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PLANNING AND DEVELOPMENT ACT 2005

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**SHIRE OF DARDANUP**

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**TOWN PLANNING SCHEME  
No. 3—AMENDMENT No. 167**



**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Dardanup*  
Town Planning Scheme No. 3—Amendment No. 167

Ref: TPS/0091

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 Dardanup local planning scheme amendment on 10 June 2010 for the purpose of:

1. Deleting Clause 1.8 “Interpretation” and inserting the following—

**“1.8 Interpretation**

1.8.1 General definitions

In the Scheme—

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

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

**building envelope** means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

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

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

**development** means the development or use of land, including—

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) the carrying out on the land of any excavation or other works—
- (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
  - (i) is likely to change the character of that place or the external appearance of any buildings; or
  - (ii) would constitute an irreversible alteration of the fabric of any building;

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

**frontage**, when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Planning Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

**Gazettal date**, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 7(3) of the Town Planning Act;

**height** when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

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

**local government** means the Shire of Dardanup;

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

**lot** has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot;

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

**net lettable area (NLA)** means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;

(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;

(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

**non-conforming use** has the same meaning as it has in section 12(2)(a) of the Town Planning Act;

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

(a) is entitled to the land for an estate in fee simple in possession;

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;

(c) is a lessor or licensee from the Crown; or

(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

**place**, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

**plot ratio**, in the case of residential dwellings has the same meaning as in the Residential Planning Codes;

**precinct** means a definable area where particular planning policies, guidelines or standards apply;

**predominant use** means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

**premises** means land or buildings;

**Region Scheme** means the region scheme for the Greater Bunbury region published in the *Gazette* of 17 October 2007;

**Residential Planning Codes** means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;

**retail** means the sale or hire of goods or services to the public;

**substantially commenced** means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

**Town Planning Act** means the *Planning and Development Act 2005*;

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

**zone** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

### 1.8.2 Land use definitions

In the Scheme—

**aged or dependent person's dwelling** has the same meaning as in the *Residential Design Codes of Western Australia*;

**agriculture—extensive** means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;

**agriculture—intensive** means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—

(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;

(b) the establishment and operation of plant or fruit nurseries;

(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or

(d) aquaculture;

**agroforestry** means a stand of trees of greater than 1ha but less than 10ha, that has been established by sowing or planting or either native or exotic tree species and managed intensively for their commercial and/or environmental value. Agroforestry includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that plantations will be harvested;

**amusement parlour** means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

**ancillary accommodation** has the same meaning as in the *Residential Design Codes of Western Australia*;

**animal establishment** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;

**animal husbandry—intensive** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

**art and craft studio and sales** means an enterprise which produces, and/or offers for sale by retail, arts and crafts goods which cannot by virtue of the nature of the business be determined to fall within the definitions relating to a “home occupation” or “cottage industry” and that—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid waste or waste products;
- (b) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (c) may also entail the display and offer for sale by retail, arts and craft goods which were not produced on the site.

**bed and breakfast** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

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

**caravan park** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

**caretaker’s dwelling** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

**carpark** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

**cellar door sales** means the sale of beverages such as wine, cider, beer or similar products either alcoholic or non-alcoholic, from grapes or other fruit grown on-site, and made into beverages on-site.

**chalet—short stay accommodation** means a development designed for single occupancy (for up to a maximum 3 month stay in any 12 month period) and which comprises detached accommodation units, which may be full self-contained or not, and which are generally of single storey or split level construction and a character not dissimilar to farm dwellings or cabins;

**child care premises** has the same meaning as in the *Children and Community Services Regulations 2006*;

**civic use** means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;

**club premises** means premises used by a legally constituted club or association or other body of persons united by a common interest;

**communications infrastructure** means land used to accommodate any part of the infrastructure of a communications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a communications network (such as telecommunications, radio, television);

**community purpose** means the use of 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 consultants 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, or the retail sale of petrol and those convenience goods;
- (b) operated during hours which include, but may extend beyond, normal trading hours;
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300 square metres net lettable area;

**dry cleaning premises** means premises used for the cleaning of garments and other fabrics by chemical processes;

**eating house** means premises in which meals are served to the public for gain or reward, but does not include—

- (a) premises in respect of which a hotel licence, a tavern licence, a limited hotel licence, a restaurant licence or a wine house licence has been granted under the *Liquor Control Act 1988*;
- (b) a lodging house; or
- (c) any building or other structure used temporarily for serving meals to the public at any fair show, military encampment, races or other public sports, games or amusements.

