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# SHIRE OF CARNARVON

## Local Planning Scheme No. 10 CARNARVON TOWNSITE & ENVIRONS

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Updated to include AMD 73 GG 23/11/2018

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage  
Original Town Planning Scheme Gazettal  
26 February 1988

### Disclaimer

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Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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## SHIRE OF CARNARVON LPS 10 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
21	19/5/95	12/9/96	EB	Add new section 6.11.
23	19/9/95	12/9/96	EB	Inserting to App 9 Part Lot 30
36	19/1/01	18/1/01	DH	Appendix 4 - adding interpretation "Bed and Breakfast" Zoning Table - including new use class "Bed and Breakfast", cross-referenced as a discretionary ('AA') use within the 'Special Rural' zone.
40	25/7/03	24/7/03	DH	Appendix 7 - adding new Special Residential Area "3. Lot 7 North West Coastal Highway, Brown Range".
43	18/11/05	17/11/05	DH	Appendix 9 – amending Schedule of Special Use Sites by adding “No. 4 Portion Lot 10 Robinson Street, Carnarvon as per Outline Development Plan as adopted by Council”.
43	6/1/06	11/1/06	DH	Correction Notice: Amending definition of “Showroom”.
46	17/11/09	23/11/09	DH	Part 8 - adding new clause "8.9 Delegation of Functions"
56	29/03/11	11/04/11	NM	Deleted “Caretaker’s Flat or House” from Appendix IV – Interpretations. Inserted ‘Caretaker Dwelling’ into Appendix IV – Interpretations. Inserted Farm Stay, Holiday Home (standard), Holiday Home (large), Mixed Use, Serviced Apartment and Short-stay Accommodation into Appendix IV – interpretations. Amended Table 1 – Zoning Table. Deleted the use class ‘Boarding/Guest/Lodging House’ from Table 1 – Zoning Table and Table 2 – Development & Car Parking Standards. Deleted the use class ‘Holiday Cottages’ from Appendix IV – Interpretations, Table 1 – Zoning Table and Table 2 – Development & Car Parking Standards. Substituted the density code of R12.5 for R13.5 where it is referred to in clause 6.2.1. Inserted clauses; 6.12, 6.13, 6.14, 6.15 and 6.16. Inserted new subclause 6.6.2(d).
59	17/02/12	13/03/12	NM	Inserted Clauses 6.17 and 6.18.
60	15/06/12	09/07/12	NM	Inserted new clause 2.6.1(e). Replaced clause 6.11 – Fascine Waterway Development.
62	24/5/13	11/6/13	NM	Inserted Clause 5.15 Restrictive Covenants. Inserted new appendix – Appendix XI – Restrictive Covenants.
63	13/8/13	20/8/13	NM	Inserted ‘Lot 1 and Lot 2 North West Coastal Highway, Brown Range’ into Schedule IX.
65	08/04/14	17/04/14	ML	Rezoning amendments and Scheme Maps modified accordingly.
66	09/01/15	25/05/15	MLD	Rezone Lots 408, 35, 48, 47, 46, 42, 41, 22, 23, 19, 18, 2, 1261, 1262, 1255, 1256, 1257, and 1258 Boundary Road, Lots 17 and 21 Holden Street, Lots 1260, 1279, 100 Cleverland Street, portion Lot 32 on P131600, portion Lot 357 on P184393, portion Lot 584 HMAQS Sydney Memorial 11 Avenue, Lots 465, 102 and 101 Harbour Road, Lots 100, 101, 397 Cornish Street, and portion UCL from 'Light Industry' to 'General Industry'. Rezone Lot 18 Robinson Street from 'Light Industry' to 'Private Clubs and Institutions'. Amend the use 'Grouped Dwellings' under the zone 'Special Residential' in the Zoning Table from '- not permitted' to an 'AA' use. Reclassify a portion of Boundary Road from 'Road to be Closed' to 'Important Local Road'. Amend the Scheme Maps accordingly.
68	09/06/15	29/06/15	NG	Modify preamble to Table 1 with correct references. Modify Table 1 for ‘Caretaker’s Dwelling’ to be ‘IP’ use in Rural, Intensive Horticulture and Special Rural Zones. Modify Table 1 by including a new designation for Rural, Special Rural and Intensive Horticulture zones under ‘Residential Uses, Seasonal Staff/ Workers Accommodation’ with a dashed line for remaining zones (except ‘Special Use’ zone). Introduce a new definition of ‘Seasonal Staff/ Workers Accommodation’.

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		WHEN	BY	
				<p>Modify Clause 1.2, 5.7, 5.10, 5.14, 6.1, 6.2, 6.3, 6.4 and Appendix No. IV- Interpretations by replacing 'Residential Planning Codes' with 'Residential Design Codes'.</p> <p>Modify Clause 6.2.1 by deleting reference to density code of R13.5 and replacing with a density of R12.5.</p> <p>Remove all reference in Scheme No.10 of the term 'Council' and replace with 'Local Government'.</p> <p>Introduce a new Scheme provision '6.4 Seasonal Staff/Workers Accommodation' and renumber the remaining clauses accordingly.</p> <p>Remove 'poultry farming' from the definition of 'Rural Pursuit'.</p> <p>Correct punctuation in Clause 6.8.3.</p> <p>Introduce a revised definition of 'Fuel Filling Station', 'Motel' and 'Kennel'.</p> <p>Modify Table 1 by including a new designation for Residential, Residential Development, Rural, Special Rural and Intensive Horticulture under Residential Uses, 'Home Business' with a dashed line for the remaining zones (except 'Special Use' zone).</p> <p>Introduce a new definition of 'Home Business'.</p> <p>Delete reference in Clause 6.4.4 to Uniform Building By-Laws.</p> <p>Under Clause 2.6 (e)(i) replace the words "Acceptable Development" with "Deemed-to-Comply".</p> <p>Replace Clause "2.5 Period for Making Decisions" with "2.5 Deemed Refusal" and insert new wording.</p> <p>Replace 'Table No.2 - Development and Car Parking Standards' with the revised table.</p> <p>Replace words in Clause 2.4.3, adding a new 2.4.4 and renumber accordingly.</p> <p>Introduce new Clause 2.5 'Amending or Revoking a Planning Approval'.</p> <p>Replace the words in Policy Statement No. 1.</p> <p>Replace the words in Clause 8.8 and 8.9 and renumber the subsequent clauses accordingly.</p> <p>Modify Table 1 by including under Industrial Uses, 'wind, solar or tidal energy facility' with new designations under Rural, Special Rural, Intensive Horticulture, Light Industry and General Industry.</p> <p>Introduce a new definition of 'wind, solar or tidal energy facility'.</p> <p>Introduce new Clause 6.19 'Structure Plan'.</p> <p>Modify 'Appendix XI – Restrictive Covenants' by inserting 'Extinguish' in the third column of the second row.</p> <p>Modify Table 1 by including under 'Travelling and Vacational Uses', 'Short Stay Accommodation' with a new designation under Residential and Residential Development.</p> <p>Modify Table 1 by including under 'Commercial Uses', 'Warehouse &amp; Storage' with 'SA' designation under the Intensive Horticulture zones.</p> <p>Amend the scheme maps.</p>
69	16/02/16	18/02/16	RO	<p>Reclassify part Lot 1147 on Plan 173472 from "Parks and Recreation" to "Special Use –Aged Care".</p> <p>Reclassify part Lot 1179 on Plan 213005 from "Parks and Recreation" to "Special Use –Aged Care".</p> <p>Reclassify part Lot 1193 on Plan 181640 from "Parks and Recreation" to "Special Use –Aged Care".</p> <p>Amending Appendix No. IX.</p> <p>Amending Scheme Maps accordingly..</p>
70	16/02/16	18/02/16	RO	<p>Reclassification of Lot 290 (Reserve 29646) North West Coastal Highway, South Plantations from 'Public Purposes' to 'Intensive Horticulture - Additional Use' and amending the Scheme Map accordingly.</p> <p>Modification of 'Appendix No. VI. - Schedule of Additional Uses'</p>
71	16/02/16	18/02/16	RO	<p>Modifying Table 1 Zoning Table by including under Commercial Uses, 'Restaurant/Cafe/Eating House'.</p>
72	14/03/17	21/03/17	GM	<p>Rezoned portion of Lot 9001 (P67938) and Lot 3001 (P50853) From 'Private Clubs and Institutions' to 'Intensive Horticulture'.</p> <p>Rezoned portion of Lot 385 (P193585), Lot 3001(P50853), Lot 330 (P75102) and Lot 454 (DP218099) from 'Rural' to 'Intensive Horticulture'.</p> <p>Reclassified portion of Lot 109 (P202367), Lot 108 (P202367), Lot 92 (P202373) from 'Public Purposes' to 'Intensive Horticulture'.</p> <p>Inserted new Clause 6.20 - SCA Gascoyne Food Bowl Special Control Area.</p>

