

# **SHIRE OF SHARK BAY**

## **LOCAL PLANNING SCHEME NO 4**

## SHIRE OF SHARK BAY LPS 4 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

## **PREAMBLE**

This Local Planning Scheme of the Shire of Shark Bay consists of this Scheme Text, the Scheme Maps and the deemed provisions (as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*). The Scheme Text should be read with the Shire of Shark Bay Local Planning Strategy.

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

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for Special Control Areas.

# Table of Contents

<b>PART 1 - PRELIMINARY</b> .....	<b>1</b>
1. Citation .....	1
2. Commencement .....	1
3. Scheme revoked .....	1
4. Notes do not form part of Scheme .....	1
5. Responsibility for Scheme .....	1
6. Scheme area .....	1
7. Contents of Scheme .....	1
8. Purposes of Scheme .....	1
9. Aims of Scheme .....	2
10. Relationship with local laws .....	2
11. Relationship with other planning schemes .....	2
12. Relationship with region planning scheme .....	2
<b>PART 2 - RESERVES</b> .....	<b>3</b>
13. Regional Reserves .....	3
14. Local reserves .....	3
15. Additional uses for local reserves .....	5
<b>PART 3 - ZONES AND USE OF LAND</b> .....	<b>6</b>
16. Zones .....	6
17. Zoning Table .....	10
18. Interpreting zoning table .....	12
19. Additional Uses .....	14
20. Restricted Uses .....	17
21. Special Use zones.....	17
22. Non-conforming uses .....	17
23. Changes to non-conforming use.....	17
24. Register of non-conforming uses .....	18
<b>PART 4 - GENERAL DEVELOPMENT REQUIREMENTS</b> .....	<b>19</b>
25. R-Codes .....	19
26. Modification of R-Codes .....	19
27. State Planning Policy 3.6 to be read as part of the Scheme .....	20
28. Modification of State Planning Policy 3.6 .....	20
29. Other State Planning Policies to be read as part of Scheme.....	20
30. Modification of State planning policies .....	20
31. Environmental Conditions.....	20
32. Additional site and development requirements .....	20

32.1 Land Subject to Inundation .....	20
32.2 Residential and Urban Development Zone .....	21
32.3 Commercial Zone .....	21
32.3.1 Conditions and Standards .....	21
32.3.2 Design Requirements .....	22
32.3.3 Development Requirements .....	22
32.3.4 Accommodation Requirements .....	22
32.3.5 Subdivision Requirements .....	23
32.3.6 Development and Car Parking Standards .....	24
32.3.7 Loading and Unloading .....	24
32.4 Tourism Zone .....	24
32.4.1 Conditions and Standards .....	24
32.4.2 Design Requirements .....	24
32.4.3 Development requirements .....	25
32.4.4 Carparking standards .....	25
32.4.5 Loading and Unloading .....	25
32.5 General Industry Zone .....	25
32.5.1 Development Standards .....	25
32.5.2 Factory Unit Development .....	26
32.5.3 Caretakers Dwellings in the General Industry Zone .....	26
32.5.4 Landscape Treatment .....	26
32.5.6 Loading and Unloading .....	27
32.5.7 Vehicle Wrecking .....	27
32.5.8 Carports/Pergolas .....	27
32.6 Rural Zone .....	27
32.7 Parking of Commercial Vehicles in Residential Areas .....	27
32.8 Amenity Control of Non-Residential Buildings and Structures .....	29
32.9 Repurposed Dwelling or Second Hand Dwelling .....	29
32.10 Temporary Workforce Accommodation .....	29
32.11 Derelict Vehicles .....	30
32.12 Rear Access and Loading Docks .....	30
32.13 View Corridors – Rural Areas .....	30
32.14 Visual Impact of Landuse and Development near the coast or along major Tourist routes .....	30
32.15 Holiday Homes in Residential Zones .....	31
32.16 Car Parking .....	33
32.16.1 Car Parking Requirements .....	33
32.16.2 Conditions of Development Approval .....	33

TABLE 3 CAR PARKING REQUIREMENTS.....	34
32.16.3    Off Street Parking.....	34
32.16.4    Shared or Combined Parking .....	35
32.16.5    Standards.....	35
32.16.6    Landscaping, Construction & Maintenance.....	35
32.16.7    Commercial and Tourism Zone .....	36
32.17 Control of Advertising.....	37
32.17.1    Power to Control Advertisements .....	37
32.17.2    Existing Advertisements .....	37
32.17.3    Consideration of Applications .....	37
32.17.4    Scheme To Prevail .....	38
32.17.5    Enforcement & Penalties.....	38
33. Additional site and development requirements for areas covered by structure, activity centre plan or local development plan .....	38
34. Variations to site and development standards and requirements.....	38
35. Restrictive Covenants.....	38
<b>PART 5 - SPECIAL CONTROL AREAS.....</b>	<b>40</b>
36. Special control areas.....	40
37. Shark Bay World Heritage Property (SCA(a)).....	40
37.1        Application Requirements.....	40
37.2        Relevant Considerations .....	40
37.3        Referral of Applications .....	41
38. Denham Public Drinking Water Resource Protection Areas (SCA (b)).....	41
<b>PART 6 - TERMS REFERRED TO IN SCHEME.....</b>	<b>42</b>
Division 1 - General definitions used in Scheme .....	42
39. Terms used .....	42
Division 2 – Land use terms used in Scheme .....	45
40. Land use terms used.....	45
<b>SCHEDULES.....</b>	<b>56</b>
SCHEDULE A – SUPPLEMENTARY TO DEEMED PROVISIONS.....	57
SCHEDULE B – SPECIAL USE ZONES (Clause 21) .....	59
SCHEDULE C – EXEMPTED ADVERTISEMENTS.....	80
<b>APPENDIX 1 - CARPARKING LAYOUTS.....</b>	<b>83</b>

## PART 1 - PRELIMINARY

### 1. Citation

This local planning scheme is the Shire of Shark Bay Local Planning Scheme No 4.

### 2. Commencement

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

### 3. Scheme revoked

The following local planning scheme is revoked -

Shire of Shark Bay Local Planning Scheme No. 3 - Gazetted 7th March 2008

### 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 Shark Bay is the local government responsible for the enforcement 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.

### 7. Contents of Scheme

(1) 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 Scheme Map (Sheets 1-9); and
- (c) the supplemental provisions contained in Schedule A of the Scheme.

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

### 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 development including processes for the preparation of structure plans, activity centre plans and local development plans; 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 through development contribution plans; 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 safeguard and enhance the character and amenity of the built and natural environment of the Denham townsite and surrounds;
- (b) to provide for housing choice and variety in neighbourhoods with a community identity and high levels of amenity;
- (c) to ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities;
- (d) to ensure there is a sufficient supply of serviced and suitable land for housing, employment, tourism, commercial activities, community facilities, recreation and open space;
- (e) to assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment;
- (f) to impose special conditions for development of land within Denham to mitigate the adverse effects of land subject to inundation and other physical constraints;
- (g) to set policies for the preservation of sites of historic and heritage value;
- (h) to protect and enhance the environmental values and natural resources of the Shire and to promote ecologically sustainable land use and development;
- (i) to implement policies for the use of land in compliance with the objectives of the World Heritage listing of the region; and
- (j) to provide development policies and controls for the purpose of maintaining the orderly and properly planned use and development of land within the Scheme Area.

## **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 planning schemes**

There are no other local planning schemes of the Shire of Shark Bay 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

- (1) 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 on the Scheme Map.

- (3) The objectives of each local reserve are as follows:

(a) Civic and Community:

- (i) To provide for a range of community facilities which are compatible with surrounding development.
- (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.

(b) Environmental Conservation:

- (i) To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.
- (ii) To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
- (iii) Provide for preservation, protection, rehabilitation and restoration of the natural attributes and/ or environmental values of an area, place, land parcel or reserve.
- (iv) Accommodate a wide of range of development that contributes towards increased safety, security, enhancement or ongoing management of an area, place, land parcel or reserve.
- (v) Cater for programs and activities that promote education, research and increased public awareness of minimising environmental impact when visiting a conservation reserve.
- (vi) Promote development that enhances public enjoyment of land reserved conservation balanced with the need to protect, mitigate, control and/or manage impacts on the natural environment.

(c) Primary Distributor Road:

- (i) To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.

- (d) District Distributor Road:
  - (i) To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
  - (ii) Cater for a wide variety of development to the discretion of the local government where there is economic or community benefit, particularly uses that will increase the enjoyment of the area for visitors without impacting on the amenity of the locality or negatively impacting on traffic and pedestrian safety.
- (e) Local Distributor Road:
  - (i) To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
  - (ii) Cater for a wide variety of development to the discretion of the local government where there is economic or community benefit, particularly uses that will increase the enjoyment of the area for visitors without impacting on the amenity of the locality or negatively impacting on traffic and pedestrian safety.
- (f) 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.
  - (ii) Cater for a wide variety of development to the discretion of the local government where there is economic or community benefit, particularly uses that will increase the enjoyment of the area for visitors without impacting on the amenity of the locality or negatively impacting on traffic and pedestrian safety.
- (g) Public Open Space:
  - (i) To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005* s.152.
  - (ii) To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
  - (iii) Accommodate a wide range of development including and not limited to buildings, structures, landscaping, amenities, carparks, caravan parks, campsites, or other activities for the general enjoyment, relaxation, exercise, play or entertainment of the local community, visitors, tourists and the general public.
- (h) Public Purposes:
  - (i) To provide for a range of essential physical and community infrastructure.
- (i) Drainage / Waterways
  - (i) To set aside land for significant waterways and drainage.

- (ii) To cater for development that relies on a waterway location and does not detrimentally impact on any applicable World Heritage values or other values, cause negative visual impact, or restrict access to public areas.
- (iii) To accommodate public jetties, facilities or structures constructed by the local or state government.
- (iv) To accommodate development that provides a benefit to the community, economic or employment opportunities and / or enhances tourism experiences.
- (j) Cemetery
  - (i) To set aside land required for a cemetery.
- (k) Education
  - (i) Public Purposes which specifically provide for a range of essential education services.
- (l) Emergency Services
  - (i) Public Purposes which specifically provide for a range of essential emergency services.
- (m) Government Services
  - (i) Public Purposes which specifically provide for a range of government services.
- (n) Infrastructure Services
  - (i) Public Purposes which specifically provide for a range of essential infrastructure services.
- (o) Medical Services
  - (i) Public Purposes which specifically provide for a range of essential medical services.
- (p) Special Purpose
  - (i) To set aside land for a special purpose.
  - (ii) Purposes that do not comfortably fit in any other reserve classification.

## **15. Additional uses for local reserves**

- (1) There are no additional uses for land in local reserves that apply to this Scheme.
- (2) Despite anything contained within Clause 14, a reserve may be used by the local government for the purposes of developing or maintaining public infrastructure.

## 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 –

Zone name	Zone Objectives
Residential	<ul style="list-style-type: none"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> <li>• To provide for tourist development which is compatible with and complementary to residential development.</li> </ul>
Urban Development	<ul style="list-style-type: none"> <li>• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</li> <li>• To provide for a range of residential densities to encourage a variety of residential accommodation.</li> <li>• To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> <li>• To encourage new quality buildings / redevelopment that is not constrained by the characteristics of older developments in the locality and that will positively improve streetscape variation, add interest to the streetscape or introduce landmark features.</li> </ul>

Zone name	Zone Objectives
Commercial (continued)	<ul style="list-style-type: none"> <li>• To actively encourage the establishment of retail uses and commercial activity that attracts people into the Commercial Zone as the prime town centre of the local government and contribute towards the vibrancy of Denham.</li> <li>• To limit the extent of short stay and residential accommodation in the Commercial zone.</li> <li>• To ensure that new development provides elements that promote a marine and coastal theme based on historic identity of the town as a fishing village and the unique environment represented by Shark Bays World Heritage Listing.</li> <li>• To have some regard for views from lots between Hughes Street and the foreshore however balance the assessment with the overarching need to achieve high quality new development in the Commercial zone.</li> <li>• To ensure subdivision in the Commercial zone does not occur in an ad hoc manner and maximize robustness of lots to facilitate new development or redevelopment and cater for a wide range of commercial uses.</li> <li>• 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 or improve the existing streetscape.</li> </ul>
Tourism	<ul style="list-style-type: none"> <li>• To promote and provide for tourism opportunities.</li> <li>• To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.</li> <li>• To allow limited residential uses where appropriate.</li> <li>• To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.</li> <li>• To cater for commercial landuses predominately associated with provision of services to tourists or that are compatible with surrounding tourist uses.</li> <li>• To protect and wherever possible enhance the special characteristics and amenity of the area that are attractive to tourists.</li> </ul>

Zone name	Zone Objectives
Tourism (continued)	<ul style="list-style-type: none"> <li>• The need to minimise encroachment of commercial development and retail uses that do not directly relate to tourism or tourist uses.</li> <li>• To ensure that any development is compatible with short stay and tourist accommodation and do not negatively impact on surrounding properties by virtue of noise, emission, traffic, loading areas or the like.</li> </ul>
Special Use	<ul style="list-style-type: none"> <li>• To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> <li>• To enable the Council to impose specific conditions associated with the special use.</li> <li>• To provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality but by their nature require specific consideration.</li> </ul>
General Industry	<ul style="list-style-type: none"> <li>• To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>• Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
Rural	<ul style="list-style-type: none"> <li>• To provide for the maintenance or enhancement of specific local rural character.</li> <li>• To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> <li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>• To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li> </ul>