- educational establishment** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- exhibition centre** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- extensive retail** means premises used for retail uses (such as carpet and home furnishing retailers) that require larger than normal floor space areas not otherwise considered by Council as being appropriate within shopping centres;
- family day care** means premises used to provide family day care within the meaning of the *Children and Community Services Regulations 2006*;
- fast food outlet** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
- fuel depot** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- funeral parlour** means premises used to prepare and store bodies for burial or cremation;
- grouped dwelling** has the same meaning as in the *Residential Design Codes of Western Australia*;
- home business** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- does not employ more than 2 people not members of the occupier's household;
  - will not cause injury to or adversely affect the amenity of the neighbourhood;
  - does not occupy an area greater than 50 square metres;
  - does not involve the retail sale, display or hire of goods of any nature;
  - in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
  - does not involve the use of an essential service of greater capacity than normally required in the zone;
- home occupation** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- does not employ any person not a member of the occupier's household;
  - will not cause injury to or adversely affect the amenity of the neighbourhood;
  - does not occupy an area greater than 20 square metres;
  - does not display a sign exceeding 0.2 square metres;
  - does not involve the retail sale, display or hire of goods of any nature;
  - in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
  - does not involve the use of an essential service of greater capacity than normally required in the zone;
- home office** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—
- entail clients or customers travelling to and from the dwelling;
  - involve any advertising signs on the premises; or
  - require any external change to the appearance of the dwelling;
- home store** means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;
- hospital** means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;
- hotel** means premises providing accommodation the subject of a hotel licence under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;
- industry** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—
- the storage of goods;
  - the work of administration or accounting;
  - the selling of goods by wholesale or retail; or
  - the provision of amenities for employees,
- incidental to any of those industrial operations;

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

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

**industry—dry** means any industrial use permitted by this Scheme where it can be demonstrated that the quality and volume of effluent to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems approved by the Health Department of Western Australia and the Department of Environmental Protection. In addition, development shall be restricted to the type which is predicted to generate wastewater intended for disposal on-site at a daily volume not exceeding 540 litres per 2000m<sup>2</sup> lot size

**industry—extractive** means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;

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

**industry—light** means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

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

**industry—noxious or hazardous** means an industry which, by reason of the processes involved or the method of manufacture or the nature of the material used or produced, requires isolation from adjacent land uses due to its off-site impacts;

**industry—rural** means—

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

**industry—service** means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

**liquor store** means premises in respect of which a store licence has been granted under the *Liquor Control Act 1988*;

**lunch bar** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

**medical centre** means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

**motel** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988*;

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

**motor vehicle repair** means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

**motor vehicle wash** means premises where the primary use is the washing of motor vehicles;

**multiple dwellings** has the same meaning as the Residential Design Codes of Western Australia;

**night club** means premises—

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Control Act 1988*;

- office** means premises used for administration, clerical, technical, professional or other like business activities;
- place of worship** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- plantation** means a stand of trees of 10 hectares or larger, that has been established by sowing or planting or either native or exotic tree species and managed intensively for their commercial and/or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that plantations will be harvested;
- private hotel** means land and a building or buildings the subject of a limited hotel licence granted under the provisions of the *Liquor Control Act 1988*;
- public amusement** means the use of land or a building or buildings as a theatre, cinema, dance hall, skating rink, swimming pool, gymnasium or for amusement games;
- reception centre** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- recreation—private** means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
- restaurant** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control Act 1988*;
- retail plant nursery** means premises used for the retailing of horticultural goods such as seeds, seedlings, bulbs, shrubs, trees or other nursery stock and may include as an incidental use, the sale of food and drinks, garden ornaments, herbicides, insecticides, gardening implements, plant containers, bagged fertilisers, bagged manures, bagged sand and bagged mulch
- roadhouse** means a land and a building or buildings with a basic use as a service station and a supplementary use as a restaurant providing minor shop facilities;
- rural pursuit** means any premises used for—
- the rearing or agistment of animals;
  - the stabling, agistment or training of horses;
  - the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
  - the sale of produce grown solely on the lot,
- but does not include agriculture—extensive or agriculture—intensive;
- service station** means premises used for—
- the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
  - the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,
- but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
- shop** means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;
- showroom** means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;
- single dwelling** has the same meaning as the Residential Design Codes of Western Australia;
- storage** means premises used for the storage of goods, equipment, plant or materials;
- tavern** means premises licensed as a tavern under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises;
- transport depot** means land or a building or buildings used for the parking or garaging or road motor vehicles which are used or intended to be used for the carriage of goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes the maintenance and report of such vehicles;
- veterinary centre** means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
- warehouse** means premises used to store or display goods and may include sale by wholesale;
- winery** means premises used for the production of viticultural produce and may include sale of the produce.”

