	*	*	*	0.5	*	1 for every 45sqm of gross lettable area.
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
Child Care Premises	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 for students as determined by the local government.
Fast Food Outlet	*	*	*	*	*	*
Funeral Parlour	*	*	*	*	10	As determined by the local government (minimum 6).
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hostel	7.5	7.5	*	*	30	1 per room plus 1 per 2 employees
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 3 per 25 sqm bar and lounge area plus 1 space per 2 employees
Industry—Light	7.5	7.5	*	*	10	1 per 2 employees.
Industry	7.5	7.5	*	*	15	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 10sqm gross lettable area.
Reception Centre	*	*	*	0.5	30	1 for every 4 persons whom the building is designed to accommodate.
Restaurant	*	*	*	*	*	10 for every 100sqm 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	*	*	*	*	*	5 for every 100sqm of gross lettable area.

Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Φ Minimum Landscape Area (%)	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Showroom (Bulky Goods)	*	*	*	*	10	2 for every 100sqm of gross lettable area.
Vehicle Sales	*	*	*	*	5	1 for every 250msq of sales area, plus 1 for every person employed on site.
Veterinary Centre	*	*	*	*	30	1 for every 10msq gross floor area, plus 1 for each person employed.

Notes—

1. This table is intended as a guideline and may be varied at the discretion of the local government.
2. * means to be determined by the local government in each particular case.
3. Φ Landscaping to be generally at street frontage.

(2) Regional Rural zone

- (1) The Regional Rural Zone is intended primarily for the preservation of agriculturally significant land. Land classified as Regional Rural Zone within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. The local government shall therefore seek to ensure that no action is taken to jeopardize this potential.
- (2) The local government may also permit the development of other non-rural land uses including limited commercial and industrial uses in the Regional Rural zone, but only where they can be appropriately located, will not cause land use conflicts, will not have an adverse impact upon the amenity and character of the zone and can be shown to be of benefit to the District.
- (3) In considering applications for subdivision, rezoning and development approval in the Regional Rural Zone the local government shall have regard to the objectives for that zone as specified in clause 13(2).
- (4) Having regard to the prime agricultural importance of land in the Regional Rural Zone the local government will only recommend to the Commission support for further subdivision of existing lots where—
 - (a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
 - (b) the lots are for farm adjustment or conservation purposes;
 - (c) the lots are for a horticultural or intensive agricultural use and the local government with advice from the Department of Agriculture and Food Western Australia is satisfied the lot size is adequate;
 - (d) the lots are for specific uses such as recreation facilities and public utilities; or
 - (e) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists.
 - (f) it is proposed to excise land containing an existing farm residence for the purposes of a homestead lot subject to—
 - (i) there having been a decline in population over two intercensal periods in the Census Collector District in which the land is located;
 - (ii) the proposed homestead lot having an area of between four (4) and twenty (20) hectares excluding any battleaxe leg;
 - (iii) the proposed homestead lot having its own frontage and constructed vehicular access to a dedicated and constructed road;
 - (iv) the proposed homestead lot being served by a potable water supply and an adequate means of effluent disposal to the satisfaction of the local government and the Department of Health; and
 - (v) the proposed homestead lot not generating demand for additional government and community services.
- (5) The local government will favourably consider applications for the adjustment of lot boundaries in the Regional Rural Zone where the application, if approved, will not result in the creation of one (1) or more additional lots.
- (6) The local government does not recognise precedent resulting from subdivision created in the early days of settlement of the District as a reason for it to support further subdivision in the Regional Rural Zone.
- (7) The existence of more than one (1) dwelling house on a lot zoned Regional Rural shall not be construed as a basis for the local government's support to the subdivision of the lot.