Zone name	Zone Objectives
Rural (continued)	<ul style="list-style-type: none"> <li>• To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> <li>• To ensure that Rural uses are compatible with World Heritage Values, minimise land degradation, promote soil conservation and ensure the sustainable use of land for rural purposes.</li> <li>• To provide for tourism or ecotourism uses that are compatible with rural activities and the World Heritage Values.</li> </ul>

## 17. Zoning Table

The zoning table for this Scheme is as follows -

USE AND DEVELOPMENT CLASS	REFER TO CLAUSE 21 AND SCHEDULE B						
	Commercial	Tourism	Residential	Urban Development	General Industry	Rural	Special use
Abattoir	X	X	X	REFER TO CLAUSE 32.2	X	A	REFER TO CLAUSE 21 AND SCHEDULE B
Agriculture - extensive	X	X	X		X	P	
Agriculture - intensive	X	X	X		X	D	
Amusement parlour	D	D	X		D	X	
Ancillary dwelling	D	D	P		X	D	
Animal establishment	X	X	X		A	A	
Animal husbandry - intensive	X	X	X		X	D	
Bed and breakfast	A	D	A		X	D	
Betting agency	D	D	X		X	X	
Bulky goods showroom	D	X	X		D	X	
Camping ground	D	D	X		X	D	
Caravan park	D	D	X		X	A	
Caretaker's dwelling	X	X	X		D	X	
Car park	P	P	X		P	D	
Child care premises	D	X	A		X	D	
Cinema / theatre	D	A	X		X	X	
Civic use	P	D	A		A	A	
Club premises	D	X	X		A	D	
Community purpose	A	A	X		D	D	
Consulting rooms	D	X	X		X	X	
Convenience store	P	A	X		D	X	
Education establishment	D	A	A		A	X	
Exhibition centre	D	D	X		X	X	
Family day care	D	A	A		X	X	
Fast food outlet	D	D	X		D	X	
Fuel depot	X	X	X		D	I	
Garden centre	D	X	A		D	D	
Grouped dwelling	A	A	D		X	X	
Holiday accommodation	A	D	A		X	X	
Holiday house	A	A	D		X	X	
Home business	D	D	D		X	D	
Home occupation	P	P	P		X	D	
Home office	P	P	P	X	P		
Hospital	D	A	A	X	X		
Hotel	D	D	X	X	X		
Industry - cottage	A	X	X	X	D		
Industry - extractive	X	X	X	A	A		
Industry	X	X	X	P	X		



USE AND DEVELOPMENT CLASS							
	Commercial	Tourism	Residential	Urban Development	General Industry	Rural	Special use
Industry - light	A	X	X	REFER TO CLAUSE 32.2	P	D	REFER TO CLAUSE 21 AND SCHEDULE B
Liquor store – small	D	D	X		X	X	
Liquor store - large	D	D	X		X	X	
Lunch bar	P	D	X		P	X	
Marine filling station	D	D	X		X	A	
Market	D	D	X		D	D	
Medical centre	P	A	A		X	X	
Mining operations*	X	X	X		X	D	
Motel	D	D	X		X	X	
Motor vehicle, boat or caravan sales	D	X	X		P	X	
Motor vehicle repair	A	X	X		D	X	
Motor vehicle wash	D	X	X		D	X	
Multiple dwelling	A	A	D		X	X	
Nightclub	D	A	X		X	X	
Office	D	D	X		I	X	
Park home park	A	D	X		X	X	
Place of worship	A	X	A		X	X	
Reception centre	D	A	X		X	A	
Recreation - private	D	D	X		D	A	
Repurposed dwelling	X	A	A		X	D	
Residential building	A	A	A		X	X	
Restaurant/café	D	A	X		X	X	
Restricted premises	A	X	X		D	X	
Road house	D	X	X		D	X	
Rural home business	X	X	X		X	D	
Rural pursuit/ hobby farm	X	X	X		X	D	
Salvage yard	X	X	X		D	X	
Second hand dwelling	X	A	A		X	D	
Single house	A	A	P		X	P	
Serviced apartment	A	A	A		X	X	
Service station	A	X	X		D	X	
Shop	P	A	X		I	X	
Tavern	D	A	X		X	X	
Telecommunications infrastructure	D	D	A		D	D	
Tourist development	A	D	A		X	X	
Trade display	D	I	X		D	X	
Transport depot	X	X	X		D	X	
Tree farm	X	X	X		X	D	
Veterinary centre	A	X	X		D	D	
Warehouse/storage	D	I	X		P	X	
Waste disposal facility	X	X	X		A	A	

USE AND DEVELOPMENT CLASS							
	Commercial	Tourism	Residential	Urban Development	General Industry	Rural	Special use
Waste storage facility	X	X	X	REFER TO CLAUSE 32.2	D	A	REFER TO CLAUSE 21 & SCHEDULE B
Winery	X	X	X		X	A	
Workforce accommodation	I	I	A		I	I	

\* NOTE: Mining operations covered by the Mining Act 1978 are exempt from the requirement for development approval 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 all relevant development standards or requirements of this Scheme;

I means that the use is permitted if it is incidental, ancillary or subordinate to the predominate use of the land and it complies with all relevant development standards or 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 special notice in accordance with clause 64 of the deemed provisions;

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

Note:

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) a structure plan;
  - (b) an activity centre plan;
  - (c) a local development plan;
  - (d) the objectives of the zone.

**19. Additional Uses**

- (1) Table 2 sets out -
  - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that additional use.
- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

<b>Table 2 - Specified additional uses for zoned land in Scheme area</b>			
<b>No.</b>	<b>Description of land</b>	<b>Additional use</b>	<b>Conditions</b>
A1	Lot 9500 Monkey Mia Road, Denham; and	As 'I' use - Tavern,	<p>Development shall generally be in accordance with a Structure Plan, which has been prepared in accordance with Part 4, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (as amended) and endorsed by the Western Australian Planning Commission.</p> <p>Council shall only have the ability to consider additional uses of Restaurant, Recreation - private, and Tavern in locations clearly nominated on an approved Structure Plan and where they are associated with short term accommodation.</p> <p>Council shall only consider any 'I' uses where associated with a restaurant or short term accommodation.</p> <p>In considering an application the local government shall have regard for:</p> <ol style="list-style-type: none"> <li>1. The need to ensure that commercial uses do not negatively impact on the amenity of residential development by virtue of noise, traffic, odour and emissions. Accordingly any application shall be accompanied by a detailed report addressing these matters.</li> </ol>
A2	Lot 9000 Denham Road, Denham	As 'A' use - Restaurant  As 'D' use - Recreation - private  The symbols in Table 2 have the same meaning as the symbols in Table 1 and Clause 18 (2).	

No.	Description of land	Additional use	Conditions
A1  A2	Lot 9500 Monkey Mia Road, Denham; and  Lot 9000 Denham Road, Denham		<p>2. Adequate landscaping buffers to adjacent residential lots or uses to be provided to the satisfaction of Council.</p> <p>3. Demonstrated provision for adequate on site carparking, loading / unloading areas, truck turnaround areas, service area and bin locations.</p> <p>4. The need to ensure that development is small scale with a limited seating capacity as deemed suitable by the Council.</p>
A3	Lot 74 and 220 Shark Bay Road, Hamelin Pool  (Hamelin Station)	<p>As 'D' use</p> <ul style="list-style-type: none"> <li>• Ancillary dwelling;</li> <li>• Cinema/Theatre;</li> <li>• Educational Establishment;</li> <li>• Holiday Accommodation;</li> <li>• Office;</li> <li>• Residential Building;</li> <li>• Restaurant/Cafe;</li> <li>• Shop; and</li> <li>• Workforce Accommodation</li> </ul> <p>As 'A' use:</p> <ul style="list-style-type: none"> <li>• Liquor Store (small);</li> <li>• Small Bar; and</li> <li>• Tourist Development</li> </ul> <p>The symbols in Table 2 have the same meaning as the symbols in Table 1 and Clause 18(2).</p>	<p>1. Identify opportunities for development to:</p> <ol style="list-style-type: none"> <li>a. Cater for programs and activities that promote research and increased public awareness of World Heritage Area Values and/or conservation;</li> <li>b. Cater for organisations involved in conservation and/or research that provide for protection, rehabilitation, ongoing management of the land, and that promote public awareness of minimising environmental impact when visiting a World Heritage Place;</li> <li>c. Accommodate a wide range of buildings and ancillary development that facilitate programs by not for profit organisations;</li> </ol>

No.	Description of land	Additional use	Conditions
A3	Lot 74 and 220 Shark Bay Road, Hamelin Pool (Hamelin Station) (continued)		<p>d. Provide a wide range of accommodation and facilities for tourists that will increase the enjoyment of the area for visitors without negatively impacting on the amenity of the local area.</p> <p>2. In considering an application, the local government shall have regard for;</p> <p>a. The architecture and design of the proposed development to be sympathetic to the location, taking into account the topography and landscape of the area;</p> <p>b. Provision and management of essential services including water supply, water for fire fighting, effluent disposal electricity, communications, drainage and waste management;</p> <p>c. Colours and materials that are sympathetic to the natural environment; and</p> <p>d. The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Schedule 2, Part 9, Clause 67 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

## **20. Restricted Uses**

- (1) There are no restricted uses which apply to this Scheme.

## **21. Special Use zones**

- (1) Schedule B – Special Uses 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.
- (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.
- (3) The local government may exempt certain development in the Special use zone in accordance with Schedule A.

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 non-conforming use.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with Regulation 64 (1)(a), Part 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (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 on-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 the boundaries of the area 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

- (1) Within areas that are dual coded on the Scheme Map, the local government may permit development in accordance with the higher code if such development can be connected to reticulated sewerage or the Health Department of Western Australia forms the view that there are exceptional circumstances to warrant a variation of the requirement for reticulated sewerage.
- (2) The Council may permit grouped dwelling development of an existing corner lot zoned 'Residential' to a maximum density of R40 provided:
  - (a) The lot has frontage to two constructed roads; and
  - (b) The minimum site areas for each dwelling are not of an irregular shape; and
  - (c) Any residence to be retained is of a good quality in the opinion of Council; and
  - (d) The development can be connected to reticulated sewerage; and
  - (e) The development complies with any relevant Local Planning Policy.
- (3) The Council may recommend support of survey strata subdivision (with or without common property) of an existing corner lot zoned 'Residential' to a maximum density of R40 provided:
  - (a) The lot has frontage to two constructed roads; and
  - (b) The created lots are not of an irregular shape; and
  - (c) Development approval has been issued for grouped dwellings on the lot; and
  - (d) The lots can be connected to reticulated sewerage; and
  - (e) Construction of development has substantially commenced to the satisfaction of Council.
- (4) With the exception of minor boundary realignments, the amalgamation of abutting lots with an existing corner lot in order to create a larger lot for the purpose of development and / or re-subdivision at a higher R40 density is not consistent with the intent of the provisions and the R Code as depicted on the Scheme map shall apply to the amalgamated lot.

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

- (1) There are no State Planning Policies that are to be read as part of the Scheme.

**30. Modification of State planning policies**

- (1) There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

**31. Environmental Conditions**

- (1) There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme.

**32. Additional site and development requirements**

**32.1 Land Subject to Inundation**

- (a) No development shall be constructed upon any land within an area considered by the local government as being vulnerable to coastal storm surge inundation unless granted specific development approval by the local government.
- (b) The local government shall require any new development within an area as being vulnerable to coastal storm surge inundation to comply with a minimum finished floor level not less than RL 4.2 metres AHD.
- (c) Notwithstanding Clause 32.1(b), Council has discretion to consider a minimum finished floor level less than RL 4.2 metres AHD for non-habitable development that is detached from any single house or dwelling unit on the same lot in the Denham townsite and / or any minor non habitable development that is ancillary to existing tourist development in the Scheme Area.
- (d) In considering applications for development in areas vulnerable to coastal storm surge inundation, the local government may have regard to any Local Planning Policy or any site specific coastal storm surge inundation report acceptable to the local government.
- (e) Notwithstanding Clause 32.1(b), the local government has discretion to consider and require alternative minimum finished floor levels where:
  - (i) The proponent provides a site specific coastal storm surge inundation report by a suitably qualified professional coastal engineer that is acceptable to the local government and clearly identifies appropriate alternative minimum finished floor levels and / or;

- (ii) Approval of the development is consistent with variations allowable under the relevant State Coastal Planning Policy; and /or
- (iii) The proposed development only involves refurbishment of an existing building or a minor extension to an existing development.