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>Renumbered existing clause 6.20 to 6.21.  Modified Table 1 – Zoning Table to remove ‘Poultry Farm’ and ‘Piggery’ as ‘AA’ (discretionary uses) and list them as an ‘X’ use (a use which is not permitted) within the Intensive Horticulture zone.  Modified Appendix IV – Interpretations – ‘Intensive Horticulture’ and inserted new interpretation ‘Intensive Agriculture’.  Inserted A4 into Appendix VI – Schedule of Additional Uses.  Scheme Maps amended accordingly.</p>
76	20/07/18	20/08/18	GM	<p><b>Clause 1.2</b> – heading and text amended.  <b>Clause 1.5</b> - inserted ‘Shire of Carnarvon Town Planning Scheme No. 6 17 December 1976.’  <b>Clause 3.2 (b)</b> – replaced ‘Part 2 hereof’ with ‘Part 7 and Part 9 of the deemed provisions’.  <b>Clause 4.2.1</b> – deleted ‘subject to the provisions of Part 2’ and replaced reference to ‘Parts V and VI’ in Clause 4.2.1 with ‘Parts IV and V’.  <b>Clause 4.2.2</b> – deleted ‘I’ following the word ‘Government’.  <b>Table 1 – Zoning Table</b> –</p> <ul style="list-style-type: none"> <li>• Replaced ‘-’ with ‘X’ against every land use as required.</li> <li>• In the column shown as ‘K’ for the Commercial land use ‘Warehouse &amp; Storage’ (in the row following ‘Open Air Display’) replace ‘IP’ with ‘SA’. Delete the duplicated row for the land use ‘Warehouse &amp; Storage’ in the row that follows ‘Mixed Use’.</li> <li>• Deleted the row for the land use ‘Restaurant/Cafe/Eating House’ in the row that follows ‘Warehouse &amp; Storage’, and modify Table 1 Zoning Table by including a designation for ‘Restaurant/Cafe/Eating House’ in the row following ‘Shop’ within the following zones: <ul style="list-style-type: none"> <li>○ SA - Rural;</li> <li>○ SA - Intensive Horticulture; and</li> <li>○ SA - Special Rural.</li> </ul> </li> <li>• Deleted the row for the land use ‘Mixed Use’ in the row that follows ‘Funeral Parlour’.</li> </ul> <p><b>Clause 4.4</b> - deleted ‘The’ following ‘within the Zoning Table the land specified in’.  <b>Clause 5.2.3 d)</b> - replaced the text ‘provisions of Clause 8.2’ with ‘Act’.  <b>Clause 5.12.1</b> - inserted following the text ‘exception of buildings’ the words ‘for which development approval is not required under Clause 61 of the deemed provisions or are’.  <b>Clause 5.12.2</b> - replaced the following references - ‘(a)’ in the first line with ‘4.12.1’; ‘Clause 4.2.2’ with ‘Clause 3.2.2’; ‘Clause 5.12.3’ with ‘Clause 63 of the deemed provisions’ - and delete all text that follows reference to the latter clause i.e. from ‘and any submission made’ to 5.12.2(e) inclusive.  <b>Clause 5.14.1</b> - deleted the duplicated text that reads ‘relaxation of any standard with not prejudice the objectives’.  <b>Clause 5.15.2</b> - replaced all the text following ‘have been prohibited unless’ with ‘notice for development approval is given in accordance with clause 64 of the deemed provisions.’  <b>Clause 6.1.1</b> - replaced ‘Appendix No 2 of State Planning Policy No 1’ with ‘State Planning Policy 3.1 Residential Design Codes’ in its place.  <b>Clause 6.1.3</b> - deleted ‘and the Schedules to those Codes’.  <b>Clause 6.1.4</b> - replaced the text ‘Details set out’ with ‘shown’ in.  <b>Clause 6.3.2</b> - deleted the text ‘Subdivision Guide Plan or a Town Planning (Guided Development) Scheme’ and replaced with ‘Local Development Plan or a Structure Plan in accordance with Part 6 and Part 4 respectively of the deemed provisions’  <b>Clause 6.4.3</b> – text replaced.  <b>Clause 6.5.1</b> - replaced ‘Appendix 10’ with ‘the Shire of Carnarvon Municipal Heritage Inventory’ and deleted text after ‘scenic or other value’.  <b>Clause 6.7.2 a)</b> - deleted the following text ‘In accordance with Part 2, all development requires the prior approval of the Local Government and’ and replace it with ‘The local government will’.  <b>Clause 6.7.2 b)</b> - deleted the text ‘In addition to dwellings which may be approved by the Local Government pursuant to the foregoing sub-clauses’.  <b>Clause 6.7.3 c)</b> - replaced ‘Clauses 6.5.2, 6.5.3 and 6.5.4’ with ‘Clauses 5.6.2, 5.6.3 and 5.6.4’.  <b>Clause 6.8.1</b> - replaced ‘Part 2’ with ‘Part 9 of the deemed provisions’.  <b>Clause 6.9.1</b> - replaced ‘Part 2’ with ‘Part 9 of the deemed provisions’.</p>