- (8) No more than one (1) dwelling shall be erected on a lot zoned Regional Rural unless the local government is satisfied that an additional dwelling is necessary or desirable for the continuation of bona fide agricultural activity.
 - (9) The minimum setback from all lot boundaries for any building on a lot zoned Regional Rural shall be twenty (20) metres except for buildings used for commercial or industrial purposes which may be setback a further distance in accordance with the specific requirements of the local government as determined on a case-by-case basis.
 - (10) The development of commercial and industrial uses in the Regional Rural Zone is required to be set well back from roads and screened from public view to the satisfaction of the local government.
 - (11) In considering an application for development approval for a non-rural use in the Regional Rural Zone the local government shall have regard for the impact of the proposed development on the streetscape, local amenities and adjoining residents and may impose conditions relating but not limited to the following matters—
 - (a) building appearance, height and scale;
 - (b) building materials;
 - (c) building location including boundary setbacks;
 - (d) landscaping and visual screening;
 - (e) vehicle access and parking;
 - (f) location of open storage areas;
 - (g) control of dust, noise, odour and vibration;
 - (h) management of wastes and stormwater disposal;
 - (i) fire management;
 - (j) advertising signage.
 - (12) Applications for development approval for non-rural uses in the Regional Rural Zone that have potential to cause land use conflicts or adverse impacts upon the visual amenity and character of the locality will not be approved by the local government unless it can be demonstrated to the satisfaction of the local government that such usage can be suitably managed so as to minimise any detrimental impacts.
 - (13) Prior to issuing development approval for an industry in the Regional Rural Zone the local government will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority's Separation Distance Guidelines, and such industry may only be granted development approval if the relevant buffer can be accommodated wholly within the zone.
 - (14) In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of Environment Regulation, and the granting of development approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.
- (3) Local Rural zone**
- (1) In considering applications for subdivision and development approval in the Local Rural Zone the local government shall have regard to the objectives for that zone as specified in clause 16(2).
 - (2) All future lots in the Local Rural Zone shall have a minimum area of two (2) hectares.
 - (3) All development in the Local Rural Zone shall be conducted in a manner that preserves local amenity and the natural landscape and rural character of the zone.
 - (4) All buildings to be constructed in the Local Rural Zone shall be finished in non-reflective materials. The use of zincalume and other reflective building materials is not permitted unless specifically approved by the local government.
 - (5) Tree planting or other approved landscaping may be required to be established and maintained within the front building setback area or other areas of a lot where the preservation of privacy or amenity is considered by the local government to be desirable.
 - (6) The minimum setback from lot boundaries for any building on a lot zoned Local Rural shall be ten (10) metres to any front and rear boundary and five (5) metres to any side boundary.
 - (7) The land within forty (40) metres of the front boundary of a lot classified as Local Rural Zone shall be used for residential purposes or landscaping only.
 - (8) Commercial, industrial or other non-residential uses shall be sited no closer to a lot's major road frontage than half the depth of the lot.
 - (9) Prior to the development of commercial or industrial uses in the Local Rural Zone, Local Development Plans are to be adopted by the local government as Local Planning Policies for both the Dumbleyung and Kukerin townsites to ensure effective coordination of residential and non-residential land use.
 - (10) No person shall on land classified as Local Rural Zone—
 - (a) Develop or establish or allow to develop the land for commercial or industrial purposes unless a residence is first erected;
 - (b) Allow such a house to be occupied by any person other than the owner or manager or an employee of the commercial or industrial use;

- (c) Establish or permit to establish more than one business or industry to operate from each lot; or
 - (d) Develop or allow the development of a residence that precludes vehicle access to the rear of the lot with a minimum width of five (5) metres.
- (11) In considering any application for development approval in the Local Rural Zone the local government shall have regard for the impact of the proposed development on the streetscape, local amenities and adjoining residents and may impose conditions relating but not limited to the following matters—
- (a) building appearance, height and scale;
 - (b) building materials;
 - (c) building location including boundary setbacks;
 - (d) landscaping and visual screening;
 - (e) vehicle access and parking;
 - (f) location of open storage areas;
 - (g) control of dust, noise, odour and vibration;
 - (h) management of wastes and stormwater disposal;
 - (i) fire management;
 - (j) advertising signage.
- (12) Applications for development approval in the Local Rural Zone that have potential to cause land use conflicts or adverse impacts upon the visual amenity and character of the locality will not be approved by the local government unless it can be demonstrated to the satisfaction of the local government that such usage can be suitably managed so as to minimise any detrimental impacts.
- (13) Prior to issuing development approval for an industry in the Local Rural Zone the local government will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority's Separation Distance Guidelines, and such industry may only be granted development approval if the relevant buffer can be accommodated wholly within the zone.
- (14) In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of Environment Regulation, and the granting of development approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.
- (15) No more than one (1) dwelling shall be erected on a lot zoned Local Rural unless the local government is satisfied that an additional dwelling is necessary or desirable for the continuation of an approved commercial or industrial use on the lot.