### 32.2 Residential and Urban Development Zone

- (a) It is the intention of the local government to ensure that the subdivision and development of land within Urban Development zones takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing through preparation of a Structure Plan.
- (b) In the Urban Development zone, a Structure Plan, endorsed by the Western Australian Planning Commission in accordance with Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, is required prior to the subdivision or development of land.
- (c) In the Residential zone, the local government has discretion to request the Western Australian Planning Commission to consider requiring the preparation of a Structure Plan prior to any the subdivision or development of land for the purposes of orderly and proper planning in accordance with Clause 15(c), Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (d) Notwithstanding Clause 32.2(b) the local government may approve the development of land within the Urban Development zone prior to a structure plan, prepared in accordance with Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the future structure planning in the area.

### 32.3 Commercial Zone

#### 32.3.1 Conditions and Standards

The local government shall apply the following standards for development within the Commercial zone.

Uses	Setbacks			Site Coverage	Landscaping
	Front	Rear	Side		
Residential	In accordance with the Residential Design Codes				
Motel, hotel, tavern, caravan parks, short- term accommodation	Standards to be determined by the local government, having due regard to the Building Code of Australia and other relevant regulations			80%	10%
Shops, offices and other commercial	Nil	Nil	Nil	80%	10%

### **32.3.2 Design Requirements**

Development within the Commercial Zone shall comply with the following:

- (a) Any shop or other commercial development along Knight Terrace shall include a front awning or other form of architectural detail which is capable of providing shelter and weather protection for pedestrians.
- (b) Any development on a corner lot shall be designed as a landmark building and address the two corner street frontages with the primary focus on Knight Terrace as the main street.
- (c) Any development on a lot that has double road frontage shall be designed to include architectural features and details to the rear building facade.
- (d) Where rear access is available and practical, new development shall ensure the main building facade addresses Knight Terrace with rear and / or side carparking.
- (e) Buildings should present facades that are attractive and inviting, which harmoniously relate to good quality development in the vicinity, and have regard to climate.

### **32.3.3 Development Requirements**

In considering an application for development approval for a proposed development (including additions or alterations to an existing development) in the Commercial zone Council shall have regard to the following:

- (a) Opportunities to integrate the building layout and design with adjoining development and determine carparking layout, vehicular access and pedestrian circulation;
- (b) The colour, texture and external materials. Council may require expanses of glass fronting the primary street and walls visible from any road or public place to be painted;
- (c) The building size, height, bulk and roof pitch and whether the development design contributes positively towards the streetscape;
- (d) The setback and location of the building as it relates to existing surrounding good quality development;
- (e) The function of the building;
- (f) The need to ensure that the rear of buildings fronting Knight Terrace as viewed from public roads and places be treated aesthetically well to ensure they do not detrimentally impact on surrounding streetscape;
- (g) Opportunities to incorporate view corridors and / or pedestrian connections in new building design to provide connectivity between Hughes Street and Knight Terrace with consideration of the objectives of the zone;
- (h) The extent to which the development complies with the objectives of the zone, Local Planning Strategy, Town Centre Strategy and any relevant Local Planning Policy.

### **32.3.4 Accommodation Requirements**

Despite any other provision in the Scheme the local government shall only approve any residential development, holiday accommodation, short stay and any form of tourism accommodation in the Commercial zone where:

- (a) The lot is not located on land identified as being prime for commercial and retail development in the Local Planning Strategy or Town Centre Strategy; or

- (b) Council considers the use is highly compatible with surrounding landuses; and
- (c) In the case of grouped or multiple dwellings the dwellings form part of a mixed use development with a substantial commercial component on the ground floor; and
- (d) In the case of short term or any form of tourist accommodation the development is considered to be of a high quality and includes public facilities, shops or well-designed public spaces or public art which, in the opinion of the local government, will attract people into the Denham town centre and enhance existing amenity.

### **32.3.5 Subdivision Requirements**

- (a) It is the intention of the local government to ensure that lot sizes within the Commercial zone maximize potential for the land to be developed or redeveloped for commercial or retail purposes and that land is not unduly fragmented.
- (b) Where required for the purposes of orderly and proper planning in the opinion of Council, a Structure Plan and / or Local Development Plan is to be prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (c) The R50 density code as shown the Scheme map shall only apply to development applications for development approval for residential development or subdivision / survey strata where there is a Local Development Plan and / or residential development approved by the local government.
- (d) The local government shall have regard for the following matters when considering recommendations on subdivision of land in the Commercial zone to the Western Australian Planning Commission:
  - (i) Consistency of the subdivision pattern with the general recommendations of the Local Planning Strategy and Town Centre Strategy; and
  - (ii) The adequacy of the proposed lot sizes to support commercial uses and on site carparking, loading areas, and landscaping in the opinion of the local government; or
  - (iii) Whether the subdivision is consistent with approved quality development and in the case of new development whether there are safeguards to ensure that the approved development proceeds; and
  - (iv) The need to avoid the use of extensive battleaxe legs in the Commercial zone which diminish commercial exposure; and
  - (v) The need to maximize potential for future redevelopment and ensure lot sizes are not justified on the grounds of existing older development that is considered by the local government to be substandard; and
  - (vi) The objectives of the Commercial zone; and
  - (vii) Compatibility of the proposed subdivision with existing development and surrounding landuses.

### 32.3.6 Development and Car Parking Standards

Car parking spaces shall be provided in accordance with Table 3: Carparking Requirements.

### 32.3.7 Loading and Unloading

Where areas for the loading and unloading of vehicles carrying goods and commodities to and from the premises are to be provided they shall be constructed and maintained in accordance with a plan approved by the local government relating thereto.

## 32.4 Tourism Zone

### 32.4.1 Conditions and Standards

The local government shall apply the following standards for development within the Tourism zone.

Uses	Setbacks			Site Coverage	Landscaping
	Front	Rear	Side		
Residential	In accordance with the Residential Design Codes				
Motel, hotel, tavern, caravan parks, short-term accommodation	Standards to be determined by the local government, having due regard to the Building Code of Australia and other relevant regulations			80%	10%
Shops, offices and other commercial	Nil	Nil	Nil	80%	10%

### 32.4.2 Design Requirements

Development in the Tourism zone shall comply with the following;

- (a) Any development along Knight Terrace shall include a front awning or other form of architectural detail which is capable of providing shelter and weather protection for main building entrances;
- (b) Any development on a corner lot shall be designed as a landmark building and address the two corner street frontages with the primary focus on Knight Terrace as the main street;
- (c) Notwithstanding Clause 32.4.1 or any other standard in the Scheme, any new commercial or short stay accommodation is to be sited having regard for established setbacks of existing developments in the immediate vicinity;
- (d) Buildings should present facades that are attractive and inviting, which harmoniously relate to good quality development in the vicinity, and have regard to climate;
- (e) Building facades should be designed to contribute positively to the existing streetscape and preserve the character of the area which is attractive to tourists;
- (f) Any development on a lot that has double road frontage shall be designed to include architectural features and details to the rear building façade to contribute to the existing streetscape or have facades that address both streets.

### 32.4.3 Development requirements

In considering an application for development approval for a proposed development (including additions or alterations to an existing development) in the Tourism zone Council shall have regard to the following:

- (a) Opportunities to integrate the building layout and design with adjoining development and determine carparking layout, vehicular access and pedestrian circulation;
- (b) The colour, texture and external materials;
- (c) The building size, height, bulk and roof pitch and whether the development design contributes positively towards the streetscape;
- (d) The setback and location of the building as it relates to existing surrounding good quality development;
- (e) The function of the building;
- (f) Opportunities for view corridors to the foreshore where practical balanced with the overarching need to achieve high quality development outcomes;
- (g) Opportunities for buildings to address available street frontages;
- (h) The need to ensure that the amenity of any adjacent residential zone is protected;
- (i) The extent to which the development complies with the objectives of the zone, Local Planning Strategy , Town Centre Strategy Plan and any relevant Local Planning Policy.

### 32.4.4 Carparking standards

Carparking shall be provided in accordance with Table 3 : Carparking Requirements however Council shall also have regard for any need to provide for tourist buses and/ or staff.

### 32.4.5 Loading and Unloading

Where areas for the loading and unloading of vehicles carrying goods and commodities to and from the premises are to be provided they shall be constructed and maintained in accordance with a plan approved by the local government thereto.

## 32.5 General Industry Zone

### 32.5.1 Development Standards

Development and site provision shall be in accordance with the following provisions.

Uses	Min. Lot Area (m <sup>2</sup> )	Effective Frontage	Building Setbacks		Maximum Site Coverage
			Front	Rear	
Industry; Industry - light	1,000	15 m	6m	6m	75%

### **32.5.2 Factory Unit Development**

The development of factory unit buildings, for the purpose of providing multiple industrial units in one lot, shall not be permitted unless the following requirements are complied with:

- (a) no individual unit shall have a floor area of less than 100m<sup>2</sup>;
- (b) each industrial unit shall have a service yard appurtenant to it which shall be a minimum of 50% of the unit floor area;
- (c) access to the office attached to the industrial unit and the major access to the unit itself shall not be through the service yard;
- (d) off street parking may be provided as an overall area on site and shall provide for all employees with a minimum staff parking requirement of four bays per unit; and
- (e) customer parking shall be provided as an additional figure of one bay per industrial unit.

### **32.5.3 Caretakers Dwellings in the General Industry Zone**

The provisions of this clause are to apply to all caretakers' dwellings in the General Industry Zone:

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (b) only one caretaker's dwelling is permitted on a lot; for the purposes of this clause 'lot' excludes a strata lot or survey-strata lot created under the Strata Titles Act 1985;
- (c) a caravan or park home is not permitted as a caretaker's dwelling for either permanent or temporary occupation;
- (d) a caretaker's dwelling is to be screened and/or fenced off from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other dwellings on the lot;
- (e) a caretaker's dwelling is to have a total floor area that does not exceed 100 square metres measured from the external face of walls; and
- (f) open verandas may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph (e).

### **32.5.4 Landscape Treatment**

Where a building is approved upon a lot and is set back from the front boundary of that lot, the local government may require the provision of landscape treatment between the frontage of any building and the front boundary.

Such landscape treatment may include a car parking area. Implementation of a landscape plan approved by the local government, shall occur within six calendar months of:

- (a) the completion of any other approved works, or
- (b) the date of occupancy, if occupancy commences prior to the completion of the development.



### **32.5.5 Storage of Materials**

No dumping, stockpiling, storage of waste or materials, or construction, servicing or maintenance shall be carried out between the front building line and the street frontage but shall not prohibit the display of finished goods or goods for sale or ready for delivery.

### **32.5.6 Loading and Unloading**

Areas for loading and unloading of vehicles, carrying goods and commodities to or from the premises shall be provided and maintained in accordance with the approved plan relating thereto.

### **32.5.7 Vehicle Wrecking**

The wrecking or storage of wrecked vehicles or parts thereof shall be restricted to the General Industry zone and shall not be permitted in front of the building setback. Further, wrecking and storage activities shall be screened from the road by fencing and/or landscaping.

### **32.5.8 Carports/Pergolas**

The local government may approve the construction of a carport or pergola or like structure between the building line and the front boundary providing:

- (a) that any such structure remains open sided and not in-filled with any material which would ordinarily prevent the free passage of light and air, but may include lattice, battens or mesh as approved by the local government; and
- (b) that any activity beneath the structure does not include any industrial use and is only used for car parking, landscaping, display purposes or any other uses the local government may deem fit.

## **32.6 Rural Zone**

**32.6.1** Setbacks to buildings shall be at the discretion of the local government, taking into consideration landform and road access.

## **32.7 Parking of Commercial Vehicles in Residential Areas**

**32.7.1** No commercial vehicle shall be parked, cleaned or serviced on any lot within the Residential zone, Urban Development zone or any lot that is otherwise used exclusively for residential purposes unless:

- (a) the commercial vehicle is registered in respect of the lot under clause 32.7.3;
- (b) the lot on which the vehicle is parked and/or cleaned or serviced, contains only a single house with or without associated outbuildings;
- (c) the vehicle is parked and/or cleaned or serviced entirely on the subject lot and is located behind the front building of the house;
- (d) the vehicle does not exceed 3 metres in height (including the load);
- (e) in the case of servicing and cleaning, only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generated easily contained liquid waste is carried out on the lot. Liquid waste shall be as defined in the Environmental Protection (Unauthorised Discharges) Regulations 2004 and shall be disposed of in accordance with those Regulations;

- (f) while on the lot, there is no transfer of goods or passengers from one vehicle to another, unloading or loading of the vehicle, or storage of goods associated with the use of the vehicle.

**32.7.2** A commercial vehicle shall be taken to be parked on the land for the purpose of the preceding subclause if:

- (a) it is present on the land for any period of time without the driver being present and visibly in control of the vehicle; and
- (b) within seven days of the owner being notified, the Shire of Shark Bay is not provided with information in writing sufficient to satisfy it that the vehicle was undergoing servicing or cleaning or delivering goods at the relevant time.