2. Amending Clause 1.9 ‘Repeal’ by adding “Shire of Dardanup Town Planning Scheme No. 7 Industrial Development Area (3) Harris Road—Parkland Estate published in the *Government Gazette* of 1 February 1980 is hereby revoked.”



## 3. Inserting the following new “Part IA—Reserved Land”—

**“PART IA—RESERVED LAND****1.10 Reserves**

Certain lands within the Scheme area are classified as—

- (a) Regional Reserves; or
- (b) Local Reserves.

**1.11 Regional Reserves**

- 1.11.1. The lands shown as “Regional Reserves” on the Scheme Map are lands reserved under the Greater Bunbury Region Scheme and are shown on the Scheme Map for the purposes of the *Planning and Development Act 2005*. These lands are not reserved under the Scheme.
- 1.11.2. The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

*Note: The provisions of the Greater Bunbury Region Scheme continue to apply to such Reserves and approval is required under the Greater Bunbury Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.*

**1.12. Local Reserves**

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

**1.13. Use and development of Local Reserves**

- 1.13.1. 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.
- 1.13.2. In determining an application for planning approval the local government is to have due regard to—
  - (a) the matters set out in clause 10.2; and
  - (b) the ultimate purpose intended for the Reserve.
- 1.13.3. 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.”

## 4. Deleting “Part II—Zones” and inserting the following—

**“PART II—ZONES AND THE USE OF LAND****2.1 Zones**

- 2.1.1 The Scheme is classified into the zones shown on the Scheme Map.
- 2.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

**2.2 Objectives of the zones**

The objectives of the zones are—

**Residential Zone**

- To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community.
- To enhance the character and amenity of residential areas.
- To provide for residential development at a range of densities with a variety of housing types to meet the needs of the community.
- To provide an opportunity for residents to undertake occupations ancillary to the use of their dwelling that are compatible in character, scale and operation with the residential use and which will not have an adverse affect upon the existing character and amenity of these areas.

**Short Stay Residential Zone**

- To provide for the development of short stay accommodation to meet the accommodation needs of tourists.

**Business-Commercial Zone**

- To ensure that the zone develops and continues to function effectively as the principal place for retail shopping, commercial, civic and administrative activity.
- To encourage a high standard of development which serves to enhance the character of the zone.
- To encourage the retention and development of features which enhance the appearance of the zone, give it character and provide a sense of identity.
- To maintain safety and efficiency of traffic flows and ensure that adequate provision is made for the circulation and parking of vehicles ensuring the welfare and safety of pedestrians.

- 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 preclude the storage of bulky and unsightly goods where they may be in public view.

**Mixed Business Zone**

- To provide for a variety of commercial activities such as warehouses, showrooms, service industries, offices, wholesaling, motor repair facilities and extensive retail which by virtue of their scale and character are generally not appropriate to, or cannot conveniently or economically, be accommodated within the Business-Commercial or Industry zones.
- To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the service area.

**Light Industry Zone**

- To provide for light and service industries and associated uses.

**General Industry Zone**

- To provide for a wide range of industrial and associated activities, which can be undertaken without undue constraints on operational performance, so as to meet the needs of the wider community for industrial services and facilities.

**Other Community Zone**

- To provide for uses that are of a community nature and/or civic purpose that would ordinarily not be suitable in other zones.