(4) Rehabilitation of degraded land

- (1) Where in the opinion of the local government, and with the advice of the Department of Agriculture and Food Western Australia and/or the Department of Environment Regulation, land the subject of an application to commence development is degraded, the local government may require the land owner to undertake such measures to rehabilitate the land to a satisfactory standard and to protect it from further degradation.
- (2) Where land is degraded as a result of development and use the local government may require the landowner to implement soil conservation measures in accordance with the requirements and specifications of the local government in the interests of preventing further land degradation.
- (3) With the intention of preventing soil erosion, salinity, flooding or any other land degradation the local government may, with the advice of the Department of Agriculture and Food Western Australia and/or the Department of Environment Regulation, take any soil conservation action necessary to reduce or eliminate the adverse affects of any land use or development on the environment, and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.

For the purposes of this clause "Land Degradation" means—

- (a) Wind and water erosion of soil, salinity and flooding; and
- (b) The removal or deterioration of natural and introduced vegetation that may be detrimental to the present or future.

"Soil Conservation" means the application to land of cultural vegetational land management measures, either individually or in combination, to attain and maintain an appropriate level of land use and stability of that land in perpetuity and includes the use of measures to prevent or mitigate the effects of land degradation.

(5) Clearing of land including remnant vegetation

- (1) No clearing of any remnant native vegetation shall occur without the prior approval of the local government except the following—
 - (a) Clearing to comply with the requirements of the *Bush Fires Act 1954* (as amended);
 - (b) Clearing as may be reasonably required to construct an approved building and curtilage thereto;

- (c) Clearing of trees that are dead, diseased or dangerous;
 - (d) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the local government;
 - (e) Clearing required to establish a low fuel area; and
 - (f) Clearing so as to remove invasive plant species.
- (2) The clearing of any native vegetation within the Scheme Area is not permitted unless a clearing permit is obtained from the Department of Environment Regulation under the provisions of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* or the clearing is of a type that does not require a permit (i.e. the clearing is for an exempt purpose as prescribed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*).
- (6) Fencing of remnant vegetation**
- (1) In considering any application to subdivide or commence development the local government may require the erection of fencing around areas of remnant native vegetation to assist with the retention of such vegetation and to preserve and enhance the visual character of the immediate locality.
- (7) Revegetation**
- (1) In considering any application to commence development the local government may, as a condition of development approval, require the planting of additional endemic native tree species. Such revegetation areas shall be maintained to the satisfaction of the local government for a minimum of three (3) years.
- (8) Drainage**
- (1) Prior to issuing development approval for the development of a lot the local government will require satisfactory evidence that the drainage conditions of the locality will not be impaired and may require that site works be carried out to ensure that all drainage is to the local government's satisfaction.
- (9) Land liable to flooding**
- (1) A building shall not be constructed upon any land defined by the local government or the Department of Water as being liable to flooding or inundation.
 - (2) Where in the opinion of the local government a development is to be sited on land that has the potential to be flooded and/or inundated, the local government may impose conditions of development approval to ameliorate any potential flood risk.
- (10) Waste disposal**
- (1) No land within the Scheme Area shall be used for the purposes of storage and or the disposal of rubbish, refuse, car bodies, industrial waste (whether liquid or solid) or any recycled materials or buildings without the written approval of the local government.
- (11) Sewerage disposal**
- (1) In recognition of the Dumbleyung townsite's classification as a mandatory sewer town in the Country Sewerage Policy, the local government will generally require the provision of reticulated sewerage to residential and other developments within the townsite which exceed the R5 density code. The local government may however permit further development in the townsite without the need to connect to reticulated sewerage if it can be demonstrated that reticulated sewerage cannot be provided at reasonable cost and an alternative means of effluent disposal can be provided to the satisfaction of the local government and the Department of Health.
 - (2) In considering applications for unsewered development for industrial, commercial and residential purposes outside the Dumbleyung townsite and within other unsewered towns, the local government will have regard for the provisions of the Country Sewerage Policy applicable at the time. Unless minimum lot sizes, site suitability for on-site wastewater disposal and density of developments are acceptable, the local government may specify that such development is not permitted without connection to reticulated sewerage.
- (12) Development of infrastructure**
- (1) In determining an application for development approval the local government shall consider the groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including maximum seasonal groundwater levels, acidity, salinity and water quality.
- (13) Water supply**
- (1) The local government shall not grant approval for development on any land unless—
 - (a) A water supply and facilities for the removal or disposal of sewerage and drainage are available to that land, as deemed necessary by the local government; and
 - (b) Arrangements satisfactory to the local government have been made for the provision of that supply and those facilities.
 - (2) The local government may approve the use of fit-for-purpose water (wastewater recycling) and availability for use of such water for public open space.
- (14) General townscape, landscape and development improvement**
- (1) Notwithstanding the specific provisions of this Scheme or any general policies detailed within the same, the local government shall in considering any development proposal have regard to

any systems areas designated by the Environmental Protection Authority and/or any Townscape or Soil Conservation Plan which relates to land within the Shire and may impose conditions relating to the following—