### **32.7.3 Register of Commercial Vehicles**

For a commercial vehicle to be parked on residential land without a breach of clause 32.7.1, it shall be registered in accordance with the following provisions. Without affecting the generality of clause 32.7.1 a commercial vehicle may be parked on a lot within the Residential or Urban Development zone any lot in any other zone which is otherwise used exclusively for residential purposes if it is registered in accordance with the following provisions:

- (a) Any such commercial vehicle to be parked used for residential purposes land must be registered in a Register of Commercial Vehicles maintained at the Administrative Offices of the Shire, and the register shall be made available for public inspection during office hours.
- (b) An application to register a vehicle for the purpose of this clause shall be made in the form of the 'Application for development approval' set out in Clause 68(1) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the application shall provide sufficient details to identify the land with certainty; the place where the commercial vehicle is proposed to be parked on the land; the tare weight; the make/model; and the unloaded height of the commercial vehicle.
- (c) Where the Shire is satisfied that the commercial vehicle in respect of which application is made will be the only commercial vehicle parking at any time on the subject lot, and is ordinarily driven by a person resident in the house on the lot, and that clause 32.7.1 is otherwise complied with, the Shire shall record details of the commercial vehicle on the register.

**32.7.3.1** The registration of a commercial vehicle under this clause is not transferable and shall be valid only while that commercial vehicle continues to be driven and parked on the land by the person nominated in the application as the driver resident in the house on the land.

**32.7.3.2** Clauses 32.7.1 to 32.7.3.1 shall not apply to commercial vehicles associated with farming and agricultural activities in the Rural zone.

## **32.8 Amenity Control of Non-Residential Buildings and Structures**

**32.8.1** The local government has discretion to require development approval for the erection or extension of non-residential buildings and structures. In determining an application for a non-residential building or structure, the local government will have regard (and require conditions relating) to the following matters:

- (a) The condition of the structure and/or method of construction in terms of structural adequacy;
- (b) Recladding or replacement of external walls and roofs;
- (c) Replacement of any external fixtures such as balustrades, doors, windows, downpipes and services;
- (d) External painting of walls, window frames or doors;
- (e) Verandahs, awnings or other building façade treatments to improve architectural design and streetscape compatibility.

## **32.9 Repurposed Dwelling or Second Hand Dwelling**

**32.9.1** In determining an application for a Repurposed Dwelling or Second Hand Dwelling, the local government will have regard to the following matters:

- (a) The objectives of the relevant zone;
- (b) The ability of the built form including roof pitch, eaves, colours, material and architectural details to complement the expected character of the locality;
- (c) The potential for negative visual impact or conflict with any established streetscape and character of the locality;
- (d) Any proposed upgrading, alterations and additions which will enhance the elevations and architectural detail of proposed development;
- (e) Potential glare from reflective materials;
- (f) The potential for existing or proposed landscaping and vegetation to mitigate visual impacts of the development;
- (g) Landscape protection and landscape characteristics of the locality.

## **32.10 Temporary Workforce Accommodation**

**32.10.1** Where temporary workforce accommodation is proposed or used in the establishment of an industry or in any zone, for construction works or for the accommodation of a seasonal or otherwise temporary workforce, the local government may grant approval for the establishment and occupancy of such temporary accommodation for a period not exceeding three calendar months.

**32.10.2** Extensions to this period may be granted where the applicant can show cause, to the satisfaction of the local government, why such extension of a similar period should be granted.

**32.10.3** Occupancy of such temporary workforce accommodation shall only be permitted to persons directly engaged in the construction, development of industry or development of that lot upon which the accommodation stands or in employment related to the

industry specified on an Application for development Approval as specified in the Scheme.

### **32.11 Derelict Vehicles**

The storage of any vehicle that is unregistered and does not have a valid vehicle licence under relevant Western Australian road traffic regulations and/or the wrecking of any vehicle on any street verge or on any lot between the front boundary and the front setback line shall not be permitted within any Zone.

### **32.12 Rear Access and Loading Docks**

When considering any application for development approval, the local government shall have regard to and may require the provision of loading docks and/or rear access. In particular, the local government may impose conditions concerning:

- (a) the size of loading docks; or
- (b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to proceed in a forward direction.

### **32.13 View Corridors – Rural Areas**

The local government may not permit the erection of any structure which, in its opinion, would substantially spoil or detract from the visual amenity as viewed from any road, vantage point or public place with the exception of authorised directional and information signs posting or notice boards.

### **32.14 Visual Impact of Landuse and Development near the coast or along major Tourist routes**

**32.14.1** The local government is to have regard to the visual impact of any landuse or development proposal for land adjacent to the coast or major tourist routes and may require the following to be addressed as part of a development application or as conditions of development approval;

- (a) Increased setbacks;
- (b) Screening landscaping;
- (c) The use of colours and materials that in the opinion of the local government will be sympathetic to the local amenity and landscape;
- (d) Siting of development to maximise view corridors to the ocean from public roads or places;
- (e) Building design to be compatible with any natural setting in the immediate vicinity.

**32.14.2** The local government may require increased setbacks, and / or landscaping to maintain and improve key road entries into Denham townsite.

**32.14.3** The local government may require the proponent to provide a detailed visual impact assessment report and/ or coloured artist elevations.

## **32.15 Holiday Homes in Residential Zones**

- 32.15.1** The local government may permit a Holiday house within the Residential zone where, in its opinion, the use would not substantially spoil or detract from the residential character and amenity of the locality.
- 32.15.2** The local government shall not consider an application for development approval for a Holiday house unless it is accompanied by:
- (a) A Management Plan that addresses how the landuse will be managed to maximize protection of residential amenity, includes details of how noise issues will be addressed by the Manager, and full contact details of the Manager or employee of the Manager.
  - (b) A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.
  - (c) A detailed site plan which demonstrates adequate carparking can be provided on site.
- 32.15.3** The local government may have regard for the following matters when determining an application for development approval for a Holiday house:
- (a) A Management Plan adequately demonstrates that the landuse will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;
  - (b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;
  - (c) A Fire and Emergency Response Plan comprehensively addresses fire safety;
  - (d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;
  - (e) The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre;
  - (f) The size of the lot and density of development in the surrounding area;
  - (g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;
  - (h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines; and
  - (i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment.
- 32.15.4** The local government shall limit any initial development approval for a Holiday house to a maximum 12 month period.

- 32.15.5** The local government may issue subsequent Development approvals for a Holiday house and has discretion to limit the term of approval to one year, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.
- 32.15.6** The local government may have regard for any substantiated written complaint or evidence about mismanagement of a Holiday house in considering the issue of subsequent Development approvals.
- 32.15.7** Advertising signage associated with a Holiday house shall have a maximum area of 0.2m<sup>2</sup> and be fully located within the lot boundary.
- 32.15.8** A Holiday house is to comply with the Residential Design Codes and/ or any existing Planning consent already granted for the dwelling or variation to the Residential Design Codes with the exception that Council has discretion to require a higher provision of carparking for any Holiday house having regard for the number of bedrooms and maximum number of persons to be accommodated at any one time.
- 32.15.9** Development approvals can be renewed when an owner/ applicant lodges a new Planning Application to the local government.
- 32.15.10** A development approval for a Holiday house is issued to a specific owner of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.

Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled.

- 32.15.11** A Holiday house shall not operate within the Residential zone unless it is registered in respect of the lot under Clause 32.15.12.

**32.15.12 Register of Holiday Homes**

For a holiday house to operate without a breach of Clause 32.15.11, it shall be registered in accordance with the following provisions:

- (a) Any Holiday house in a Residential zone must be registered in a register of holiday homes maintained at the local government Administration office, and the register shall be made available for public inspection during office hours.
- (b) For the purpose of this clause, an application made in the form of the 'Application for development approval' set out in Clause 68(1) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a Holiday house shall be construed by the local government as an application to register a Holiday Home.
- (c) The local government shall record details of the Holiday house on the register once a Development approval is granted.
- (d) The local government may by Absolute Majority remove a Holiday house from the register where:
  - (i) The term of a Development approval has expired; or
  - (ii) Ownership of the lot subject to a Development approval has changed and a new Planning consent has not been obtained by the new owner; or
  - (iii) The conditions of a development approval have not been complied with;  
or

- (iv) An owner / applicant notifies the local government in writing that the Holiday house has ceased operation, and
- (iv) The local government notifies the owner in writing that the Holiday house has been de-registered.
- (e) The registration of a Holiday house under this clause is not transferable from one landowner to another landowner and shall only be valid whilst the lot continues to be owned by the landowner nominated on the Development approval.

**32.15.13** Council may have general regard for Clauses 32.15.2 and 32.15.3 in determining applications for any form of Holiday Home in the Commercial or Tourism zone.

## **32.16 Car Parking**

### **32.16.1 Car Parking Requirements**

No person shall develop or use land or erect, use or adapt any building for any purpose unless car parking spaces of the number specified in Table 3: Car Parking Requirements are provided, constructed and maintained in accordance with the provisions of the Scheme.

Where an application is made for development approval and the purposes for which the land or building is to be used is not specified in Table 3: Car Parking Requirements the local government shall determine the number of car parking spaces to be provided on the land having regard to the;

- (a) nature of the proposed development;
- (b) number of employees likely to be on the site;
- (c) prevention of the obstruction of roads and streets;
- (d) orderly and proper planning of the locality; and
- (e) the preservation of its amenities.

### **32.16.2 Conditions of Development Approval**

When considering an application for development approval the local government shall have regard to, and may impose conditions on the number and location of car parking spaces to be provided.

In particular the local government shall have regard to:

- (a) the means of access to each parking space;
- (b) the location of the spaces on the site and their affect upon the amenity of any adjoining properties;
- (c) the extent to which the spaces are located within the building setback areas;
- (d) the provision and location of disabled car parking bays, if necessary;
- (e) the location of the spaces other than on the lot if such spaces are to be provided in conjunction with a public car park;
- (f) the construction or line marking of car spaces within nearby and adjacent road reserve; and

- (g) the location of proposed public footpaths, vehicular crossings, and the effect of both pedestrian and vehicular traffic movements and safety.

**TABLE 3 CAR PARKING REQUIREMENTS**

<b>Use</b>	<b>No. Car Parking Spaces</b>
Residential	As prescribed within the provisions of the Residential Design Codes
Caravan Park and Camping Grounds	As per Caravan Parks & Camping Act Regulations
Place of Worship	1 for every 4 seats, and 1 for every 4m <sup>2</sup> of public standing area
Child Care Premises	1 for every 5 children and 1 for each staff member
Consulting Rooms	4 for every practitioner
Restaurant/Cafe	1 for every 4 seats
Short Term Accommodation	1 for every bedroom
Hospital	1 for every 4 beds provided & 1 for every person employed
Industry – Service	1 for every 20m <sup>2</sup> Gross Floor Area & 1 for every 50m <sup>2</sup> service
Industry – Light	1 for every 50m <sup>2</sup> Gross Floor Area
Industry	1 for every 50m <sup>2</sup> Gross Floor Area
Community Purpose	1 for every 35m <sup>2</sup> Gross Floor Area
Hotel	1 for every bedroom & 1 for every 4m <sup>2</sup> of public bar/lounge Gross Leasable Area
Liquor Store	1 for every 20m <sup>2</sup> Gross Leasable Area
Medical Centre	4 for every consulting room and 1 for every 20m <sup>2</sup> of dispensary or shop Gross Leasable Area
Motel	1 for every bedroom & 1 for every 25m <sup>2</sup> gross floor area of service building
Motor Vehicle Repair and Service Station	2 for every working bay & 1 for each employee
Office	1 for every 50m <sup>2</sup> floor area
Club Premises	1 for every 4 persons accommodated
Residential Building	1 for every bedroom & 1 for every staff member
Shop	1 for every 20m <sup>2</sup> Gross Leasable Area
Fast Food Outlet	1 for every 10m <sup>2</sup> Gross Leasable Area
Betting Agency	1 for every 10m <sup>2</sup> Gross Floor Area
Tavern	1 for every 4m <sup>2</sup> public floor area
Warehouse/ Showroom	1 for every 100m <sup>2</sup> Gross Floor Area

All other requirements shall be determined by the local government.

### **32.16.3 Off Street Parking**

Where public off street parking facilities are located or are proposed to be located in the near vicinity of land or building being the subject of an application for development approval the local government may approve such application



notwithstanding that the required number of car parking spaces are not to be provided on site subject to:

- (a) the local government being satisfied that off street parking facilities are sufficient to cater for the requirements of the land or buildings; and
- (b) the applicant entering into an agreement with the local government to pay for the cost of providing and maintaining the required number of spaces as required.

#### **32.16.4 Shared or Combined Parking**

Where the number of car parking spaces proposed to be provided on land or in a building subject to an application for development approval is less than the number required to be provided pursuant to the Scheme, the local government may approve the application where:

- (i) It can be demonstrated that off-street parking facilities in the near vicinity are available to cater for the requirements of the proposal; and
- (ii) Any privately owned land on which the off site carparking is to be provided is included in the application for development approval; and/or
- (iii) That binding legal arrangements to the satisfaction of the local government have been made to enable those facilities to be used for carparking and are registered on the relevant Certificate of Title.

The local government may place conditions on development requiring a formal reciprocal rights of access easement or easement in gross to be registered on the Certificate of Title(s) to ensure off site parking is available in perpetuity.

#### **32.16.5 Standards**

The dimensions of car parking spaces, parking angles, driveway widths and landscaping detail shall be in accordance with Appendix 1: Car Parking Layouts.

The local government may vary any dimension or requirement by up to 10% where obstructions, site dimensions or topography result in the loss of a car parking space in any run of car parking spaces.