**General Farming Zone**

- To provide for a wide variety of productive farming activities, ranging from broadacre grazing to horticulture, which are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect areas of significant agricultural value, particularly those in irrigation districts, from conflicting land uses.
- To facilitate low-key tourist development where it is incidental to the use of the land for farming purposes and where land use conflict can be minimised.

**Small Holding Zone**

- To provide for residential development within a rural setting, where the predominant land use is residential.

**Tourist Zone**

- To provide for land uses and development to enable tourist activities.

**Development Zone**

- To provide for the orderly planning of large areas of land through a comprehensive Structure Plan which is able to respond to changing circumstances throughout the developmental stages of the area.

**2.3 Zones and Uses**

2.3.1 The Zoning Table contained in Appendix I indicates, subject to the provisions of the Scheme, the uses permitted in the various zones shown on the Zoning Table. The uses as permitted are 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.

2.3.2 The symbols used in the cross references 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 7.2.2;

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

2.4.2 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 7.2.4.*

*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.*

#### **2.4. Interpretation of the Zoning Table**

2.4.1. 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.

2.4.2. 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 7.2.2 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."
-

5. Deleting "Appendix I—Zoning Table" and inserting the following—

**APPENDIX I—ZONING TABLE**

USE CLASS	Residential														Development				
	Residential	Short Stay Residential	Business-Commercial	Car Park	Mixed Business	Light Industry	General Industry	Noxious and Hazardous Industry	Public Utilities	School	Other Community	Recreation	General Farming	Forestry		Small Holding	Tourist	Additional Use	Restricted Use
Aged or Dependent Person's Dwelling	D	X	X	X	X	X	X	X	X	X	D	X	X	X	X	X	#	#	#
Agriculture—Extensive	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	D	#	#	#
Agriculture—Intensive	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	D	#	#	#
Agroforestry	X	X	X	X	X	X	X	X	X	X	X	X	D	D	X	X	#	#	#
Amusement Parlour	X	X	A	X	X	X	X	X	X	X	X	X	X	X	X	X	#	#	#
Ancillary Accommodation	D	X	X	X	X	X	X	X	X	X	X	X	D	X	D	X	#	#	#
Animal Establishment	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	X	#	#	#
Animal Husbandry—Intensive	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	X	#	#	#
Art and Craft Studio and Sales	X	X	P	X	P	P	X	X	X	X	X	X	D	X	A	D	#	#	#
Bed and Breakfast	A	D	X	X	X	X	X	X	X	X	X	X	D	X	D	D	#	#	#
Betting Agency	X	X	D	X	D	X	X	X	X	X	X	X	X	X	X	X	#	#	#
Caravan Park	X	P	X	X	X	X	X	X	X	X	X	X	D	X	X	D	#	#	#
Caretaker's Dwelling	X	D	D	X	D	D	X	D	X	X	D	X	D	X	X	D	#	#	#
Carpark	D	D	D	P	D	D	X	X	D	D	D	D	D	D	D	D	#	#	#
Cellar Door Sales	X	X	X	X	X	X	X	X	X	X	X	X	D	X	A	D	#	#	#
Chalets—Short Stay Accommodation	X	P	X	X	X	X	X	X	X	X	X	X	D	D	X	D	#	#	#
Child Care Premises	A	X	D	X	X	X	X	X	X	X	P	X	X	X	X	X	#	#	#
Civic Use	D	X	P	X	D	D	X	X	D	D	D	D	D	D	A	D	#	#	#
Club Premises	X	X	D	X	A	D	X	X	X	X	X	X	A	D	A	X	#	#	#