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				<p><b>Clause 6.10.1</b> - replaced 'by the Water Authority' with 'under State Planning Policy 2.6 State Coastal Planning'.</p> <p><b>Clause 6.11.1</b> - deleted 'or Town Planning Scheme'.</p> <p><b>Clause 6.12.2 a)</b> - deleted the text that precedes the words 'all development' and replaced with the following: 'With the exception of works and uses referred to in Clause 61 of the deemed provisions and Schedule A.'</p> <p><b>Clause 6.12.2 b)</b> - deleted and replaced with the following: 'Subdivision and development of land within the Fascine Waterway Development zone shall have due regard to the Carnarvon Fascine Structure Plan.'</p> <p><b>Clause 6.12.3 b) (i) and (ii)</b> - deleted the text 'the Local Government is satisfied that' at the start of sub-clauses.</p> <p><b>Clause 6.12.3 b) (iii)</b> - deleted the text following 'proposed works' and replaced it with the 'including that no erosion or soil instability will result.'</p> <p><b>Clause 6.13.2</b> - replaced 'place of heritage value' with 'place referred to in Part 3 of the deemed provisions' and delete the second paragraph of the clause in its entirety.</p> <p><b>Clause 6.14.4</b> – deleted and replaced with 'Development of the 'Farm-stay' use shall generally accord with an approved Local Development Plan, prepared in accordance with Part 6 of the deemed provisions.'</p> <p><b>Clause 6.14.5</b> - replaced 'sued' with 'used'.</p> <p><b>Clause 6.15.4</b> - after 'shall not precede the development' replaced 'on' with 'of'.</p> <p><b>Clause 6.16.4</b> - deleted all the text following "an approved" and replaced with 'Local Development Plan prepared in accordance with Part 6 of the deemed provisions'.</p> <p><b>Clause 6.18.1</b> - added 'SCA2 – Gascoyne Food Bowl' below SCA1.</p> <p><b>Clause 6.20.3</b> - replaced 'Subdivision Guide Plane' with 'Subdivision Guide Plan'.</p> <p><b>Clause 6.20.5</b> - replaced the term 'Conditions' in the heading with 'Requirements' and deleted the second paragraph of the clause in its entirety and replaced with 'Where significant flora or fauna habitat are identified as worthy of protection, future environmental conservation reserves, fences and buffers must be shown on Local Development Plans prepared in accordance with Part 6 of the deemed provisions.'</p> <p><b>Appendix No. VI</b> – Property A4 - Special Conditions - replaced 'Subject to SPP4.3 Poultry Policy' with 'Subject to SPP2.5 Rural Planning'.</p> <p><b>Appendix No. VII</b> – in preamble replaced reference to 'Clause 6.5' with 'Clause 5.6'.</p> <p><b>Appendix No. VIII</b> – in preamble replaced reference to 'Clause 6.6' with 'Clause 5.7'.</p> <p><b>Appendix No. VIII</b> – 1 (iv) – replaced reference to 'Clause 6.8' with 'Clause 5.9'.</p> <p><b>Appendix No. IX</b> –</p> <ul style="list-style-type: none"> <li>• Property 2 - Deleted (ii) in Land and Property Description 2 and replaced with 'Such Structure Planning shall be prepared and approved in accordance with Part 4 of the deemed provisions.' and Deleted (iii).</li> <li>• Property 4 - Deleted and replaced Clause 3.</li> <li>• Property 5 - Transferred all the text following 'As specified by the local government' in the Column titled 'Development Requirements' to the column titled 'Primary Uses' and insert it below the dot point 'Roadhouse'.</li> <li>• Property 6 – <ul style="list-style-type: none"> <li>○ deleted Clause 1 and 2 and the text prior to the dot points in Development Requirements column and replaced.</li> <li>○ formatted the text 'areas of open space to be identified to contribute to the 10% requirement for public open space in the Brockman locality which is to be reclassified accordingly' as a dot point in Development Requirements column.</li> </ul> </li> </ul> <p><b>Appendix No. IV</b> – Interpretations –</p> <ul style="list-style-type: none"> <li>• Renumbered to Appendix No. 1.</li> <li>• Deleted the definitions and associated text for – 'Act', 'Advertisement', 'Aged or dependent persons dwelling', 'Attached house', 'Development', 'Dwelling House', 'Holiday Cottages', 'Institutional building', 'Institutional home', 'Minister', 'Owner', 'R-Codes', "Public Authority", 'Uniform Building By-Laws', 'Zone'.</li> <li>• Deleted the term 'Board' and associated text and replaced with "Commission" - means the Western Australian Planning Commission established by Section 7 of the <i>Planning and</i></li> </ul>

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				<p><i>Development Act 2005.</i></p> <ul style="list-style-type: none"> <li>Deleted the reference to 'Liquor Act 1970 as amended' and replaced with 'Liquor Control Act 1988' in the following definitions: 'Drive-In Liquor Store', 'Eating House', 'Hotel', 'Licenced Restaurant', 'Liquor Store', 'Private Hotel', 'Restaurant', 'Tavern' and 'Wineshop'</li> <li>Deleted the definition for 'Non-conforming use' and replaced with 'has the meaning given in the Planning and Development Act 2005 Section 172.'</li> <li>Deleted the definition for Plot Ratio and replaced with '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.'</li> </ul> <p>Deleted the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:</p> <ul style="list-style-type: none"> <li>Parts II and VIII in their entirety;</li> <li>Clauses 1.7; 3.2(c); 3.2(d); 3.3; 4.2.3; 4.3; 5.12.2(a) – (e) inclusive; 5.12.3; 6.3.3 – 6.3.11 inclusive; 6.4.4; 6.5.2 – 6.5.5 inclusive; 6.7.2(c); 6.12.2(c); 6.21; and Appendix IX Clause 2(iii) in their entirety;</li> <li>Appendix I, II, III, X in their entirety.</li> </ul> <p>Inserted new 'Schedule A - Supplemental Provisions' with provisions 61(1)(k) and 61(1)(l).</p> <p>Amended the following clauses by removing the cross references to the clause, Schedule or Part deleted by the amendment and replaced them with cross references to the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2</i>:</p> <ul style="list-style-type: none"> <li>'Clause 4.3': 'Clause 64 of the deemed provisions';</li> <li>'Clause 8.8' and 'Clause 8.8 of the Scheme': 'Part 2 of the deemed provisions'.</li> <li>'Part 2': 'Part 9 of the deemed provisions'.</li> </ul> <p>Deleted reference to the following terms and replaced them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> <li>'planning approval' replaced with 'development approval';</li> <li>'Town Planning Scheme' with 'Local Planning Scheme';</li> <li>'Subdivision guide plan' with 'Structure Plan'</li> <li>'Department of Planning' with 'Department of Planning, Lands and Heritage';</li> <li>'Health Department' with 'Department of Health';</li> <li>'Town Planning and Development Act 1928' with 'Planning and Development Act 2005';</li> <li>'Water Authority of WA' with the 'Department of Water and Environmental Regulation'.</li> <li>'State Planning Commission' with Western Australian Planning Commission.</li> </ul> <p><b>Policy Statement No. 1</b> – deleted the final two paragraphs.  <b>Policy Statement No. 3</b> – deleted and subsequent Policy Statement renumbered and references updated.  Renumbered the remaining scheme provisions and schedules sequentially; updated any cross referencing to the new clause numbers as required; and updated the contents page.</p>
73	23/11/18	26/11/18	MLD	<p>Reclassification of a portion of Reserve 33246 Egan street, Carnarvon from 'Public Purposes-School Site' local planning scheme reservation to 'Commercial' zone and amending the Scheme Map accordingly.</p>

# **SHIRE OF CARNARVON**

## **LOCAL PLANNING SCHEME NO. 10**

### **CARNARVON TOWNSITE & ENVIRONS**

#### **SCHEME TEXT**

**SHIRE OF CARNARVON**  
**LOCAL PLANNING SCHEME NO. 10**

The Carnarvon Shire Council, under and by virtue of the powers conferred upon it in that behalf by the *Town Planning and Development Act 2005* hereby makes the following Local Planning Scheme for the purpose of:

- (a) Reserving land required for public purposes, including those reserves appropriate for proper flood management for the Gascoyne River.
- (b) Zoning the balance of the land for the various purposes described in the Scheme.
- (c) Introducing various land use and development controls for the purpose of securing and maintaining an orderly and properly planned use and development of land within the Scheme Area and to preserve and enhance the environmental and natural qualities of the area.
- (d) Making provision for other matters authorised by the enabling Act.



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Policy Statements:

Policy Statement No. 1

Intensive Horticulture & Plantations

Policy Statement No. 2

Development in Commercial & Industrial

Policy Statement No. 3

Development Control - Airport Approaches

Policy Statement No. 4

Fascine Area Development

# PART I - PRELIMINARY

## 1.1 CITATION

This Local Planning Scheme may be cited as Shire of Carnarvon Local Planning Scheme No. 10 - Carnarvon Townsite and Environs (hereinafter called "the Scheme") and shall come into operation upon the publication of the Scheme in the Government Gazette.

## 1.2 CONTENTS OF SCHEME

AMD 76 GG 20/07/18

- (1) In addition to the provisions set out in this document (the **scheme text**), this Scheme includes:
  - a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
  - b) the Scheme Maps;
  - c) the supplemental provisions contained in Schedule A; and
  - d) Policy Statements No. 1, No. 2, No. 3 and No. 4.
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

## 1.3 SCHEME AREA

The Scheme shall apply to the whole of the area of land contained within the inner edge of the broken black line on the Scheme Map (hereinafter called the "Scheme Area").