#### **32.16.6 Landscaping, Construction & Maintenance**

The owner or occupier of premises on which car parking spaces are provided shall ensure that the car parking is laid out, drained and maintained in accordance with the approved plans relating thereto. The local government may place conditions on development requiring the provision of shade trees in carparking areas.

### **32.16.7 Commercial and Tourism Zone**

**32.16.7.1** In the Commercial and Tourism Zones, if the local government is satisfied that adequate constructed car parking is to be provided in close proximity to a proposed development, notwithstanding the provisions of Table 3 it may accept a cash payment in lieu of the provision of car parking spaces but subject to the following requirements:

- (a) a cash-in-lieu payment shall not be less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by the Valuer General of Western Australia, of that area of land which would have been occupied by the parking spaces;
- (b) before the local government agrees to accept a cash payment in-lieu of parking spaces, the local government must have already provided a public car park nearby, or on street parking bays, or must have firm proposals for providing public car parking bays within a period of not more than eighteen months from the time of agreeing to accept the cash payment; and
- (c) payments made under this clause shall be paid into a special fund to be used to provide public car parks in the near vicinity.

**32.16.7.2** Car parking provision for the World Heritage Interpretive Centre may be reduced to six staff bays, nil public bays and a 20 m 'drop off' zone, without the requirement to pay cash in lieu for a reduction in car bays.

#### **32.16.7.3 On Street Parking**

Where public on street parking facilities are located in the Commercial or Tourism zone in the near vicinity of land or building being the subject of an application for development approval the local government may by Absolute Majority approve such application notwithstanding that the required number of car parking spaces are not to be provided on site subject to:

- (a) the local government being satisfied that on street parking facilities are sufficient to cater for the requirements of the landuse or buildings; and
- (b) the local government being satisfied that there will still be sufficient on street parking to service the overall Commercial or Tourism zones; and
- (c) the on street parking only represents a portion of carparking required to service the development; and
- (d) the local government being satisfied that customers or visitors to the site are likely to utilise other services and businesses in Denham Townsite concurrent with the development; and
- (e) The development warrants special parking consideration due to specific benefits to the wider community; and
- (f) The proposed use does not have a high car reliance for the transfer or pick up of goods or products associated with the proposed use; and
- (g) The parking is to service commercial type uses and is not for residential or tourist accommodation uses; and

- (h) The development is of a high architectural quality which will positively contribute to the streetscape.

## **32.17 Control of Advertising**

### **32.17.1 Power to Control Advertisements**

- (a) For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring the prior approval of the local government, except as otherwise provided in Schedule C.

Such development approval is required in addition to any licence pursuant to the local government's local laws.

### **32.17.2 Existing Advertisements**

Advertisements which:

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- b) may be erected, placed or displayed pursuant to a licence or other approval granted by the local government prior to the approval of this Scheme, hereinafter in this Part referred to as 'existing advertisements';

may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

### **32.17.3 Consideration of Applications**

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the local government shall examine each such application in the light of the objectives of the relevant zone and consider the following matters:

- (a) The need to promote a high standard of design and presentation in outdoor advertising particularly along Knight Terrace and major tourist routes;
- (b) The visual impact on major tourist routes, the Shark Bay World Heritage Property and public places balanced with the commercial need to promote tourist accommodation, facilities and attractions in remote locations;
- (c) The relationship of the advertising sign and the location of the business being promoted;
- (d) The level of integration between of any on site advertising with the overall site development specifically in the Commercial and Tourism zones;
- (e) The need to protect visual quality and character of particular localities;
- (f) Vehicular and /or pedestrian traffic safety;
- (g) The potential for outdoor advertising to negatively impact on the amenity of an area or the attributes which make an area attractive to tourists by virtue of the colours, height, materials, prominence, exposure, size, relevance to the premises or location, number and content;

(h) The general planning considerations under Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### **32.17.4 Scheme To Prevail**

Where the provisions of this Part are found to be at variance with the provisions of the local government's local laws, the provisions of the Scheme shall prevail.

#### **32.17.5 Enforcement & Penalties**

The offences and penalties provisions specified in the Act apply to the advertiser in this Part.

### **33. Additional site and development requirements for areas covered by structure, activity centre plan or local development plan**

(1) There are no additional requirements that apply to this Scheme.

### **34. Variations to site and development standards and requirements**

(1) In this clause -

***additional site and development standards*** means requirements that are set out in Clause 32.

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

(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 parties by following one or more of the provisions for advertising uses under Clause 64 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*; 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 standard 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.

### **35. Restrictive Covenants**

**35.1** 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.

**35.2** If subclause 35.1 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 dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

## PART 5 - SPECIAL CONTROL AREAS

### 36. Special control areas

**36.1** Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

**36.2** The purpose of each special control area is as follows -

(a) Shark Bay World Heritage Property

To ensure that all proposals for development, any form of strata or subdivision are in accordance with the protection of World Heritage Values.

(b) Denham Public Drinking Water Resource Protection Area

To ensure that land use and development within the Denham Public Drinking Water Source Protection Area is compatible with the protection and long-term management of water resources for public water supply.

**36.3** The additional provisions that apply in respect of a special control area are in addition to the provisions that apply to any underlying zone or reserve and to the general provisions of this Scheme.

### 37. Shark Bay World Heritage Property (SCA(a))

#### 37.1 Application Requirements

(a) The local government may require applicants to provide a professional coastal report by a suitably qualified coastal engineer to determine appropriate coastal setbacks, minimum floor areas, and address coastal hazard risk management and adaption planning to comply with relevant state planning coastal policy and guidelines.

(b) The local government may require applicants to provide information to adequately assess the visual compatibility of development with world heritage values and coastal environments including and not limited to photomontages, artists perspectives and where deemed necessary a visual impact assessment generally in accordance with the state planning Visual Landscape Planning Manual or other relevant guidelines.

#### 37.2 Relevant Considerations

In considering any proposal including and not limited to a development application, structure plan, local development plan, scheme amendment, strata or subdivision the local government will have regard to:

(a) Requirements for referral of proposals to the Environmental Protection Authority (EPA) under Part IV of the *Environmental Protection Act 1986*.

(b) Relevant State Planning Policies including and not limited to State Coastal Planning.

(c) Any recommendations and advice provided by relevant government agencies.

- (d) Recommendations and advice by the Shark Bay World Heritage Advisory Committee or any replacement of that Committee.

### **37.3 Referral of Applications**

Any development application, structure plan, local development plan, scheme amendment, strata or subdivision proposal will be referred, at the discretion of the local government, to the Shark Bay World Heritage Advisory Committee and/or the Department of Biodiversity, Conservation and Attractions or any equivalent replacement of that Committee and / or Department.

## **38. Denham Public Drinking Water Resource Protection Areas (SCA (b))**

### **38.1 Relevant Considerations**

In considering any development application the local government will have regard to the Department of Water and Environmental Regulation Denham North and Denham South Water Reserves Drinking Water Source Protection Plan.

### **38.2 Referral of Applications**

Any development application for the use or development of land may be referred, at the discretion of the local government, to the Department of Water and Environmental Regulation or any equivalent replacement of that Department.

### **38.3** In determining any application for development approval within the Public Drinking Water Resource Protection Area, the local government shall:

- (a) have due regard to the relevant State Government policies and the most recent Department of Water and Environmental Regulation, Water quality protection note no. 25 *Land use compatibility tables for public drinking water source areas*;
- (b) have regard to State Planning Policy 2.7 (Public Drinking Water Source Policy);
- (c) endeavour to ensure that the proposed use or development will not have a detrimental impact on the water resource; and
- (d) in determining land uses and development proposals, the Local Government is to have due regard to any comments and recommendations from the Department of Water and Environmental Regulation and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. The Local Government should also have regard to the management direction provided by priority classification of certain areas, noting that Priority 1 areas are defined to ensure risk avoidance of pollution of the water source.

## PART 6 - TERMS REFERRED TO IN SCHEME

### Division 1 - General definitions used in Scheme

#### 39. Terms used

(1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows-

<b>building envelope</b>	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;
<b>building height</b>	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 maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;
<b>cabin</b>	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;
<b>chalet</b>	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;
<b>commencement day</b>	means the day this Scheme comes into effect under section 87(4) of the Act.
<b>commercial vehicle</b>	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);



<b>ecotourism</b>	means ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmentally and cultural understanding, appreciation and conservation.
<b>floor area</b>	has meaning given in the Building Code.
<b>frontage</b>	in relation to a building - <ul style="list-style-type: none"> <li>(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or</li> <li>(b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;</li> </ul>
<b>incidental use</b>	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;
<b>minerals</b>	has the meaning given in the <i>Mining Act 1978</i> section 8(1);
<b>net lettable area or nla</b>	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas - <ul style="list-style-type: none"> <li>(a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;</li> <li>(b) lobbies between lifts facing other lifts serving the same floor;</li> <li>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;</li> <li>(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;</li> </ul>
<b>non-conforming use</b>	has the meaning given in the <i>Planning and Development Act 2005</i> section 172.
<b>plot ratio</b>	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
<b>precinct</b>	means a definable area where particular planning policies, guidelines or standards apply.
<b>predominant use</b>	means the primary use of premises to which all other uses carried out on the premises are incidental;
<b>retail</b>	means the sale or hire of goods or services to the public;
<b>short term accommodation</b>	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

- site coverage** means the proportion of a lot which may be covered by buildings and is expressed in this Scheme as a percentage of the total lot area;
- wall height** in relation to a wall of 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 vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;
- 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

### 40. Land use terms used

<b>abattoir</b>	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
<b>aged care facility</b>	means a building or group of buildings consisting of either: (a) an aged persons' home; or (b) an aged persons' home and aged persons' dwellings, and which includes buildings or parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care;
<b>agriculture – extensive</b>	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture — intensive or animal husbandry — intensive;
<b>agriculture - intensive</b>	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following - (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture.
<b>airfield</b>	means land and buildings used in connection with the operation of aeroplanes and other aircraft, including public airstrips, a public passenger terminal, ancillary offices, car parking, parking, maintenance and servicing of aircraft, including airfields ancillary to tourist uses but does not include a private airstrip incidental to farming operations.
<b>amusement parlour</b>	means premises - (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines.
<b>animal establishment</b>	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.

- animal husbandry - intensive** means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, 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 –
- (a) that are open to the public; and
  - (b) 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*.
- brewery** means premises the subject of a producer’s licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;
- 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 childrens’ goods, including play equipment and accessories;
    - (xi) sporting, cycling, leisure, fitness goods and accessories;
    - (xii) swimming pools; and

	<ul style="list-style-type: none"> <li>(b) used to sell by retail goods and accessories by retail if — <ul style="list-style-type: none"> <li>(i) a large area is required for the handling, display or storage of the goods; or</li> <li>(ii) vehicular access is required to the premises for the purpose of collection of purchased goods;</li> </ul> </li> </ul>
<b>camping ground</b>	means an area used for a camping ground as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
<b>caravan park</b>	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
<b>caretaker's dwelling</b>	means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
<b>car park</b>	means premises used primarily for parking vehicles whether open to the public or not but does not include - <ul style="list-style-type: none"> <li>(a) any part of a public road used for parking or for a taxi rank; or</li> <li>(b) any premises in which cars are displayed for sale.</li> </ul>
<b>child care premises</b>	means premises where - <ul style="list-style-type: none"> <li>(a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i>, other than a family day care service as defined in that section, is provided; or</li> <li>(b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.</li> </ul>
<b>cinema/theatre</b>	means premises where the public may view a motion picture or theatrical production.
<b>civic use</b>	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
<b>club premises</b>	means premises used by a legally constituted club or association or other body of persons united by a common interest.
<b>commercial vehicle parking</b>	means premises used for parking of one or 2 commercial vehicles but does not include — <ul style="list-style-type: none"> <li>(a) any part of a public road used for parking or for a taxi rank; or</li> <li>(b) parking of commercial vehicles incidental to the predominant use of the land;</li> </ul>
<b>community purpose</b>	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.
<b>consulting rooms</b>	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.

<b>convenience store</b>	means premises - <ul style="list-style-type: none"> <li>(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and</li> <li>(b) operated during hours which include, but may extend beyond, normal trading hours; and</li> <li>(c) the floor area of which does not exceed 300 m<sup>2</sup> net lettable area.</li> </ul>
<b>corrective institution</b>	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
<b>educational establishment</b>	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.
<b>exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum..
<b>family day care</b>	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided.
<b>fast food outlet</b>	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 — <ul style="list-style-type: none"> <li>(a) without further preparation; and</li> <li>(b) primarily off the premises;</li> </ul>
<b>fuel depot</b>	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used - <ul style="list-style-type: none"> <li>(a) as a service station; or</li> <li>(b) for the sale of fuel by retail into a vehicle for use by the vehicle.</li> </ul>
<b>funeral parlour</b>	means premises used — <ul style="list-style-type: none"> <li>(a) to prepare and store bodies for burial or cremation;</li> <li>(b) to conduct funeral services;</li> </ul>
<b>garden centre</b>	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
<b>holiday accommodation</b>	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;
<b>holiday house</b>	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

**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 profession -

- (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 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done by means of the Internet; 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 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done by means of the Internet; 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 m<sup>2</sup>; 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 premises, other than premises used for a home occupation, that are used by the occupier of the premises for the purpose of carrying out a trade or light industry producing arts and crafts goods if the carrying out of the trade or light industry -

- (a) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (b) if the premises is located in a residential zone - does not employ any person other than a member of the occupier's household; and
- (c) is compatible with the principal uses to which land in the zone in which the premises is located may be put; and
- (d) does not occupy an area greater than 50 m<sup>2</sup>; and
- (e) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>.