- (a) The need to protect and rehabilitate water courses, including riparian zone buffers, and catchment areas;
- (b) The need for the preservation of existing trees and nature corridors and the planting of additional trees and other vegetation within all zones and reservations within the Scheme Area in order to provide shade, aesthetic pleasure, reduce roadside noise, provide habitats for natural fauna, reduce salinity in soil, reduce nutrients and pathogens, prevent erosion and assist in the proper balancing of the greenhouse effect;
- (c) The height, bulk and location of buildings in order to preserve a streetscape, enhance views, preserve local character and the amenity of the area generally;
- (d) The preservation of areas or buildings of architectural or historic interest and the development of land abutting the same.

(15) Relocated second-hand and repurposed dwellings

- (1) The placement of a relocated second-hand or repurposed dwelling upon a lot within the scheme area is subject to the requirement to obtain development approval from the local government.
- (2) The placement of a relocated second-hand or repurposed dwelling shall not be permitted on any lot within the scheme area unless in the opinion of the local government such development is consistent with the objectives of the zone in which it is proposed to be located and the building is in a satisfactory condition and will not detrimentally affect the amenity of the area.
- (3) Where an application for development approval is made to use a relocated second-hand or repurposed dwelling the local government is not to grant approval to that application unless notice is given in accordance with clause 64 of the deemed provisions.
- (4) Where a relocated second-hand or repurposed dwelling is proposed to be established on a lot in the scheme area the local government may require, amongst other things, the sub-floor area of the building to be enclosed with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a position such as to be visually prominent, the local government may require satisfactory landscaping measures, or the like, to be carried out.

(16) Development of lots abutting roads controlled by Main Roads WA

- (1) All applications for development approval abutting roads under the care, control and management of Main Roads WA are to be referred by the local government to Main Roads WA and the local government is to have due regard to comments and recommendations provided by Main Roads WA when determining applications.

(17) Development of lots not abutting a constructed public road

- (1) In considering an application for development approval in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road, the local government shall either—
 - (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
 - (b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose; or
 - (c) grant the application subject to the following conditions, or any other conditions the local government see fit to impose—
 - (i) Arrangements are to be made for permanent access, to the satisfaction of the local government;
 - (ii) The location of any legal access shall be to the satisfaction of the local government;
 - (iii) Access must be constructed and maintained to the satisfaction of the local government;
 - (iv) A notification is to be placed on the title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

(18) Requirement for consultation to commence mining

- (1) In considering proposals to commercially extract minerals, the local government may exercise its discretion to inform the Minister for Mines and Petroleum 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.

(19) To the extent that a requirement referred to in subclauses (1)-(18) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1)-(18) prevails.

32. Variations to site and development requirements

- (1) In this clause—

additional site and development requirements means requirements set out in clause 25.

(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirement.

(3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.

(4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must—

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

(5) The local government may only approve an application for development approval under this clause if the local government is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

33. Restrictive covenants

(1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

(2) If subclause (1) operates to extinguish or vary a restrictive covenant—

- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
- (b) the local government must not grant development approval for the construction of the residential dwellings unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5—SPECIAL CONTROL AREAS

34. Special control areas

(1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

(2) The purpose, objectives and additional provisions that apply to each special control area are set out in Table 4.

Table 4—Special control areas in Scheme area

SCA No.	Name	Purpose	Additional provisions
1.	Water Supply Protection Area	To protect water resources which provide a potable water supply to the Dumbleyung townsite.	<p>Application requirements Development approval is required for any proposed development or use within the water supply protection area, except a single house.</p> <p>Relevant considerations In considering any rezoning, change of use or development proposal, the local government shall—</p> <ul style="list-style-type: none"> (a) consult with and have regard to the comments of the Department of Water and/or the Water Corporation; and (b) ensure that the proposed development or use will not have a detrimental impact on the water resource. <p>Notwithstanding that a development or use may be classified 'P' in the Zoning Table, where the Department of Water and/or the Water Corporation advise that a development or use should be refused on the basis of potential impact on water resources, the local government may refuse that development or use.</p>