USE CLASS	Residential																		
	Residential	Short Stay Residential	Business-Commercial	Car Park	Mixed Business	Light Industry	General Industry	Noxious and Hazardous Industry	Public Utilities	School	Other Community	Recreation	General Farming	Forestry	Small Holding	Tourist	Additional Use	Restricted Use	Development
Communications Infrastructure	A	A	D	D	D	D	D	X	D	D	D	D	D	D	A	D	#	#	#
Community Purpose	X	X	D	X	D	D	X	X	D	D	P	D	D	D	A	D	#	#	#
Consulting Rooms	X	X	P	X	P	X	X	X	X	X	X	X	X	X	X	X	#	#	#
Convenience Store	X	X	D	X	D	X	X	X	X	X	X	X	X	X	X	X	#	#	#
Dry Cleaning Premises	X	X	X	X	D	X	P	P	X	X	X	X	X	X	X	X	#	#	#
Eating House	X	D	D	X	P	X	X	X	X	X	X	D	D	X	X	D	#	#	#
Educational Establishment	A	X	D	X	D	X	X	X	X	P	D	D	A	A	X	X	#	#	#
Exhibition Centre	X	X	D	X	D	X	X	X	X	X	X	X	A	X	X	A	#	#	#
Extensive Retail	X	X	D	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	#
Family Day Care	A	A	X	X	X	X	X	X	X	X	X	X	X	X	D	D	#	#	#
Fast Food Outlet	X	X	D	X	A	X	X	X	X	X	X	X	X	X	X	X	#	#	#
Fuel Depot	X	X	X	X	X	D	P	P	X	X	X	X	X	X	X	X	#	#	#
Funeral Parlour	X	X	D	X	D	D	X	X	X	X	X	X	X	X	X	X	#	#	#
Grouped Dwellings	D	X	X	X	X	X	X	X	X	X	X	X	D	X	D	X	#	#	#
Home Business	D	D	X	X	X	X	X	X	X	X	X	X	D	X	D	D	#	#	#
Home Occupation	D	D	X	X	X	X	X	X	X	X	X	D	D	X	D	D	#	#	#
Home Office	D	D	X	X	X	X	X	X	X	X	X	D	X	X	D	D	#	#	#
Home Store	A	A	X	X	X	X	X	X	X	X	X	A	X	X	X	X	#	#	#
Hospital	X	X	D	X	D	X	X	X	X	X	P	X	X	X	X	X	#	#	#
Hotel	X	X	A	X	A	X	X	X	X	X	X	X	X	X	X	A	#	#	#
Industry—Cottage	D	D	D	X	D	X	X	X	X	X	X	X	D	X	D	D	#	#	#
Industry—Dry	X	X	X	X	X	D	X	X	X	X	X	X	X	X	X	X	#	#	#
Industry—Extractive	X	X	X	X	X	X	P	P	X	X	X	X	A	X	X	X	#	#	#

USE CLASS	Residential																		
	Residential	Short Stay Residential	Business-Commercial	Car Park	Mixed Business	Light Industry	General Industry	Noxious and Hazardous Industry	Public Utilities	School	Other Community	Recreation	General Farming	Forestry	Small Holding	Tourist	Additional Use	Restricted Use	Development
Industry—General	X	X	X	X	X	D	P	D	X	X	X	X	X	X	X	X	#	#	#
Industry—Light	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	X	#	#	#
Industry—Mining	X	X	X	X	X	X	A	X	X	X	X	A	X	X	X	X	#	#	#
Industry—Noxious or Hazardous	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	#	#	#
Industry—Rural	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X	X	#	#	#
Industry—Service	X	X	X	X	D	P	P	X	X	X	X	X	X	X	X	X	#	#	#
Liquor Store	X	X	A	X	A	X	X	X	X	X	X	X	X	X	X	X	#	#	#
Lunch Bar	X	X	D	X	D	D	D	X	X	X	X	X	X	X	X	X	#	#	#
Medical Centre	X	X	D	X	D	X	X	X	X	X	X	X	X	X	X	X	#	#	#
Motel	A	P	X	X	X	X	X	X	X	X	X	X	X	X	X	A	#	#	#
Motor Vehicle Repair	X	X	D	X	X	D	D	P	X	X	X	X	X	X	X	X	#	#	#
Motor Vehicle Wash	X	X	D	X	D	D	D	P	X	X	X	X	X	X	X	X	#	#	#
Motor Vehicle, Boat or Caravan Sales	X	X	D	X	X	D	D	X	X	X	X	X	X	X	X	X	#	#	#
Multiple Dwellings	A	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	#	#	#
Night Club	X	X	A	X	A	X	X	X	X	X	X	X	X	X	X	X	#	#	#
Office	X	X	P	X	P	X	X	D	X	X	X	X	X	X	X	X	#	#	#
Place of Worship	A	X	D	X	D	A	X	X	X	X	A	X	X	X	X	X	#	#	#
Private Hotel	X	X	A	X	A	X	X	X	X	X	X	X	X	X	X	A	#	#	#
Public Amusement	X	X	D	X	D	X	X	X	X	X	D	A	X	X	X	A	#	#	#
Reception Centre	X	X	D	X	D	X	X	X	X	X	X	X	X	X	X	D	#	#	#
Recreation—Private	X	X	D	X	D	D	X	X	X	X	X	X	A	X	X	X	#	#	#
Restaurant	X	D	D	X	P	X	X	X	X	X	X	D	A	X	X	A	#	#	#