**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;



<b>industry - light</b>	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;
<b>industry – primary production</b>	means premises used — <ul style="list-style-type: none"> <li>(a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or</li> <li>(b) for a workshop servicing plant or equipment used in primary production businesses;</li> </ul>
<b>liquor store - large</b>	means premises - <ul style="list-style-type: none"> <li>(a) the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i>; and</li> <li>(b) in which the whole of, or a portion of, the premises with a net lettable area of more than 300m<sup>2</sup> is used to display and sell packaged liquor for consumption off the premises.</li> </ul>
<b>liquor store - small</b>	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m <sup>2</sup> .
<b>lunch bar</b>	means premises or part of premises within an industrial or commercial area used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation.
<b>marina</b>	means - <ul style="list-style-type: none"> <li>(a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and</li> <li>(b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services.</li> </ul>
<b>marine filling station</b>	means premises used for the storage and supply of liquid fuels and lubricants for marine craft.
<b>market</b>	means premises used for the display and sale of goods from stalls by independent vendors.
<b>medical centre</b>	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
<b>mining operations</b>	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1) is carried out;
<b>motel</b>	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - <ul style="list-style-type: none"> <li>(a) used to accommodate guests in a manner similar to a hotel; and</li> <li>(b) with specific provision for the accommodation of guests with motor vehicles.</li> </ul>
<b>motor vehicle, boat or caravan sales</b>	means premises used to sell or hire motor vehicles, boats or caravans.

<b>motor vehicle repair</b>	means premises used for or in connection with -  (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or retreading of tyres.
<b>motor vehicle wash</b>	means premises primarily used to wash motor vehicles and may include facilities for washing boats.
<b>nature based park</b>	means premises used for a nature based park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> .
<b>nightclub</b>	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i>
<b>oceanarium</b>	means a saltwater aquarium for the display and observation of fish and other marine life.
<b>office</b>	means premises used for administration, clerical, technical, professional or similar business activities.
<b>park home park</b>	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.
<b>place of worship</b>	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
<b>reception centre</b>	means premises used for hosted functions on formal or ceremonial occasions.
<b>recreation - private</b>	means premises that are -  (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
<b>renewable energy facility</b>	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers.
<b>repurposed dwelling</b>	means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.
<b>resource recovery centre</b>	means premises other than a waste disposal facility used for the recovery of resources from waste.
<b>restaurant/cafe</b>	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 <i>Liquor Control Act 1988</i> .

<b>restricted premises</b>	<p>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 -</p> <ul style="list-style-type: none"> <li>(a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); or</li> <li>(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</li> <li>(c) smoking-related implements</li> </ul>
<b>road house</b>	<p>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 —</p> <ul style="list-style-type: none"> <li>(a) a full range of automotive repair services;</li> <li>(b) wrecking, panel beating and spray painting services;</li> <li>(c) transport depot facilities;</li> <li>(d) short-term accommodation for guests;</li> <li>(e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and</li> <li>(f) dump points for the disposal of black and/or grey water from recreational vehicles.</li> </ul>
<b>rural home business</b>	<p>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 -</p> <ul style="list-style-type: none"> <li>(a) does not involve employing more than 2 people who are not members of the occupier's household; and</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(c) does not occupy an area greater than 200 m<sup>2</sup>; and</li> <li>(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done by means of the Internet; and</li> <li>(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</li> <li>(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.</li> </ul>
<b>rural pursuit/hobby farm</b>	<p>means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are 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 —</p> <ul style="list-style-type: none"> <li>(a) the rearing, agistment, stabling or training of animals;</li> <li>(b) the keeping of bees;</li> <li>(c) the sale of produce grown solely on the premises</li> </ul>
<b>salvage yard</b>	<p>means land or premises used for the storage and sale of materials salvaged from the demolition or renovating of buildings or machinery.</p>
<b>second hand dwelling</b>	<p>means a dwelling that has been in a different location, and has been dismantled and transported to another location (in whole or in parts)</p>

for habitable purposes, but does not include a new modular or transportable dwelling.

<b>serviced apartment</b>	means a group of units or apartments providing – (a) self-contained short stay accommodation for guests; and (b) any associated reception or recreation activities
<b>service station</b>	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; and/or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
<b>shop</b>	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;
<b>small bar</b>	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
<b>tavern</b>	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
<b>telecommunications infrastructure</b>	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.
<b>tourist development</b>	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide — (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development;
<b>trade display</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement.
<b>trade supplies</b>	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 manufactured 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.
<b>transport depot</b>	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.

<b>tree farm</b>	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 <i>Carbon Rights Act 2003</i> section 5.
<b>veterinary centre</b>	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
<b>warehouse/ storage</b>	means premises including indoor or outdoor facilities used for — (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods;
<b>waste disposal facility</b>	means premises used - (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste.
<b>waste storage facility</b>	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.
<b>winery</b>	means premises used for the production of viticultural produce and associated sale of the produce.
<b>winery</b>	means premises used for the production of viticultural produce and associated sale of the produce.
<b>workforce accommodation</b>	means premises, which may include modular or relocatable buildings, used — (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

# SCHEDULES

- Schedule A Supplementary to Deemed Provisions
- Schedule B Special Use Zones
- Schedule C Exempted Advertising

## SCHEDULE A – SUPPLEMENTARY TO DEEMED PROVISIONS

(Additional provisions to the Deemed Provisions of the Regulations)

Supplementary provisions in this Schedule A are numbered to correlate with the clauses outlined in Schedule 2 Deemed Provisions, as per the *Planning and Development (Local Planning Schemes) Regulations 2015*:

### PART 7 – REQUIREMENT FOR DEVELOPMENT APPROVAL

61 (1) (c) the erection or extension to a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is –

(vi) land subject to inundation and the development will have a floor level less than RL 4.2 metres AHD.

61 (1) (d) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, veranda, garage, or carport on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is –

(vi) Land subject to inundation and the development will have a floor level less than RL 4.2 metres AHD

(vii) the ancillary dwelling is a ‘repurposed dwelling’ or ‘second hand dwelling’.

61 (1) (j) of the Deemed Provisions of the Regulations, development approval of the local government is not required for the following –

(a) The erection of a boundary fence where:

(i) The boundary fence is a dividing fence between two lots, does not exceed 1.8 metres and is located behind the street setback area or front building line; or

(ii) The boundary fence is a lot in the Industry zone, is constructed out of visually permeable materials including and not limited to cyclone mesh link fencing with a maximum height of 2 metres; or

(iii) The boundary fence is located in the street setback area on land zoned Residential or Urban Development does not exceed 1.8 metres in height and complies with the ‘deemed to comply’ requirements of the Residential Design Codes.

(b) Any change to the words, pictures, symbols, or colours of any approved advertisement where the change does not alter the size or purpose of the approved advertisement.

(c) Subject to the provisions of the Main Roads (Control of Advertisements) Regulations 1996, the local government’s prior consent is not required in respect of those advertisements listed in Schedule C which for the purpose of this Schedule are referred to as ‘exempted advertisements’.

The exemptions listed in Schedule C do not apply to buildings or land which are:

(i) listed by the Heritage Council;

(ii) listed on the register of the National Estate;

(iii) located in the Special Control Area for the Shark Bay World Heritage Property.

- 61 (1) (k) development approval of the local government is not required for the following works within the 'Special Use' zone where it:
- (a) Only involves internal alterations to an existing building; and/ or
  - (b) Involves maintenance or refurbishment of an existing building or development with no major alterations to the building footprint; and/or
  - (c) Is a minor alteration or addition to an existing non habitable building; and/or
  - (d) The use of the building is not proposed to substantially change; or
  - (e) Will not compromise World Heritage Values in the opinion of the local government.



## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

The symbols used for land use permissibility in Schedule B shall have the same meaning as the symbols under Clause 18 (2).

No.	Description of Land	Special Use	Conditions
SU1.	Lot 310 Stella Rowley Drive, Denham and Unallocated Crown Land (Lot 309)	<p>As 'D' use:</p> <ul style="list-style-type: none"> <li>• Caravan park</li> <li>• Camping ground</li> <li>• Holiday accommodation</li> <li>• Tourist development</li> </ul> <p>As 'I' use:</p> <ul style="list-style-type: none"> <li>• Shop</li> </ul>	As required by the local government.
SU2.	Lot 9502 Shark Bay Road, Denham	<p>As 'D' Use:</p> <ul style="list-style-type: none"> <li>• Group dwelling</li> <li>• Holiday accommodation</li> <li>• Restaurant/cafe</li> <li>• Recreation - private</li> <li>• Single house</li> <li>• Tourist development</li> </ul> <p>As 'I' use:</p> <ul style="list-style-type: none"> <li>• Tavern</li> </ul>	<p>Any subdivision shall be generally in accordance with an approved Structure Plan. Any Structure Plan shall be developed in accordance with Part 4, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and will address the following:</p> <ul style="list-style-type: none"> <li>• Development should be set back and buffered from adjoining residential uses to the satisfaction of the local government; and</li> <li>• Development should be setback from the dune ridge on the southern boundary of the site, and this ridge should be landscaped and protected to the satisfaction of the local government.</li> </ul>
SU3	Lot 1 Monkey Mia Road / corner Shark Bay Road, Denham	<p>As 'D' Uses:</p> <ul style="list-style-type: none"> <li>• Bulky goods showroom</li> <li>• Carpark</li> <li>• Convenience store</li> <li>• Garden centre</li> <li>• Industry – light</li> <li>• Motor vehicle, boat or caravan sales</li> <li>• Motor vehicle repair</li> <li>• Motor Vehicle Wash</li> <li>• Office</li> <li>• Restaurant/ cafe</li> <li>• Service station</li> <li>• Warehouse/storage</li> </ul>	<p><u>Objectives</u></p> <ul style="list-style-type: none"> <li>• To ensure that any development is compatible with the Commercial and surrounding zoning.</li> <li>• To provide for a wide range of compatible landuses and encourage opportunities for mixed use development.</li> <li>• To encourage development of an attractive place to work and conduct business.</li> </ul>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU3	<p>Lot 1 Monkey Mia Road / corner Shark Bay Road, Denham</p> <p>(continued)</p>		<ul style="list-style-type: none"> <li>• To promote a high standard of development including buildings, landscaping and carparking.</li> <li>• To ensure that all development presents a visually attractive appearance to Monkey Mia Road as a main gateway into the Denham Townsite.</li> </ul> <p><u>Conditions</u></p> <ol style="list-style-type: none"> <li>1) Any development is to have quality building facades fronting Shark Bay Road and Monkey Mia Road.</li> <li>2) The layout of carparking areas shall be designed with high regard for traffic circulation between developments on the same lot, and shall be integrated to allow for good on site traffic management and flow.</li> <li>3) Development shall be setback from Shark Bay Road and Monkey Mia Road intersection to the satisfaction of the local government and Main Roads WA.</li> <li>4) The boundary of the site abutting the Cemetery Reserve No. 8886 shall be landscaped to the satisfaction of the local government.</li> <li>5) Council may require lodgement of a landscaping plan as a condition of any development.</li> <li>6) Council may require lodgement of a transport impact assessment for any new development, prepared in accordance with the WAPC's <i>Transport Impact Assessment Guidelines (August 2016)</i>.</li> </ol>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU3	<p>Lot 1 Monkey Mia Road / corner Shark Bay Road, Denham</p> <p>(continued)</p>		<p>7) Council shall only consider 'motor vehicle repair' as a stand-alone development, where:</p> <ul style="list-style-type: none"> <li>(i) The building is of a high quality with adequate on site carparking and landscaping to the satisfaction of Council;</li> <li>(ii) The use is confined to those activities as defined in the 'motor vehicle repair' landuse definition in Clause 40 servicing as a predominant activity; and</li> <li>(iii) The use shall not include any motor vehicle wrecking (which is defined separately in the Scheme) dismantling of vehicles, or storage of any car bodies on site; and</li> <li>(iv) Any external storage shall be confined to the side or rear of a building and must be adequately screened from public view to the satisfaction of Council; and</li> <li>(v) The workshop floorspace within Special Use 3 shall be limited to a maximum area of 300m<sup>2</sup> (excluding office and amenities) to the satisfaction of Council.</li> </ul> <p>8) In determining any application, Council will have regard for the objectives listed for this site.</p> <p>9) The Local Government may require a local development plan as a means to guide future development as provided for under Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU3	Lot 1 Monkey Mia Road / corner Shark Bay Road, Denham  (continued)		10) Notwithstanding condition (9), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
SU4	Lots 1, 2, 3 and 4 Nanga Road, Nanga  (continued)	As 'D' use: <ul style="list-style-type: none"> <li>- Agriculture - intensive</li> <li>- Ancillary dwelling</li> <li>- Camping ground</li> <li>- Caravan park</li> <li>- Carpark</li> <li>- Exhibition centre</li> <li>- Holiday accommodation</li> <li>- Motel</li> <li>- Office</li> <li>- Park home park</li> <li>- Reception centre</li> <li>- Restaurant/cafe</li> <li>- Service station</li> <li>- Shop</li> <li>- Short term accommodation</li> <li>- Single house</li> <li>- Tourist development</li> <li>- Tavern</li> <li>- Waste disposal facility</li> <li>- Waste storage facility</li> <li>- Workforce accommodation</li> </ul>	1) Development of the site shall be generally in accordance with an approved Local Development Plan, which has been prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government.  The Local Development Plan is to address the following: <ul style="list-style-type: none"> <li>(a) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</li> <li>(b) Provision of adequate services including potable water supply;</li> <li>(c) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, service areas and rubbish management;</li> </ul>