## 1.4 RESPONSIBLE AUTHORITY

The authority responsible for enforcing the observance of the Scheme is the Local Government of the Shire of Carnarvon (hereinafter called "the Local Government"). AMD 68 GG 09/06/15

## 1.5 REVOCATION

The following Town Planning Schemes prepared for parts of the Shire of Carnarvon, published in the Government Gazette on the dates scheduled and whether or not subsequently amended from time to time, are hereby revoked:- AMD 76 GG 20/07/18

Title of Scheme	Gazettal Date
Shire of Carnarvon Town Planning Scheme No. 1	7 June 1968
Shire of Carnarvon Town Planning Scheme No. 2	29 December 1972
Shire of Carnarvon Town Planning Scheme No. 3	11 August 1972
Shire of Carnarvon Town Planning Scheme No. 5	9 March 1973
Shire of Carnarvon Town Planning Scheme No. 6	17 December 1976
Shire of Carnarvon Town Planning Scheme No. 7	10 April 1981

## 1.6 INTERPRETATIONS

In this Scheme, unless the context otherwise requires, the terms used shall have the respective interpretations set out in Appendix No. 4.

## PART II - RESERVED LAND

**2.1** Parts of the Scheme Area are included in reserves as set out hereunder:

Parks and Recreation Reserves,  
Public Purpose Reserves,  
Communication Reserves.

- 2.2** (a) Land set aside under this Scheme for the purpose of a reservation is deemed to be reserved for the purpose indicated on the Scheme Map.
- (b) Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme, including the erection of a boundary fence, without firstly applying for and obtaining from the Local Government a development approval pursuant to Part 7 and Part 9 of the deemed provisions. *AMD 76 GG 20/07/18*

## PART III - ZONED LAND

### 3.1 ZONES

Land other than land reserved under Part II of the Scheme is classified into zones as set out hereunder:

1. Residential
2. Residential Development
3. Special Residential
4. Commercial
5. Hotel
6. Tourist Accommodation
7. Private Clubs and Institutions
8. Light Industry
9. General Industry
10. Rural
11. Intensive Horticulture
12. Special Rural
13. Special Use
14. Fascine Waterway Development

### 3.2 LAND USES UNDER THE SCHEME

3.2.1 Table No. 1 hereunder and the ensuing Clauses indicate the uses which may be permitted by the Local Government under this Scheme in the various zones. The suitability of each use may be determined by cross reference between the list of "Use Classes" on the left hand side of the table and the list of "Zones", along the top of that table. In addition to the Zoning requirements, reference should also be made to the list of General Provisions and Special Provisions in Parts IV and V. *AMD 76 GG 20/07/18*

3.2.2 The symbols used in the cross references in Table No. 1 appended to this clause have the following meanings:

'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the local government in granting planning consent;

'AA' means that the local government may, at its discretion, permit the use;  
*AMD 76 GG 20/07/18*

'SA' means that the local government may, at its discretion, permit the use after notice of application has been given in accordance with Clause 64 of the deemed provisions;  
*AMD 76 GG 20/07/18*

'IP' uses in respect of which Development Approval will not be granted by the local government unless it can be satisfied that the proposed use will be incidental to the predominant use of the land as may be determined by the local government;

X uses which are not permitted under this Scheme.

# TABLE 1 - ZONING TABLE

AMD 76 GG 20/07/18

*The symbols used in this Table have the following meaning:															
A	-	Residential	H	-	Light Industry										
B	-	Residential Development	I	-	General Industry										
C	-	Special Residential	J	-	Rural										
D	-	Commercial	K	-	Intensive Horticulture										
E	-	Hotel	L	-	Special Rural										
F	-	Tourist Accommodation	M**	-	Special Use (See Clause 6.8 & Append. No. IX)	AMD 68 GG 09/06/15									
G	-	Private Clubs & Institutions													
			A	B	C	D	E	F	G	H	I	J	K	L	M**
<b>RESIDENTIAL USES</b>															
Single House	AMD 56 GG 29/03/11	P	P	P	AA	X	X	X	X	X	P	P	P		
Grouped Dwelling		AA	AA	AA	AA	X	X	X	X	X	X	X	X		
Multiple Dwelling	AMD 56 GG 29/03/11	AA	AA	X	AA	X	X	X	X	X	X	X	X		
Aged/Dependent Persons Dwelling		DELETED BY AMD 1 GG 13/7/90													
Caretaker's Dwelling	AMD 68 GG 09/06/15	X	X	X	IP	IP	IP	IP	IP	IP	IP	IP	IP		
Residential Building		AA	AA	X	X	X	X	X	X	X	X	X	X		
Home Occupation		AA	AA	AA	X	X	X	X	X	X	AA	AA	AA		
Ancillary Accommodation	AMD 10 GG 8/1/93	AA	AA	AA	X	X	X	X	X	X	AA	AA	AA		
Serviced Apartment (Residential)	AMD 56 GG 29/03/11	X	X	X	P	X	X	X	X	X	X	X	X		
Seasonal Staff/Workers Accommodation	AMD 68 GG 09/06/15	X	X	X	X	X	X	X	X	X	SA	SA	SA		
Home Business	AMD 68 GG 09/06/15	SA	SA	X	X	X	X	X	X	X	SA	SA	SA		
<b>TRAVELLING &amp; VACATIONAL USES</b>															
Short-Stay Accommodation	AMD 56 GG 29/03/11; AMD 68 GG 09/06/15	SA	SA	X	AA	X	P	X	X	X	X	X	SA		
Serviced Apartment (Tourist)	AMD 56 GG 29/03/11	X	X	X	P	P	P	X	X	X	X	X	X		
Bed and Breakfast	AMD 36 GG 19/1/01; AMD 56 GG 29/03/11	P	P	P	X	X	X	X	X	X	X	X	AA		
Farm Stay	AMD 56 GG 29/03/11	X	X	X	X	X	X	X	X	X	SA	SA	X		
Holiday Home (large)	AMD 56 GG 29/03/11	SA	AA	AA	X	X	X	X	X	X	X	X	SA		

**Table 1 - Zoning Table (continued)**

*The symbols used in this Table have the following meaning:														
A	-	Residential	H	-	Light Industry									
B	-	Residential Development	I	-	General Industry									
C	-	Special Residential	J	-	Rural									
D	-	Commercial	K	-	Intensive Horticulture									
E	-	Hotel	L	-	Special Rural									
F	-	Tourist Accommodation	M**	-	Special Use (See Clause 6.8 & Append. No. IX)	AMD 68 GG 09/06/15								
G	-	Private Clubs & Institutions												
		A	B	C	D	E	F	G	H	I	J	K	L	M**
<b>TRAVELLING &amp; VACATIONAL USES (Cont'd)</b>														
Holiday Home (standard)	AMD 56 GG 29/03/11	SA	AA	AA	X	X	X	X	X	X	X	X	AA	
Mixed Use	AMD 56 GG 29/03/11	X	X	X	AA	X	X	X	X	X	X	X	X	
Motel		X	SA	X	X	P	P	X	X	X	X	X	X	
Chalet Park		X	X	X	X	X	P	X	X	X	X	X	X	
Holiday Cottages		DELETED BY AMD 56 GG 29/03/11												
Caravan Park		X	X	X	X	X	P	X	X	X	X	X	X	
Camping Area		X	X	X	X	X	P	X	X	X	X	X	X	
<b>LICENCED PREMISES</b>														
Hotel		X	X	X	X	P	X	X	X	X	X	X	X	
Tavern		X	X	X	SA	P	X	X	X	X	X	X	X	
Wine Shop		X	X	X	AA	P	X	X	X	X	X	X	X	
Liquor Store		X	X	X	AA	P	X	X	X	X	X	X	X	
Licensed Restaurant		X	X	X	AA	P	SA	SA	X	X	X	X	X	
Drive-In Liquor Store		X	X	X	AA	P	X	X	SA	X	X	X	X	
Night Club		X	X	X	SA	SA	X	SA	X	X	X	X	X	
Private Hotel		SA	SA	X	AA	P	AA	X	X	X	X	X	X	
<b>COMMERCIAL USES</b>														
Shop		X	X	X	P	IP	IP	IP	X	X	X	X	X	
Restaurant/Cafe/Eating House	AMD 76 GG 20/07/18	X	X	X	P	P	AA	SA	SA	X	SA	SA	SA	
Take-Away Food Outlet/Snack Bar		X	X	X	P	AA	X	X	AA	AA	X	X	X	
Convenience Store		X	X	X	AA	X	X	X	SA	X	X	X	X	
Fish Shop		X	X	X	SA	X	X	X	SA	X	X	X	X	