USE CLASS	Residential														Development			
	Residential	Short Stay Residential	Business-Commercial	Car Park	Mixed Business	Light Industry	General Industry	Noxious and Hazardous Industry	Public Utilities	School	Other Community	Recreation	General Farming	Forestry		Small Holding	Tourist	Additional Use
Retail Nursery	X	X	D	X	X	D	D	X	X	X	X	X	D	X	X	D	#	#
Roadhouse	X	X	X	X	D	D	X	X	X	X	X	X	D	X	X	D	#	#
Rural Pursuit	X	X	X	X	X	X	X	X	X	X	X	X	P	X	P	D	#	#
Service Station	X	X	X	X	P	P	P	X	X	X	X	X	X	X	X	X	#	#
Shop	X	X	P	X	X	X	X	X	X	X	D	X	X	X	X	D	#	#
Showroom	X	X	X	X	P	P	P	X	X	X	X	X	X	X	X	X	#	#
Single Dwelling	P	D	X	X	X	X	X	X	X	X	X	X	P	P	P	D	#	#
Storage	X	X	D	X	X	P	P	X	X	X	X	X	X	X	X	X	#	#
Tavern	X	X	A	X	D	X	X	X	X	X	X	X	X	X	X	A	#	#
Transport Depot	X	X	X	X	X	D	P	P	X	X	X	X	X	X	X	X	#	#
Veterinary Centre	X	X	D	X	D	D	D	X	X	X	X	X	D	X	X	X	#	#
Warehouse	X	X	X	X	D	D	D	X	X	X	X	X	X	X	X	X	#	#
Winery	X	X	X	X	X	X	X	X	X	X	X	X	D	X	A	A	#	#

“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 7.2;  
 “X” means a use that is not permitted by the Scheme.  
 # — Permitted uses as marked on Scheme Plans or Structure Plans or as stated in Appendix 4 or 5.

6. Deleting "Appendix II—Development Table Part B—Non Residential Land Uses" and inserting the following—

**APPENDIX II—SETBACKS AND LANDSCAPING**

Zone	Setbacks (Minimum)*			Landscaping (Minimum)
	Front	Rear	Side	
Industry—Light	10m	10m#	5m#	1. 3m wide abutting all streets, except for approved crossovers. 2. Council approved canopy shade trees at the rate of 1 tree for every 4 open air parking bays.
Industry—General	10m	10m#	5m#	
General Farming	20m primary street 20m secondary street	20m	20m	
Small Holding	20m primary 20m secondary	10m	10m	
Business-Commercial	As determined by Council			1. 3m wide abutting all streets, except for approved crossovers, or as determined by Council. 2. Council approved canopy shade trees at the rate of 1 tree for every 4 open air parking bays.
Mixed Business	As determined by Council			
Bushland Development Zone	As Per Clause 3.16.8			
Residential	As Per the Residential Design Codes			
Carpark	2m	2m	1.5m	Council approved canopy shade trees at the rate of 1 tree for every 4 open air parking bays.

\*Where there is the presence of a water course or water body, setback applicable is 30m.

#Minimum setbacks are as shown above, unless otherwise determined by Council.