**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU4	<p>Lots 1, 2, 3 and 4 Nanga Road, Nanga</p> <p>(continued)</p>		<ul style="list-style-type: none"> <li>(d) Provide clear demarcation between the development site and the foreshore reserve and definition of the setback for development from the permanent vegetation line;</li> <li>(e) coastal setbacks in accordance with any relevant state planning policies; and</li> <li>(f) bushfire management in accordance with any relevant state planning policy.</li> </ul> <p>(2) The local government may require a Visual Impact Assessment to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.</p> <p>(3) Any development or Local Development Plan shall be referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) and the Shark Bay World Heritage Advisory committee for comment prior to determination.</p> <p>(4) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU4	Lots 1, 2, 3 and 4 Nanga Road, Nanga  (continued)		(5) Notwithstanding Condition (1), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
SU5	Overlander Lot 174 North West Coastal Highway	As 'D' use: <ul style="list-style-type: none"> <li>- Ancillary dwelling</li> <li>- Camping ground</li> <li>- Caravan park</li> <li>- Fuel depot</li> <li>- Holiday accommodation</li> <li>- Hotel</li> <li>- Restaurant / café</li> <li>- Roadhouse</li> <li>- Service station</li> <li>- Single house</li> <li>- Shop</li> <li>- Transport depot</li> <li>- Waste disposal facility</li> <li>- Waste storage facility</li> <li>- Workforce accommodation</li> </ul>	1) Any development is to address the following matters to the satisfaction of the local government: <ul style="list-style-type: none"> <li>a) Provision of adequate services including potable water supply;</li> <li>b) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, service areas and rubbish management; and</li> <li>c) Suitable areas on site for carparking, loading, truck parking, access and traffic movements.</li> </ul> 2) Council may refer any application to the Department of Health WA and Main Roads WA for recommendations and comment.                     3) Council may require lodgement of a traffic impact assessment for any new development prepared in accordance with the WAPC's <i>Transport Impact Assessment Guidelines (August 2016)</i> .
SU6	Billabong Lot 2 and 3 North West Coastal Highway	As 'D' use: <ul style="list-style-type: none"> <li>- Ancillary dwelling</li> <li>- Camping ground</li> <li>- Caravan park</li> <li>- Fuel depot</li> <li>- Holiday accommodation</li> <li>- Hotel</li> <li>- Restaurant/cafe</li> </ul>	1) Any development is to address the following matters to the satisfaction of the local government: <ul style="list-style-type: none"> <li>a) Provision of adequate services including potable water supply;</li> </ul>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU6	Billabong Lot 2 and 3 North West Coastal Highway  (continued)	<ul style="list-style-type: none"> <li>- Road house</li> <li>- Service station</li> <li>- Single house</li> <li>- Shop</li> <li>- Transport depot</li> <li>- Waste disposal facility</li> <li>- Workforce accommodation</li> </ul>	<p>b) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, services areas and rubbish management; and</p> <p>c) Suitable areas on site for carparking, loading, truck parking, access and traffic movements.</p> <p>2) Council may refer any application to the Department of Health WA and Main Roads WA for recommendations and comment.</p> <p>3) Council may require lodgement of a traffic impact assessment for any new development, prepared in accordance with the WAPC's <i>Transport Impact Assessment Guidelines (August 2016)</i>.</p>
SU7.	Lots 350 and 351 Hamelin Pool Road, Hamelin Pool	As 'P' use: <ul style="list-style-type: none"> <li>• Single house</li> </ul> As 'D' use: <ul style="list-style-type: none"> <li>• Ancillary dwelling</li> <li>• Camping ground</li> <li>• Caravan park</li> <li>• Educational establishment</li> <li>• Exhibition centre</li> <li>• Holiday accommodation</li> <li>• Liquor Store - small</li> <li>• Restaurant/cafe</li> <li>• Shop</li> <li>• Tourist development</li> <li>• Waste disposal facility</li> <li>• Waste storage facility</li> </ul>	<p>1) The Local Government may require a Local Development Plan as a means to guide future development as provided for under Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Any Local Development Plan is to address the following:</p> <p>a) The proposed development is to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU7	<p>Lots 350 and 351 Hamelin Pool Road, Hamelin Pool</p> <p>(continued)</p>		<p>b) Provision of adequate services including potable water supply;</p> <p>c) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, services areas and rubbish management;</p> <p>d) Bushfire management in accordance with any relevant state planning policy.</p> <p>2) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>3) Notwithstanding Condition (1), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>



**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU8	Reserve 49107 (Lot 500), Reserve 40727 (Lot 130) and Unallocated Crown land (Lot 501) Monkey Mia Road, Monkey Mia	As 'D' Use: <ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Carpark</li> <li>• Camping ground</li> <li>• Caravan park</li> <li>• Cinema/theatre</li> <li>• Exhibition area</li> <li>• Holiday accommodation</li> <li>• Liquor store – small</li> <li>• Lunch bar</li> <li>• Motel</li> <li>• Office</li> <li>• Park home park</li> <li>• Shop</li> <li>• Reception centre</li> <li>• Residential building</li> <li>• Restaurant/ cafe</li> <li>• Tourist development</li> <li>• Workforce accommodation</li> </ul>	1) The intent of this Special Use Zone is to provide for the needs of tourists in a manner that enhances the management and welfare of the Shark Bay World Heritage Property, and particularly, the welfare of the dolphins.  2) The Local Government may require a Local Development Plan as a means to guide future development as provided for under Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .  Any Local Development Plan is to address the following: <ul style="list-style-type: none"> <li>a) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</li> <li>b) Provide clear demarcation between the development site and the foreshore reserve and definition of the setback for development from the permanent vegetation line;</li> <li>c) Provision of adequate services including potable water supply;</li> <li>d) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, services areas and rubbish management;</li> <li>e) Coastal setbacks in accordance with any relevant state planning policy;</li> <li>f) Bushfire management in accordance with any relevant state planning policy.</li> </ul>

**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU8	Reserve 49107 (Lot 500, Reserve 40727 (Lot 130) and Unallocated Crown land (Lot 501) Monkey Mia Road, Monkey Mia  (continued)		3) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .  4) In relation to this special use zone, development of power generation, desalination and associated infrastructure will be provided as a component of one or more of the discretionary land uses.  5) The local government may require lodgement of a traffic impact assessment for any new development, prepared in accordance with the WAPC's <i>Transport Impact Assessment Guidelines (August 2016)</i> .  6) Any development or Local Development Plan shall be referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) and the Shark Bay World Heritage Advisory committee for comment prior to determination.  7) Notwithstanding condition (2), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
SU9	Lot 63 Monkey Mia Road, Monkey Mia	As 'P' use:  <ul style="list-style-type: none"> <li>• Carpark</li> <li>• Civic use</li> </ul>	<ul style="list-style-type: none"> <li>• As required by the local government.</li> <li>• Other uses incidental to the permitted uses may be considered at the discretion of the local government.</li> </ul>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU10	Lot 90 Monkey Mia Road, Denham	As 'P' use: <ul style="list-style-type: none"> <li>• Single house</li> </ul> As 'D' use: <ul style="list-style-type: none"> <li>• Agriculture-intensive</li> <li>• Tree farm</li> <li>• Workforce accommodation</li> </ul>	1) Development of the site shall be generally in accordance with an approved Local Development Plan, which has been prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government.  2) The local government may require lodgement of a transport impact assessment for any new development, prepared in accordance with the WAPC's <i>Transport Impact Assessment Guidelines (August 2016)</i> .  3) Notwithstanding condition (1), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
SU11	Useless Loop	As 'P' use: <ul style="list-style-type: none"> <li>• Caretakers dwelling</li> <li>• Child care premises</li> <li>• Community purpose</li> <li>• Consulting rooms</li> <li>• Convenience store</li> <li>• Educational establishment</li> <li>• Industry</li> <li>• Industry - light</li> <li>• Liquor store – small</li> <li>• Lunch bar</li> <li>• Office</li> <li>• Restaurant/ cafe</li> <li>• Shop</li> <li>• Tavern</li> <li>• Telecommunications infrastructure</li> <li>• Transport depot</li> <li>• Warehouse/ storage</li> <li>• Workforce accommodation</li> </ul>	As required by the local government.

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU12	Lot 296 Stella Rowley Drive, Denham	<p>As 'P' use:</p> <ul style="list-style-type: none"> <li>• Ancillary dwelling</li> <li>• Single house</li> </ul> <p>As 'D' use:</p> <ul style="list-style-type: none"> <li>• Carpark</li> <li>• Cinema / theatre</li> <li>• Exhibition centre</li> <li>• Grouped dwelling</li> <li>• Holiday accommodation</li> <li>• Hotel</li> <li>• Liquor store -small</li> <li>• Motel</li> <li>• Multiple dwelling</li> <li>• Office</li> <li>• Reception centre</li> <li>• Recreation - private</li> <li>• Restaurant/ cafe</li> <li>• Tourist development</li> <li>• Workforce accommodation</li> </ul> <p>As 'A' use:</p> <ul style="list-style-type: none"> <li>• Nightclub</li> </ul>	<p>1) Prior to any subdivision a Structure Plan shall be prepared in accordance with Part 4, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the Western Australian Planning Commission and is to address the following:</p> <p>(i) The proportion of permanent residential dwelling units relative to the total number of accommodation units shall be equal or less than 40 percent (unless otherwise approved by the local government and WAPC);</p> <p>(ii) The gross floor area of the permanent residential units relative to the total number of accommodation units shall be equal or less than 40 percent (unless otherwise approved by the local government and WAPC);</p> <p>(iii) Where a residential component is incorporated as part of any development, those areas providing the highest tourist values such as the beachfront, shall be retained permanently for tourist purposes and short stay accommodation;</p> <p>(iv) The proposed development is to be of a high architectural quality and be designed to be sympathetic to the location taking into account topography, physical characteristics and landscape character of the surrounding area;</p>

**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU12	Lot 296 Stella Rowley Drive, Denham  (continued)		<ul style="list-style-type: none"> <li data-bbox="1062 297 1477 477">(v) The development shall maintain good visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces;</li> <li data-bbox="1062 510 1477 633">(vi) Adequate provision for pedestrian access to the foreshore reserve, open space and landscaping;</li> <li data-bbox="1062 667 1477 813">(vii) Coastal setbacks and bushfire management in accordance with the relevant state planning policies;</li> <li data-bbox="1062 846 1477 1059">(viii) The design is to mitigate any potential for landuse conflict between residential and short stay accommodation or residential and commercial uses;</li> <li data-bbox="1062 1093 1477 1350">(ix) A management plan to be provided that addresses maintenance, operation of short stay or tourist facilities, interfaces between residential and non residential uses, waste disposal, service areas, and rubbish management;</li> <li data-bbox="1062 1384 1477 1809">(x) All development shall be limited to a maximum height of 4.5 metres above the height of Stella Rowley Drive (calculated in accordance with the Residential Design Codes) unless otherwise approved by Council having regard for retention of major view corridors to the ocean and a visual impact assessment provided by the proponent;</li> </ul>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU12	Lot 296 Stella Rowley Drive, Denham  (continued)		<p>(xi) A Foreshore Management Plan shall be required for the area between the site and the coast as a condition of development or subdivision and shall;</p> <ul style="list-style-type: none"> <li>- Address relevant State Planning Coastal Policies;</li> <li>- Require approval in writing by the Shire and WAPC prior to commencement of development or site works;</li> <li>- Provide a dual use path for clear demarcation between the development site and foreshore reserve;</li> <li>- Define the building setback from the permanent vegetation line.</li> </ul> <p>2) The local government and Western Australian Planning Commission has discretion to support a small scale large lot subdivision without an Structure Plan to facilitate creation of superlots where the sole purpose is to enable disposal of the land by the State of Western Australia for future development.</p> <p>3) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU13	Lot 556 Ocean Park Road, Francois Peron National Park	<p>As 'P' use:</p> <ul style="list-style-type: none"> <li>• Oceanarium</li> <li>• Restaurant/cafe</li> <li>• Shop</li> <li>• Single house</li> </ul> <p>As 'D' use:</p> <ul style="list-style-type: none"> <li>• Camping ground</li> <li>• Caravan park;</li> <li>• Holiday accommodation</li> <li>• Nature based park;</li> <li>• Tourist development;</li> <li>• Workforce accommodation</li> </ul>	<p>1) The intent of this Special use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for research purposes. Different forms of accommodation for tourists may be appropriate where the uses are planned for by a Local Development Plan.</p> <p>2) The use of the Camping ground is restricted to students involved in educational programs or research on site, unless the Camping ground forms part of an approved Local Development Plan (and has been specifically approved for general public use).</p> <p>3) A maximum of two dwellings for workforce accommodation may be constructed on site.</p> <p>4) Prior to the commencement development for any camping ground (to be used by the general public), nature based park or tourist development, a Local Development Plan shall be prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government and is to address the following:</p> <p>(i) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, services areas and rubbish management;</p>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU13	<p>Lot 556 Ocean Park Road, Francois Peron National Park</p> <p>(continued)</p>		<p>(ii) the proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p> <p>(iii) coastal setbacks in accordance with any relevant state planning policy;</p> <p>(iv) Bushfire management in accordance with any relevant state planning policy.</p> <p>5) Notwithstanding Condition (4), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>