**Table 1 - Zoning Table (continued)**

*The symbols used in this Table have the following meaning:													
A	-	Residential	H	-	Light Industry								
B	-	Residential Development	I	-	General Industry								
C	-	Special Residential	J	-	Rural								
D	-	Commercial	K	-	Intensive Horticulture								
E	-	Hotel	L	-	Special Rural								
F	-	Tourist Accommodation	M**	-	Special Use (See Clause 6.8 & Append. No. IX)	AMD 68 GG 09/06/15							
G	-	Private Clubs & Institutions											
	A	B	C	D	E	F	G	H	I	J	K	L	M**
<b>COMMERCIAL USES (Cont'd)</b>													
Car, Boat & Caravan Sales Premises	X	X	X	X	X	X	X	P	P	X	X	X	
Car Park	IP	IP	IP	P	P	P	P	P	P	P	P	P	
Fuel Filling Station	X	SA	X	AA	X	AA	X	AA	AA	IP	IP	X	
Service Station	X	SA	X	SA	X	X	X	SA	X	X	X	X	
Marine Filling Station	X	X	X	X	X	X	X	AA	AA	X	X	X	
Motor Repair Station	X	X	X	X	X	X	X	AA	P	X	X	X	
Roadhouse	X	X	X	SA	X	X	X	SA	X	X	X	X	
Bank	X	X	X	P	X	X	X	X	X	X	X	X	
Office	X	X	IP	P	IP	IP	IP	IP	IP	IP	IP	IP	
Professional Office	AA	AA	AA	P	X	X	X	X	X	X	AA	AA	
Consulting Room	AA	AA	AA	P	X	X	X	X	X	AA	X	X	
Medical Clinic	SA	SA	X	P	X	X	X	X	X	X	X	X	
Machinery Sales	X	X	X	SA	X	X	X	P	P	IP	X	X	
Showroom	X	X	X	P	X	X	X	AA	IP	X	X	X	
Open Air Display	X	X	X	AA	X	X	X	P	P	IP	X	X	
Warehouse & Storage <i>AMD 68 GG 09/06/15; AMD 76 GG 20/07/18</i>	X	X	X	X	AA	X	X	P	P	IP	SA	IP	
Trade Display	X	X	X	AA	X	X	X	AA	IP	IP	X	X	
Dry Cleaning Agency	X	AA	X	P	X	IP	X	IP	IP	X	X	X	
Laundrobar	X	X	X	P	X	IP	X	P	AA	X	X	X	
Funeral Parlour	X	X	X	SA	X	X	X	AA	X	X	X	X	



**Table 1 - Zoning Table (continued)**

*The symbols used in this Table have the following meaning:													
A	-	Residential	H	-	Light Industry								
B	-	Residential Development	I	-	General Industry								
C	-	Special Residential	J	-	Rural								
D	-	Commercial	K	-	Intensive Horticulture								
E	-	Hotel	L	-	Special Rural								
F	-	Tourist Accommodation	M**	-	Special Use (See Clause 6.8 & Append. No. IX)	AMD 68 GG 09/06/15							
G	-	Private Clubs & Institutions											
	A	B	C	D	E	F	G	H	I	J	K	L	M**
<b>COMMERCIAL USES (Cont'd)</b>													
Restaurant/Cafe/Eating House <i>AMD 71 GG 16/02/16</i>	X	X	X	X	X	X	X	X	X	SA	SA	SA	
<b>INDUSTRIAL USES</b>													
Light Industry	X	X	X	X	X	X	X	P	P	X	X	X	
Service Industry	X	X	X	IP	X	X	X	P	P	X	X	X	
General Industry	X	X	X	X	X	X	X	X	P	X	X	X	
Hazardous Industry	X	X	X	X	X	X	X	X	SA	SA	SA	X	
Motor Vehicle Wrecking	X	X	X	X	X	X	X	X	AA	X	X	X	
Noxious Industry	X	X	X	X	X	X	X	X	SA	SA	X	X	
Extractive Industry	X	X	X	X	X	X	X	X	SA	SA	X	X	
Wind, Solar or Tidal Energy Facility <i>AMD 68 GG 09/06/15</i>	X	X	X	X	X	X	X	AA	AA	AA	AA	AA	
Rural Industry <i>AMD 11 GG 23/7/93</i>	X	X	X	X	X	X	X	P	AA	AA	SA	IP	
Fuel Depot	X	X	X	X	X	X	X	SA	AA	X	X	X	
Marine Dealer	X	X	X	X	X	X	X	SA	AA	X	X	X	
Transport Depot	X	X	X	X	X	X	X	AA	P	IP	X	X	
Dry Cleaning Premises	X	X	X	AA	X	X	X	AA	P	X	X	X	
<b>PUBLIC &amp; COMMUNITY USES</b>													
Day Care Centre	SA	SA	X	AA	X	X	SA	X	X	X	X	X	
Kindergarten	SA	SA	X	AA	X	X	X	X	X	X	X	X	
Health Centre/Studio	X	SA	X	AA	X	AA	AA	AA	X	X	X	X	
Hospital	SA	SA	X	AA	X	X	X	X	X	AA	X	X	
Infant Health Clinic	SA	SA	X	AA	X	X	X	X	X	X	X	X	

**Table 1 - Zoning Table (continued)**

*The symbols used in this Table have the following meaning:													
A	-	Residential	H	-	Light Industry								
B	-	Residential Development	I	-	General Industry								
C	-	Special Residential	J	-	Rural								
D	-	Commercial	K	-	Intensive Horticulture								
E	-	Hotel	L	-	Special Rural								
F	-	Tourist Accommodation	M**	-	Special Use (See Clause 6.8 & Append. No. IX)	AMD 68 GG 09/06/15							
G	-	Private Clubs & Institutions											
	A	B	C	D	E	F	G	H	I	J	K	L	M**
<b>PUBLIC &amp; COMMUNITY USES (Cont'd)</b>													
Public Amusements	X	SA	X	AA	X	AA	X	AA	AA	X	X	X	
Place of Public Worship	SA	SA	X	AA	X	X	P	X	X	AA	X	X	
Place of Public Assembly	SA	SA	X	AA	X	AA	P	X	X	AA	X	X	
Recreation	P	P	P	P	P	P	P	P	P	P	X	P	
Civic Building	X	SA	X	AA	X	X	P	X	X	AA	X	X	
Museum	SA	SA	X	AA	X	AA	AA	AA	X	X	X	X	
Zoological Garden	X	X	X	X	X	SA	X	X	X	AA	X	SA	
Institutional Home/Building	DELETED BY AMD 1 GG 13/7/90												
Reformative Institution	DELETED BY AMD 1 GG 13/7/90												
Public Utility	P	P	P	P	P	P	P	P	P	AA	AA	AA	
Arts & Craft Studio	X	X	AA	AA	X	AA	X	AA	X	AA	AA	AA	
Educational Establishment	SA	SA	X	AA	X	X	AA	AA	X	AA	X	X	
Radio/TV Installation	X	AA	X	P	X	AA	-	AA	AA	AA	X	X	
Private Club	X	AA	X	AA	X	X	P	AA	AA	SA	X	X	
Marine/Yacht Club	X	X	X	X	X	X	P	P	X	X	X	X	
Drive-In Theatre	X	X	X	X	X	X	X	AA	X	AA	X	X	
<b>RURAL USES</b>													
Intensive Horticulture	X	AA	X	X	X	X	X	X	X	P	P	P	
Kennels	X	X	X	X	X	X	X	X	AA	AA	X	X	
Veterinary Clinic	X	X	AA	SA	X	X	X	AA	AA	AA	X	SA	
Veterinary Establishment	X	X	X	X	X	X	X	AA	AA	AA	X	SA	
Stables	X	AA	P	X	X	X	X	X	SA	AA	X	AA	