## APPENDIX IIA—CARPARKING

<b>Development/Use</b>	<b>Parking Requirement (Minimum Number of Bays)</b>
Animal Establishment	1 space for every 10 animals the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Caravan Park	1 space per caravan or camp site, plus 1 visitor space per 20 caravan or camp sites with a minimum of 4 visitor spaces
Caretaker's Dwelling	2 spaces (as for Single House under the Residential Design Codes)
Child Care Premises	1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Civic Use	1 space for every 4 persons the facility is designed to accommodate
Club Premises	1 space for every 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 4m <sup>2</sup> used for tables and chairs, whichever is the greater
Consulting Rooms	5 spaces for every consulting room.
Convenience Store	1 space for every 15m <sup>2</sup> net lettable area, plus Service Station requirements
Educational Establishment – Pre-Primary	1 space for every staff member, plus 1 space for every 2 students
– Primary School	1 space for every staff member, plus 14 drop-off spaces for every 100 students (may include on-street spaces)
– Secondary School	1 space for every staff member, plus 7 drop-off spaces for every 100 students (may include on-street spaces)
– Tertiary Institution	1 space for every staff member, plus 1 space for every 5 students
Fast Food Outlet	1 space for every 2.5m <sup>2</sup> queuing area with a minimum of 4 spaces, plus 1 space for every 5m <sup>2</sup> seating area, plus 4 car queuing spaces for any drive through facility.
Funeral Parlour	1 space for every 4 persons for which any assembly area is designed, or 1 space for every 2.5m <sup>2</sup> seating area, whichever is greater. Minimum 4 spaces
Homestore	1 space for every 15m <sup>2</sup> net lettable area with a minimum of 4 spaces, plus requirements under the Residential Design Codes for a single house
Hospital	1 space for every 4 patients beds plus 1 space for each staff member on duty at any one time
Hotel, Motel or Tavern	1 space for every 2m <sup>2</sup> of bar area, plus 1 space for every 4m <sup>2</sup> of lounge or beer garden area; 1 space for every 4 seats which an eating area is designed to provide or 1 space for every 4m <sup>2</sup> of eating area, whichever is the greater 1 space for every 4 seats provided in assembly area, or 1 space for every 2.5m <sup>2</sup> of assembly seating area, whichever is the greater 1 space for each bedroom or residential unit.
Industry—General	1 space for every 100m <sup>2</sup> open space used for such purposes, plus 1 space for every 100m <sup>2</sup> gross floor area Minimum 4 spaces per tenancy or unit
Industry—Light	1 space for every 100m <sup>2</sup> open space used for such purposes, plus 1 space for every 100m <sup>2</sup> gross floor area Minimum 4 spaces per tenancy or unit
Industry—Rural	1 space for every employee not living on the site Minimum 4 spaces

<b>Development/Use</b>	<b>Parking Requirement (Minimum Number of Bays)</b>
Lunch Bar	1 space for every 15m <sup>2</sup> net lettable area Minimum 4 bays
Medical Centre	4 spaces for every consulting room, plus 1 space for every employee
Motor Vehicle Repair	4 spaces to each service bay, or 1 space for every 50m <sup>2</sup> gross floor area, whichever is the greater
Motor Vehicle, Boat or Caravan Sales	1 space for every 100m <sup>2</sup> display area. Minimum 4 spaces
Night Club	1 space for every 2m <sup>2</sup> of public bar area, plus 1 space for every 4m <sup>2</sup> of lounge/garden area
Office	1 space for every 40 m <sup>2</sup> net lettable area
Place of Worship	1 space for 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 2.5m <sup>2</sup> seating area, whichever is the greater
Public Amusement	1 space for every 5 seats or 1 space for every 5 persons the facility is designed to accommodate, or 1 space for every 2.5m <sup>2</sup> net seating area, whichever is the greater
Recreation—Private Gym/Health Studio Other Spectator Seating Staff	1 space for every 10m <sup>2</sup> net floor area 1 space for every 20m <sup>2</sup> active area 1 space for every 4 seats provided 1 space for every staff member present during peak operation
Restaurant or Reception Centre	1 space for every 4 seats or 1 space for every 4 persons the building is designed to accommodate or 1 space for every 4m <sup>2</sup> seating area, whichever is the greater
Service Station	4 spaces for every service bay
Shop	1 space for every 15m <sup>2</sup> net lettable area (6.7 spaces per 100m <sup>2</sup> NLA) Minimum 4 spaces
Showroom	1 space for every 50m <sup>2</sup> gross leasable floor area Minimum of 4 spaces per tenancy or unit
Transport Depot	1 space for every 100m <sup>2</sup> gross floor area Minimum 4 spaces
Veterinary Centre	4 spaces per veterinary practitioner
Warehouse	1 space for every 100m <sup>2</sup> gross floor area. Minimum 4 spaces for every tenancy or unit.