**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island	<p>As 'D' Use:</p> <ul style="list-style-type: none"> <li>• Ancillary dwelling</li> <li>• Bed and breakfast</li> <li>• Camping ground</li> <li>• Caravan park</li> <li>• Car park</li> <li>• Convenience store</li> <li>• Educational establishment</li> <li>• Exhibition centre</li> <li>• Fuel depot</li> <li>• Holiday accommodation</li> <li>• Holiday house</li> <li>• Home occupation</li> <li>• Home office</li> <li>• Liquor store-small</li> <li>• Motor vehicle, boats or caravan sales</li> <li>• Nature based park</li> <li>• Office</li> <li>• Recreation-private</li> <li>• Restaurant/cafe</li> <li>• Shop</li> <li>• Single house</li> <li>• Tourist development</li> <li>• Workforce accommodation</li> <li>• Waste storage facility</li> <li>• Waste disposal facility</li> </ul> <p>As 'A' Use:</p> <ul style="list-style-type: none"> <li>• Airfield</li> </ul>	<p>1) The objective of this zone is to provide for eco-tourism development.</p> <p>2) No subdivision of lots shall be permitted.</p> <p>3) Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:</p> <p>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;</p> <p>(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p> <p>(iii) Coastal setbacks in accordance with relevant state planning policy;</p> <p>(iv) Bushfire management in accordance with relevant state planning policy;</p>

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island  (continued)		<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p> <p>(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.</p> <p>4) Any staged development is to address the requirements indicated in (3) above.</p> <p>5) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island  (continued)		6) Notwithstanding condition (3), the local government may consider development in the absence of a Local Development Plan as provided for under Clause 56(2), Schedule 2, Part 6, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .  7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.  8) Any development or Local Development Plan shall be referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services), the Shark Bay World Heritage Advisory committee and the Department of Planning Lands and Heritage for comment prior to determination.  9) Any design guidelines that form part of a Local Development Plan approved by the Local Government shall be enforced as if the requirements form part of the Scheme.  10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) for endorsement where a physical foreshore exists between the site and the coast as a condition of development.  11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island  (continued)		12) In relation to the land use 'Motor vehicle, boats or caravan sales' only hire of motor vehicles, boats or caravans may be considered by the local government.
SU15	Lot 142 Denham Road / corner Oakley Ridge, Denham	<p>As 'P' use:</p> <ul style="list-style-type: none"> <li>• Single house</li> <li>• Home office</li> </ul> <p>As 'I' use:</p> <ul style="list-style-type: none"> <li>• Car park</li> </ul> <p>As 'D' use:</p> <ul style="list-style-type: none"> <li>• Aged care facility</li> <li>• Bed and breakfast</li> <li>• Grouped dwelling</li> <li>• Holiday accommodation</li> <li>• Holiday house</li> <li>• Home Occupation</li> <li>• Tourist development</li> </ul> <p>As 'A' use:</p> <ul style="list-style-type: none"> <li>• Park Home Park</li> <li>• Workforce accommodation</li> </ul>	<p>1) The objective is to provide flexibility for a wide range of tourist accommodation and cater for single or grouped dwellings which may also be used for holiday accommodation, guided by a Local Development Plan.</p> <p>2) Development of the site shall be generally in accordance with an approved Local Development Plan, which has been prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government.</p> <p>3) A Local Development Plan can ensure a mix of landuses are strategically planned for and coordinated to the satisfaction of the local government.</p> <p>4) Notwithstanding Condition (2), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
SU16	Lot 91 Monkey Mia Road, Denham	<p>As 'P' use:</p> <ul style="list-style-type: none"> <li>• Airfield</li> <li>• Carpark</li> </ul>	1) The intent of this Special Use zone is to recognise the established Shark Bay airport as an essential component of regional transport infrastructure.

## SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU16	Lot 91 Monkey Mia Road, Denham  (continued)	As 'D' use: <ul style="list-style-type: none"> <li>• Art Gallery</li> <li>• Civic Use</li> <li>• Exhibition Centre</li> <li>• Fuel Depot</li> <li>• Industry - Light</li> <li>• Lunch Bar</li> <li>• Motor Vehicle, Boat or Caravan Sales;</li> <li>• Renewable Energy Facility</li> <li>• Restaurant/Cafe</li> <li>• Shop</li> <li>• Telecommunications Infrastructure</li> <li>• Trade Supplies; and</li> <li>• Warehouse/storage</li> </ul> As 'A' use: <ul style="list-style-type: none"> <li>• Animal Establishment;</li> <li>• Industry; and</li> <li>• Transport Depot</li> </ul> As 'I' use: <ul style="list-style-type: none"> <li>• Office</li> </ul>	2) The objective of this Special Use zone is to accommodate airport facilities and provide for a range of aviation and non-aviation uses that form part of a strategic aviation hub that caters for the local community and tourists.  3) Any development is to address the following matters to the satisfaction of the local government: <ol style="list-style-type: none"> <li>a. Provision of adequate services;</li> <li>b. Waste management; and</li> <li>c. Suitable areas on site for carparking, loading, truck movements, access and traffic circulation.</li> </ol> 4) The local government may require colours and materials to be compatible with the adjacent world heritage property, depending on the location and scale of development.  5) The local government may require lodgement of a traffic impact assessment for any new development, prepared in accordance with the WAPC's <i>Transport Impact Assessment Guidelines (August 2016)</i> .  6) In relation to the land use 'Motor vehicle, boats or caravan sales' only hire of motor vehicles, boats or caravans may be considered by the local government.

## SCHEDULE C – EXEMPTED ADVERTISEMENTS

Land Use and/or Development	Exempted Sign	Maximum Size
Residential/Home Office	One professional name-plate as appropriate.	0.2 m <sup>2</sup>
Home Occupation/Home Business	One advertisement describing the nature of the home occupation.	0.2 m <sup>2</sup>
Holiday home	One advertisement describing the holiday home.	0.2 m <sup>2</sup>
Place of Worship, Community Purposes	One advertisement detailing the function and/or the activities of the institution concerned.	3 m <sup>2</sup>
Cinemas/Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time.	Each sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses on lots in the Commercial zone or Tourism zone	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 building subject to a compliance with the requirements of any applicable local laws.	5m <sup>2</sup>
Industrial, Showroom and Warehouse Premises on lots zoned General Industry	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 15 m <sup>2</sup>  Maximum permissible total area shall not exceed 10m <sup>2</sup> & individual advertisement signs shall not exceed 6m <sup>2</sup>
Race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and  b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a municipality, and	N/A  N/A

**SCHEDULE C: EXEMPTED ADVERTISEMENTS**

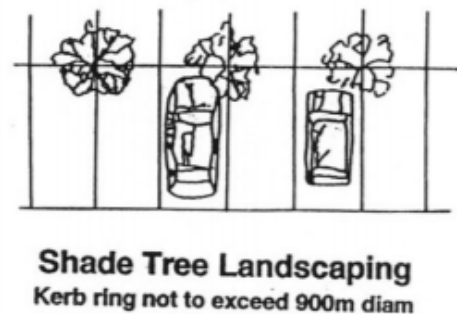
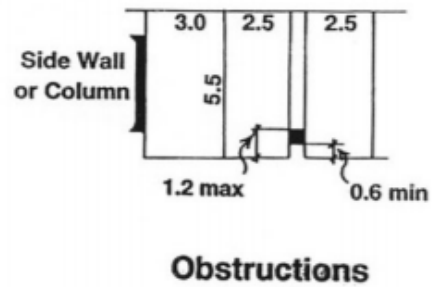
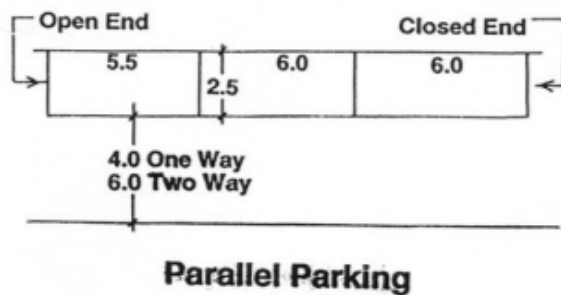
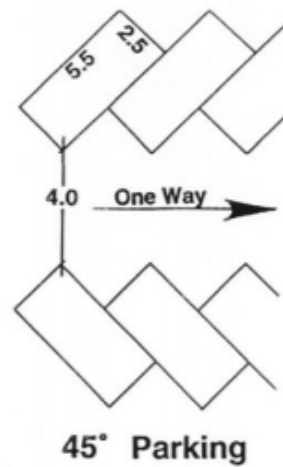
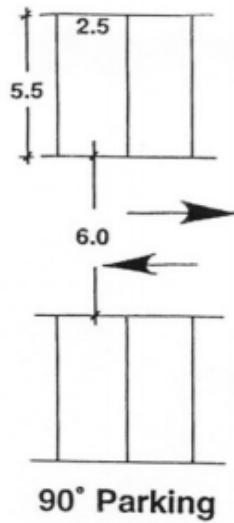
Land Use and/or Development	Exempted Sign	Maximum Size
	<p>c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein; and</p> <p>d) Advertising signs erected in a reserve or unallocated crown land by a public or government authority who has vesting, management or control of that reserve for:</p> <ul style="list-style-type: none"> <li>(i) Information on public access or camping in the reserve; or</li> <li>(ii) Education on activities allowed or prohibited for protection or management of the reserve; and /or</li> <li>(iii) Promotion of environmental features and attributes associated with a reserve or World Heritage Property.</li> </ul>	<p>N/A</p> <p>An aggregate sign face size of 10m<sup>2</sup></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 2 m <sup>2</sup> in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family 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.	0.2 m <sup>2</sup>
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):</p> <ul style="list-style-type: none"> <li>i) Residential</li> <li>ii) Multiple Dwellings, Shops, Commercial &amp; Industrial projects</li> <li>iii) Large development or redevelopment projects involving shopping centres, Office or other buildings exceeding 3 storeys in height.</li> </ul>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (i) above.</p> <p>One sign as for (i) above. One additional sign showing the name of the project builder</p>	<p>3 m<sup>2</sup></p> <p>6 m<sup>2</sup></p> <p>6 m<sup>2</sup></p>

## SCHEDULE C: EXEMPTED ADVERTISEMENTS

Land Use and/or Development	Exempted Sign	Maximum Size
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.	2 m <sup>2</sup>
<p>Property Transactions (advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows):</p> <p>i) Residential</p> <p>ii) Multiple dwellings, shops Commercial &amp; Industrial Properties.</p> <p>iii) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha.</p>	<p>One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign(s) are displayed.</p> <p>One sign as for (i) above.</p> <p>One sign as for (i) above.</p>	<p>Each sign shall not exceed and area of 3 m<sup>2</sup></p> <p>Each sign shall not exceed and area of 6 m<sup>2</sup></p> <p>Each sign shall not exceed and area of 10 m<sup>2</sup></p>



## APPENDIX 1 - CARPARKING LAYOUTS



### PARKING BAY DIMENSIONS:

- 90° & 45° Parking - 5.5m x 2.5m
- Parallel Parking - 6.0m x 2.5m or 5.5m x 2.5m where Open Ended

### DRIVEWAY WIDTHS:

- 6.0m wide (for 90° Parking)
- 4.0m wide (for 45° Parking with one way access)
- 0m wide (for Parallel Parking with one way access)
- 6.0m wide (for Parallel Parking with two way access)

### DISABLED PARKING:

- 3.0 m minimum width

**COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME**

Adopted by resolution of the Council of the Shire of Shark Bay at the Ordinary Meeting of Council held on the 24 June 2015.

P. ANDERSON, Chief Executive Officer.  
C. COWELL, Shire President.

---

**COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL**

Council resolved to support approval of the draft Scheme of the Shire of Shark Bay at the Ordinary Meeting of Council held on the 25 October 2017.

The Common Seal of the Shire of Shark Bay was hereunto affixed by authority of a resolution of the Council in the presence of—

P. ANDERSON, Chief Executive Officer.  
C. COWELL, Shire President.

---

WAPC Recommended for Approval—

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

Date: 3 August 2018.

---

Approval Granted—

R. .SAFFIOTI, Minister for Planning.

Date: 7 September 2018.

---