**Table 1 - Zoning Table (continued)**

*The symbols used in this Table have the following meaning:															
A	-	Residential	H	-	Light Industry										
B	-	Residential Development	I	-	General Industry										
C	-	Special Residential	J	-	Rural										
D	-	Commercial	K	-	Intensive Horticulture										
E	-	Hotel	L	-	Special Rural										
F	-	Tourist Accommodation	M**	-	Special Use (See Clause 6.8 & Append. No. IX)	AMD 68 GG 09/06/15									
G	-	Private Clubs & Institutions													
			<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>	<b>J</b>	<b>K</b>	<b>L</b>	<b>M**</b>
<b>RURAL USES (Cont'd)</b>															
Rural Pursuit			X	P	P	X	X	X	X	X	AA	P	X	AA	
Piggery	AMD 72 GG 14/03/17		X	X	X	X	X	X	X	X	SA	AA	X	X	
Poultry Farm	AMD 72 GG 14/03/17		X	X	X	X	X	X	X	X	SA	AA	X	X	
Wayside Stall			X	X	X	X	X	X	X	X	X	AA	AA	SA	

- 3.2.3 In respect of uses which are not specifically mentioned in Table No. 1 and which could not be reasonably determined as falling within the interpretation of one of the categories mentioned, the Local Government may either:
- a) determine that the proposed use is consistent with the objective of the zone concerned and thereafter act as if it was included among the list of uses which may be permitted by the Local Government following the 'SA' procedures, or
  - b) determine that the proposed use is inconsistent with the objectives of the zone concerned in which case the use shall be deemed to be prohibited.
- 3.2.4 A determination made by the Local Government pursuant to the provisions of Clause 3.2.3 shall, for the purpose of this Scheme, be regarded as the exercise of a discretionary power. *AMD 68 GG 09/06/15*

### **3.3 ADDITIONAL USES**

- 3.3.1 Notwithstanding anything contained within the Zoning Table the land specified in the Schedule of Additional Uses at Appendix No. III may, subject to compliance with any condition specified in the Scheme with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the Zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in that Schedule.

## PART IV - GENERAL PROVISIONS

### 4.1 COMPLIANCE AND DEVELOPMENT STANDARDS AND CAR PARKING REQUIREMENTS

4.1.1 Subject to the provisions of Clause 4.14, development within the Scheme Area shall conform to the standards as set out in this Scheme:

- a) In Part III: Zoned Land - including Table No. 1 Zoning Table, and,
- b) In Part IV: General Provisions - including Table No. 2 Development Standards and Car Parking Requirements, and,
- c) In Part V: Special Provisions,

and where no standard is prescribed, shall be carried out in accordance with the requirements which the Local Government may specify in each particular case.

4.1.2 With respect to Table No. 2, uses and developments shall, subject to the provisions of Clause 4.14 comply with:

- a) the Development Standards relevant to the Zone within which they are to be established, and
- b) the Car Parking Requirement relevant to the Use concerned as specified in that Table or in the absence of any such requirement, standards specified by the Local Government for the use or development concerned. *AMD 68 GG 09/06/15*

### 4.2 CAR PARKING

4.2.1 Car Parking required pursuant to the provisions of this Scheme shall be laid out and constructed generally in accordance with the layouts of parking bays and manoeuvring aisles shown in Appendix No. II - Car Parking Layouts, except that where the angles of car parking vary from those shown, the Local Government may determine the width of the manoeuvring aisle which in no case shall be less than four metres.

4.2.2 Car Parking bays shall be capable of use independently of each other unless specifically approved by the Local Government.

4.2.3 Where the Local Government so decides it may accept cash payments in lieu of the provision of paved parking spaces in the Non-residential Zones, but only subject to the following requirements being satisfied:

- a) The cash-in-lieu payment shall not be less than the estimated cost to the owner of developer of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by the Local Government, of that area of his land which would have been occupied by the parking spaces.
- b) Before the Local Government agrees to accept a cash payment in lieu of the provision of parking spaces, the Local Government must either have purchased land and/or provided a public car park nearby or have within a period of 18 months of the time of agreeing to accept the cash payment.
- c) Payments made under this Clause shall be paid into a special fund to be used for the provision of public car parking facilities and the Local Government may use this fund to provide public facilities anywhere within the proximity of the site in respect of which a cash-in-lieu arrangement is made.
- d) If an owner or developer shall object to the amount of the costs or values determined by the Local Government pursuant to sub-clause (a), the matter may be referred to arbitration in accordance with the Act.

*AMD 68 GG 09/06/15; AMD 76 GG 20/07/18*

#### **4.3 SERVICING**

- 4.3.1 Developments which require the despatch or receipt of goods of any kind, loading and unloading space will be required to be provided clear of the street. In general, also the Local Government will seek to ensure that most servicing vehicles are able to enter and leave a street in a forward direction. *AMD 68 GG 09/06/15*

#### **4.4 TREATMENT OF DRIVEWAYS AND PARKING AREAS**

- 4.4.1 All driveways and parking areas shall be constructed to the Local Government's satisfaction and provided with a sealed surface with appropriate measures for drainage and the disposal of surface water. Where appropriate the Local Government may require the marking out of parking areas and the provision of suitable "no parking" signs where thoroughfare must be preserved.
- 4.4.2 All parking areas, turning areas and driveways required by the Local Government, pursuant to this Scheme shall be provided at the time of the development and thereafter maintained to the satisfaction of the Local Government. *AMD 68 GG 09/06/15*

#### **4.5 PARKING/SERVICING SEPARATED FROM DEVELOPMENT**

- 4.5.1 Where parking or loading and unloading is provided on a lot or lots separated from the lot upon which the development or redevelopment is to occur, the Local Government will require to be satisfied that the land so allocated to parking will be permanently retained for that purpose by either requiring an amalgamation of the lots set aside for parking with the lots being developed or by any other means giving a similar assurance. *AMD 68 GG 09/06/15*

#### **4.6 LANDSCAPING**

- 4.6.1 Landscaping areas to be constructed, planted and maintained pursuant to this Scheme will be located in such positions on a site or sites so as to enhance the appearance of the affected street or streets and to screen from view or soften the impact of parking areas, open storage areas, drying areas and any other space which, by virtue of its use is likely to detract from the visual amenity of the townscape.
- 4.6.2 Landscaping required to be carried out pursuant to this Scheme or pursuant to a conditional Development Approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the Local Government and shall thereafter be maintained to the satisfaction of the Local Government. *AMD 68 GG 09/06/15*