7. Deleting Clause 3.3.1 and renumbering clauses 3.3.2 to 3.3.9.

8. Deleting Clause 3.9 “Landscaping and Use of Land Between the Setback Line and Street Alignment” and insert the following—

**“3.9 INDUSTRIAL ZONED LAND DEVELOPMENT STANDARDS**

- 3.9.1 In areas zoned “Light Industry”, the maximum lot size shall be 1ha.
- 3.9.2 On land not exceeding 4000m<sup>2</sup> in area in any of the Industry Zones, the area of land between the setback line and the street alignment may be developed and used in accordance with and for the purposes shown on one or other of the diagrams shown in Appendix III or in such other manner as shall be approved by the Council.
- 3.9.3 Where a comprehensive reticulated sewerage system is not available to a proposed industrial use, the Council may grant planning approval which permits onsite effluent disposal provided such usage does not generate a daily volume of wastewater exceeding 540 litres per 2000m<sup>2</sup> of lot size and site conditions are suitable for onsite wastewater disposal.
- 3.9.4 All new effluent disposal systems should be of a type designed specifically to minimise nutrient discharge to the groundwater and operate successfully where the clearance from highest groundwater to the surface is a minimum of 1m.
- 3.9.5 Council may require the applicant to construct the street façade of any building or office within an Industry Zone of masonry, brick, concrete or other material specified by the Council.
- 3.9.6 The Council may require an applicant (at the applicant’s expense) to provide it with scientific and/or technical information or analysis in respect of any industrial use or development.”

9. Deleting Clause 3.11 “Factory Tenement Buildings and Factoryettes” and replacing it with the current Clause 3.19 “Dry Industry Use”.
10. Deleting Clause 7.3.5 and inserting the following—
- “7.3.5 Term of planning approval**
- 7.3.5.1 Where the local government grants planning approval for the development of land—
- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.
- 7.3.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.”
11. Inserting the following new Clause 7.13—
- “7.13 Amending or revoking a planning approval**
- 7.13.1 The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.”
12. Inserting the following new Appendix 7B—

**“Appendix 7B**  
**NOTICE OF REVOCATION OR AMENDMENT OF PLANNING APPROVAL**  
**PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)**  
**SHIRE OF DARDANUP**  
**NOTICE OF REVOCATION OR AMENDMENT OF PLANNING APPROVAL**

**Location:****Type of Development:**

submitted by:

on behalf of:

**Application Date:****Approval Date:**

The planning approval is—

- Revoked.
- Amended.

**Reasons for Revocation / Amendment:****Additional Conditions of Approval:****Deleted Conditions of Approval:****Revised Conditions of Approval:**

.....  
*Manager Planning Services*  
*For and on behalf of the Shire of Dardanup”*

13. Deleting the following Zones from the legend of the Scheme Map—  
 Special Residential, Office, Other Commercial, Service Commercial, and Intensive Farming.
14. Replace “Tourist Use” zone within the Scheme text to “Tourist”.
15. Rezoning Lot 123 Swan Avenue, Eaton from “Residential R20” to “Recreation”.
16. Zoning land bounded by Harris Road, Martin-Pelusey Road and the Railway Line Reserve to “Light Industry” and “General Industry” as shown on the Scheme Amendment Map.
17. Renumbering “R2” relating to Lots 104 and 105 Columbus Drive within Appendix V—“Restricted Use Zones” to “R3”.

18. Renumbering “R8” relating to portion of Lot 352 Moore Road within Appendix V—“Restricted Use Zones” to “R11”.
19. Renumbering “Area 5” relating to Lots 300, 314 and 373 Harold Douglas Drive and Killarney Road within Appendix VIII—“Additional Requirements—Small Holding Zones” to “Area 6”.
20. Renumbering “Area 13” relating to portion of Lot 1393 Wellington Mill Road within Appendix VIII—“Additional Requirements—Small Holding Zones” to “Area 15”.
21. Renumbering “Area 13” relating to Lot 3 and part of Lot 4 Kingtree Road Wellington Mill within Appendix VIII—“Additional Requirements—Small Holding Zones” to “Area 16”.
22. Amend the Scheme Map and Text accordingly.

B. G. DAY, President.  
M. L. CHESTER, Chief Executive Officer.

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