SCA No.	Name	Purpose	Additional provisions
	Wastewater Treatment Plant Buffer	<p>(a) To guide and control land use and development within the Dumbleyung wastewater treatment plant buffer as shown on the Scheme Map as SCA2;</p> <p>and</p> <p>(b) To ensure that development and use of any land located within the buffer is compatible with any existing or proposed future development and use of the wastewater treatment plant.</p>	<p>Application requirements Despite any other provisions in this Scheme, development approval is required for all land use and development, including a single house, within SCA2.</p> <p>Relevant considerations</p> <p>(a) In considering any application for development approval on land partly or wholly within SCA2 the local government is to have due regard to—</p> <p>(i) whether the proposal is compatible with any existing or proposed future development and use of the wastewater treatment plant; and</p> <p>(ii) any other planning consideration the local government considers relevant.</p>

PART 6—TERMS REFERRED TO IN SCHEME

Division 1—General definitions used in Scheme

35. Terms used

(1) If a word or expression used in this Scheme is listed in this clause the meaning of the word is as set out below—

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.

commencement day means the day this Scheme comes into effect under section 87(4) of the Act.

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including—

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).

floor area has meaning given in the Building Code.

frontage in relation to a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the 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.

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to the predominant use.

minerals has the meaning given in the *Mining Act 1978* section 8(1).

net lettable area or **nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas—

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building.

non-conforming use has the meaning given in the *Planning and Development Act 2005* section 172.

plot ratio in relation to residential dwellings, has the meaning given in the R-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 incidental.

retail means the sale or hire of goods or services to the public.

short-term accommodation means premises providing temporary accommodation, either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.

wholesale means the sale of goods or materials to be sold by others.

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

Division 2—Land use terms used in Scheme

36. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision the meaning of that land use is as set out below—

abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.

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 any of the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture.

amusement parlour means premises—

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines; and
- (c) where there are 2 or more amusement machines.

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) or other livestock in feedlots, sheds or rotational pens.

art gallery means premises that are open to the public and where artworks are displayed for viewing or sale.

bed and breakfast means a dwelling—

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms.

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*.

bulky goods showroom means premises—

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes—
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and children's goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools.

or

- (b) used to sell goods and accessories by retail if—
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access to the premises is required for the purpose of collection of purchased goods.

cabin means a dwelling forming part of a tourist development or caravan park that is—

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests.

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5 (1).

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.

car park means premises used primarily for parking vehicles whether open to the public or not but does not include—

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale.

chalet means a dwelling forming part of a tourist development or caravan park that is—

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests.

child care premises means premises—

- (a) at which an education and care service as defined in the *Education and Care Services National Law (Western Australia)*, other than a family day care service, is provided; or
- (b) at which a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

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 State 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 premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

consulting rooms means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

convenience store means premises—

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m² 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 providing education including premises used for a school, higher education institution, business college, academy or other educational institution.

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided.

fast food outlet / lunch bar means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten—

- (a) without further preparation; and
- (b) primarily off the premises.

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used—

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle.

funeral parlour means premises used to prepare and store bodies for burial or cremation and/or to conduct funeral services.

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.

guest house means a dwelling or part of a dwelling occupied by a person but containing rooms used to accommodate short-term guests for hire or reward.

holiday accommodation means 2 or more dwellings on one lot used to provide accommodation for holiday or temporary purposes for persons other than the owner of the lot.

holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast, a chalet, a guest house or a short-term accommodation unit.

home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation that—

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m²; and
- (d) does not involve the retail sale, display or hire of any goods; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that—

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods; and
- (f) does not—
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation—

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling.

home store means a shop attached to a dwelling that—

- (a) has a net lettable area not exceeding 100 m²; and
- (b) is operated by a person residing in the dwelling.

hospital means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1).

hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises.

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 facilities on the premises for any of the following purposes—

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

industry—cottage means a trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to 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 within 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 m²; and
- (e) does not display a sign exceeding 0.2 m² in area.

industry—extractive means premises, other than premises used for –mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes—

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.

industry—light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

industry—primary production means land used—

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses.

liquor store—large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m².

liquor store—small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m².

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 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

mining operations means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1), is carried out.

motel means premises, which may be licensed under the *Liquor Control Act 1988*—

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles.