#### **4.7 SETBACKS FOR DEVELOPMENT NOT COVERED BY THE RESIDENTIAL DESIGN CODES**

*AMD 68 GG 09/06/15*

- 4.7.1 In instances where a site has more than one street frontage, the Local Government may determine which shall be regarded as the front for the purpose of the setbacks prescribed in Table No 2 and may permit the observance of setbacks of one half of those specified in respect of the other street frontages.
- 4.7.2 The need to vary the side boundary setbacks specified in Table No 2 and to require the observance of rear boundary setbacks pursuant to Clause 4.1, shall be determined by the Local Government which shall take into account the provisions made for landscaping, car parking, servicing, loading and unloading and open storage. *AMD 68 GG 09/06/15*

#### **4.8 USE OF FRONT SETBACK AREAS IN NON-RESIDENTIAL ZONES**

- 4.8.1 No open storage of goods, unserviceable vehicles or machinery shall be carried out within the front boundary setbacks area of any site within a Non-residential Zone which area shall be used only for landscaping, car parking, servicing, loading and unloading, or where appropriate, pursuant to an Approval granted by the Local Government for trade display. *AMD 68 GG 09/06/15*

#### **4.9 SCREENING OF OPEN STORAGE AREAS**

- 4.9.1 All open storage areas shall be screened by landscaping, fencing or by other means acceptable to the Local Government to ensure that such storage areas are not exposed to view from nearby roads of other public places. *AMD 68 GG 09/06/15*

#### **4.10 MINIMUM LOT SIZES AND FRONTAGES FOR DEVELOPMENT NOT COVERED BY THE RESIDENTIAL DESIGN CODES**

*AMD 68 GG 09/06/15*

- 4.10.1 No such standards are specified in this Scheme and the site area and effective frontage of a lot shall be deemed to be adequate if a developer or potential user of any land can demonstrate to the satisfaction of the Local Government that the site can accommodate:
- a) The proposed development or land use, and,
  - b) the required amounts of car parking and servicing accommodation for the use concerned as set out in Table No. 2 and,
  - c) the required amount of landscaping for the use concerned as set out in Table No. 2, and
  - d) any other features or requirements which, in the Local Government's view are necessary for the effective operation of the use concerned. *AMD 68 GG 09/06/15*

#### **4.11 PLOT RATIO**

- 4.11.1 Subject to the provisions of Clause 4.14, Plot Ratios for non-residential development within the Scheme Area shall not exceed 1.5.

#### **4.12 HEIGHT AND APPEARANCE OF BUILDINGS**

- 4.12.1 With the exceptions of buildings for which development approval is not required under Clause 61 of the deemed provisions or are the subject of a Development Approval granted by the Local Government pursuant to the provisions of the following paragraph, and structures and equipment necessary for radio, television and communications facilities, no building in excess of three storeys or a height of 12 metres above natural ground level shall be erected within the Scheme Area. *AMD 76 GG 20/07/18*

- 4.12.2 Notwithstanding the provisions of paragraph 4.12.1 the Local Government may, after following the procedures set out for uses and developments under category 'SA' in Clause 3.2.2, grant Development Approval for buildings which exceed the heights specified after considering the information provided pursuant to Clause 63 of the deemed provisions. *AMD 68 GG 09/06/15; AMD 76 GG 20/07/18*

- 4.12.3 Any Development Approval issued pursuant to the provisions of this Clause may only be granted by an absolute majority of the Local Government. *AMD 68 GG 09/06/15*

#### **4.13 CARAVAN AND BOAT STORAGE**

- 4.13.1 Except as hereinafter provided, no caravans, boats, trailers and similar items shall be stored between a dwelling and the street, Notwithstanding this provision the Local Government may if compliance is impossible or impractical, grant Approval for the storage of such items in selected positions within the front setback area. *AMD 68 GG 09/06/15*

**4.14 POWER TO RELAX DEVELOPMENT STANDARDS AND REQUIREMENTS OTHER THAN THOSE SPECIFIED IN THE RESIDENTIAL DESIGN CODES**

*AMD 68 GG 09/06/15*

4.14.1 Notwithstanding the provisions of Parts IV and V and with the exception of standards and requirements specified in the Residential Design Codes, the Local Government may, where it is impossible or impractical to comply with the development standards and car parking requirements, relax the standards set out in Parts IV and V and Table No. 2 provided that the relaxation of any standard will not prejudice the objectives of the Scheme bearing in mind the reasons for the particular requirement or will not establish an undesirable precedent or will not detract from the amenity of the locality.

*AMD 68 GG 09/06/15; AMD 76 GG 20/07/18*

**4.15 RESTRICTIVE COVENANTS**

*AMD 62 GG 24/5/13*

4.15.1 Subject to clause 4.15.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

4.15.2 Where clause 4.15.1 operates to extinguish or vary a restrictive covenant the Local Government is not to grant development approval to the development of the land which would, but for the operation of clause 4.15.1, have been prohibited unless notice for development approval is given in accordance with clause 64 of the deemed provisions.

*AMD 76 GG 20/07/18*

4.15.3 Where a particular development or subdivision of land in the Scheme area beneficial to the Local Government as a whole is impeded by a restrictive covenant, the restrictive covenant may be varied or extinguished by an amendment to the Scheme that informs all parties with an interest in the restrictive covenant, and enters particulars of the restrictive covenant and the burdened land in Appendix No. VII - Schedule of Restrictive Covenant.

*AMD 68 GG 09/06/15*



## TABLE 2 - DEVELOPMENT & CAR PARKING STANDARDS (SEE ALSO GENERAL REQUIREMENTS)

AMD 68 GG 09/06/15

Notes: cps - Car Parking Space  
gfs - Gross Floor Space  
\* - Standard to be determined

### DEVELOPMENT STANDARDS

### CAR PARKING REQUIREMENTS

Zone	Setbacks (m)			Site Coverage	Landscaping	Uses	Car Parking Requirements	Special Remarks (See also Parts V & VI for General & Special Provisions)
	Front	Side	Rear					
RESIDENTIAL								
RESIDENTIAL DEVELOPMENT	FOR SPECIAL PROVISIONS RELATING TO DEVELOPMENT IN THIS ZONE PLEASE REFER TO PART 6.							
SPECIAL RESIDENTIAL	FOR SPECIAL PROVISIONS RELATING TO DEVELOPMENT IN THIS ZONE PLEASE REFER TO PART 6.							
COMMERCIAL	Nil	Nil	Nil	100	*	Shops & Banks	1 cps/20m <sup>2</sup>	Notwithstanding that setbacks and landscaping are not required and site coverage is set at 100%, nothing shall prevent the Local Government from requiring compliance with any such standards which it may prescribe with respect to setbacks, site coverage, landscaping and pedestrian movement areas, where, in its view the scale of development ore redevelopment and/or its location justify their imposition.  In addition to the provision of car parking spaces, where the loading and unloading of goods is required to service a particular use, then servicing accommodation will be required within the site.  Additional accommodation for picking up and setting down of children will be required.
						Cafe Restaurant Eating Houses Take-Away & Fast Food Outlets	1 cps/4 seats + 1 cps/5m <sup>2</sup> of waiting area	
						Offices Consulting Rooms Medical Clinics	1 cps/50m <sup>2</sup> gfs 4 cps/consultant or practitioner	
						Day Care Centre Kindergarten	1 cps/staff member	
						Churches Public Halls etc.	1 cps/4 seats	
	5	Nil	5	75	10	Offices, Professional offices, Consulting Rooms etc.	SEE ABOVE	
HOTEL	*	*	*	75	10	Hotel/Tavern	1 cps/3m <sup>2</sup> net bar space & 1 cps/4 seats dining area and 1.5 cps/per unit of accommodation as appropriate	Servicing accommodation will also be required within each site. Where developments in this zone adjoin residentially zoned land the following standards shall be observed:- Setbacks 10m front, Side - 3 m per storey, 7.5 rear. Landscaping - 10% so sited as to protect the residential amenity of adjoining properties.
						Wine shop, Liquor Store, Licensed Restaurant	See standards for shops and restaurants etc.	