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 other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or retreading of tyres.

motor vehicle wash means premises primarily used to wash motor vehicles.

nightclub means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*.

office means premises used for administration, clerical, technical, professional or similar business activities.

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8.

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.

reception centre means premises used for hosted functions on formal or ceremonial occasions.

recreation—private means premises that are—

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge.

repurposed dwelling means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.

resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste.

restaurant / café means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control 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 *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); and
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements

road house means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services—

- (a) a full range of automotive repair services;

- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies.

rural home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation—

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200 m²; and
- (d) does not involve the retail sale, display or hire of any goods; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.

rural pursuit means any premises, other than premises used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household—

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises.

second-hand dwelling means a dwelling that has previously been in a different location and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

serviced apartment means a group of units or apartments providing—

- (a) self-contained accommodation for short-stay guests with no guest accommodated for periods totalling more than 3 months in any 12 month period; and
- (b) any associated reception or recreational facilities.

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

shop means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*.

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*.

telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement.

trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufacture off the premises—

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government.

transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including—

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another.

tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.

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/storage means premises including indoor or outdoor facilities used for the storage of goods, equipment, plant or materials or the display or the sale by wholesale of goods.

waste disposal facility means premises used—

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste.

waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

wind farm means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use.

winery means premises used for the production of viticultural produce and associated sale of the produce.

SCHEDULE 1—SIGNAGE AND ADVERTISEMENTS FOR WHICH DEVELOPMENT APPROVAL NOT REQUIRED

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM SIGN
Dwellings	One professional name plate as appropriate	0.2sqm
Home Occupation	One advertisement describing the nature of the home occupation	0.2sqm
Places of Worship, Meeting Halls and Place of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2sqm
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 5sqm
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 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 two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15sqm Maximum permissible total area shall not exceed 10sqm and individual advertisement signs shall not exceed 6sqm.
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 excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; and	N/A

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM SIGN
	<p>(b) Advertisement signs (illuminated or 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 local government; and</p> <p>(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2sqm 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.	0.2sqm
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows)—</p> <p>(a) Dwellings</p> <p>(b) Multiple Dwellings, Shops, Commercial and Industrial projects</p> <p>(c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above.</p> <p>One additional sign showing the name of the project builder.</p>	<p>2sqm</p> <p>5sqm</p> <p>10sqm</p> <p>5sqm</p>
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2sqm
<p>Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows—</p> <p>(a) Dwellings</p>		Each sign shall not exceed an area of 2sqm

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM SIGN
(b) Multiple dwellings, shops, Commercial and Industrial Properties (c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha		Each sign shall not exceed an area of 5sqm Each sign shall not exceed an area of 10sqm
Display Homes Advertisement signs displayed or the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display. (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2sqm 5sqm

SCHEDULE A—SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

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

Clause 61(1)—

- (k) the erection or installation of a sign or advertisement of a class specified in Schedule 1 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed—
 - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area.
- (l) the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) abutting an unconstructed road or a lot which does not have frontage to a constructed road.
- (m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) abutting an unconstructed road or a lot which does not have frontage to a constructed road.
- (n) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the heritage list prepared in accordance with this Scheme; or
 - (iv) located within an area designated under the Scheme as a heritage area.

COUNCIL RESOLUTION TO ADVERTISE CONSOLIDATED LOCAL PLANNING SCHEME No. 1

Adoption by resolution of the Council of the Shire of Dumbleyung at the Ordinary Meeting of the Council held on the 20th day of November, 2014.

G. DAVIDSON, JP, President.
M. GILFELLON, Chief Executive Officer.

COUNCIL RESOLUTION TO SUPPORT CONSOLIDATED LOCAL PLANNING SCHEME No. 1 FOR APPROVAL

Council resolved to support approval of the Consolidated Local Planning Scheme No. 1 at the Ordinary Meeting of the Council held on the 17th day of November 2016 and the Common Seal of the Shire of Dumbleyung was hereunto affixed by the authority of a resolution of the Council in the presence of—

G. DAVIDSON, JP, President.
M. GILFELLON, Chief Executive Officer.

WAPC RECOMMENDATION FOR APPROVAL

P. BASKIND, Delegated under S.16
of the *Planning and Development Act 2005*.

Date 1 August 2017.

APPROVAL GRANTED

R. SAFFIOTI, Minister for Planning.

Date 23 August 2017.