## TABLE 2 - DEVELOPMENT & CAR PARKING STANDARDS (SEE ALSO GENERAL REQUIREMENTS)

AMD 68 GG 09/06/15

Notes: cps - Car Parking Space  
gfs - Gross Floor Space  
\* - Standard to be determined

### DEVELOPMENT STANDARDS

### CAR PARKING REQUIREMENTS

Zone	Setbacks (m)			Site Coverage	Landscaping	Uses	Car Parking Requirements	Special Remarks (See also Parts V & VI for General & Special Provisions)
	Front	Side	Rear					
TOURIST ACCOMMODATION	10	3m per storey each side	7.5	50	10	Motel	1.5 cps per unit of accommodation	
	9	*	*	*	10	Caravan/Chalet Park Camping Grounds	1 cps/unit, bay or site & 1 cps/4 such units bays or sites for visitor parking.	
PRIVATE CLUBS AN INSTITUTIONS	9	3m	7.5	30	10	Private Club	*	Membership, frequency of use and maximum attendance at functions etc. will be used to determine parking requirements.
					10	Places of Public Assembly & Worship Hall & Theatres	1 cps/4 seats in principal auditorium	
LIGHT AND GENERAL INDUSTRY	10	5 one side, Nil on the other	Nil	*	10%	Light, General & Service Industry	1 cps/50m <sup>2</sup> gfs	In these Zones, servicing and loading and unloading space will normally be required within each site together with vehicle turning space where practicable. (See Clause 5.3).  For Factory units, the Local Government will specify in each case the provision to be made for service yards, storage areas and staff parking.
					10	Factory Units	1 cps/40m <sup>2</sup> gfs	
					10	Warehousing, Showrooms & Storage	1 cps/100m <sup>2</sup> gfs	

## TABLE 2 - DEVELOPMENT & CAR PARKING STANDARDS (SEE ALSO GENERAL REQUIREMENTS)

AMD 68 GG 09/06/15

Notes: cps - Car Parking Space  
gfs - Gross Floor Space  
\* - Standard to be determined

### DEVELOPMENT STANDARDS

### CAR PARKING REQUIREMENTS

Zone	Setbacks (m)			Site Coverage	Landscaping	Uses	Car Parking Requirements	Special Remarks (See also Parts V & VI for General & Special Provisions)
	Front	Side	Rear					
LIGHT AND GENERAL INDUSTRY					10	Service Stns. Petrol Filling Stations, Roadhouses	1.5 cps per service bay + parking as above for Eating houses	For bowsers, awnings and canopies connected with these uses, the prescribed setbacks may be reduced. In all building development and land use within this zone fronting Robinson Street in particular, special attention will be paid to the quality of building design and site treatment along the frontage setback areas.
					10	Motor Vehicle Wrecking and Marine Dealers	*	Sites to be used for these purposes, shall be enclosed with a 2m high solid screen fence on all sides of the area to be used for storage and no goods, materials, vehicles or parts thereof shall be stacked or stored to exceed the height of the enclosing fence.
					10	Noxious Industry	*	
	<p>Additional Provisions: The Local Government may vary the requirement for side setbacks and may require the observance of a rear setback dependent upon the arrangements to be made for loading and unloading, car parking and open storage. There shall be no open storage of goods, unserviceable machinery or vehicles, or building or other materials within 10 metres of the front boundary of any lot within these zones which areas shall only be used for parking, loading and unloading, landscaping or, with the Local Government approval, trade displays. All open storage areas shall be screened from view by solid fencing and/or landscaping and/or other means approved by the Local Government.</p> <p>Within these zones the Local Government may reduce the front setback to 7.5m where it is satisfied that the design, appearance and materials to be used in the construction of the front portion of the building is of a standard which, in the Local Government's view, will enhance the appearance of the street and locality. Such reductions will only be permitted where the front elevation and the side return elevations for a depth of 3 metres are constructed of brick, masonry or other materials producing a similar appearance. No more than one caretaker's flat or house is permitted on a lot within these zones.</p>							
INTENSIVE HORTICULTURE	15m	7.5m	7.5m	*	*	All uses within this zone	*	
RURAL	30m	*	*	*	*	Rural Uses	*	
SPECIAL RURAL	<b>FOR SPECIAL REASONS RELATING TO DEVELOPMENT IN THIS ZONE PLEASE REFER TO PART 6.7</b>							
SPECIAL USE	<b>FOR SPECIAL REASONS RELATING TO DEVELOPMENT IN THIS ZONE PLEASE REFER TO PART 6.8</b>							

## PART V - SPECIAL PROVISIONS

### 5.1 PROVISIONS RELATING TO RESIDENTIAL DEVELOPMENT: RESIDENTIAL DESIGN CODES

*AMD 68 GG 09/06/15*

- 5.1.1 For the purpose of this Scheme “Residential Design Codes” means the Residential Design Codes set out in State Planning Policy 3.1 Residential Design Codes, together with any amendments thereto. *AMD 76 GG 20/07/18*
- 5.1.2 A copy of the Residential Design Codes as amended, shall be kept and made available for public inspection at the offices of the Local Government.
- 5.1.3 Unless otherwise provided for in the Scheme, the development of land for any of the Residential Purposes dealt with by the Residential Design Codes shall conform to the provisions of those Codes. *AMD 76 GG 20/07/18*
- 5.1.4 The Residential Design Code Density applicable to land within the Scheme Area be determined by reference to the Residential Design Code shown on the Scheme maps. *AMD 68 GG 09/06/15; AMD 76 GG 20/07/18*

### 5.2 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

*AMD 68 GG 09/06/15*

- 5.2.1 In the area Coded R12.5 where the Local Government and the Department of Health are satisfied that the soil conditions can adequately cater for long term on-site effluent disposal development of grouped dwellings to a maximum of 4 dwellings may be permitted in accordance with the provisions of the R20 Code. *AMD 68 GG 09/06/15*

### 5.3 ADDITIONAL PROVISIONS RELATIVE TO RESIDENTIAL DEVELOPMENT ZONE

- 5.3.1 It is the intention of the Local Government to ensure that subdivisions and development of land within the Residential Development Zone takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing.
- 5.3.2 In this regard the Local Government, before supporting or approving any proposal for subdivision or development of land within the Zone, may require the preparation of a Local Development Plan or a Structure Plan in accordance with Part 6 and Part 4 respectively of the deemed provisions for the whole of the Zone or for any particular part of parts as is considered appropriate by the Local Government with regard to the primary intention of the Zone. *AMD 76 GG 20/07/18*

### 5.4 SEASONAL STAFF/WORKERS ACCOMMODATION

*AMD 68 GG 09/06/15*

- 5.4.1 All seasonal staff/workers accommodation, whether intended as permanent or temporary structures, shall be regarded as residential development and is subject to the requirements of the Residential Design Codes and clause 6.1 of this Scheme.
- 5.4.2 Notwithstanding subclause 5.4.1, the requirements of the Residential Design Codes and clause 5.1 of the Scheme may be varied for seasonal staff/workers accommodation by Local Government provided adequate justification for the variation is submitted by the proponents of the accommodation and provided the Local Government considers the variation appropriate.
- 5.4.3 Temporary structures to provide seasonal staff/workers accommodation shall be removed and the site rehabilitated or developed for a different use intended for the site. *AMD 76 GG 20/07/18*

- 5.4.4 Where primary production sites require seasonal staff/workers accommodation for operational purposes, these buildings should not be considered a sensitive land use, noting that occupational health and workplace safety requirements will apply.

## **5.5 PLACES OF HERITAGE VALUE**

- 5.5.1 The places described in the Shire of Carnarvon Municipal Heritage Inventory are places of heritage value and are considered by the Local Government to be of historic, architectural, scientific, scenic or other value. *AMD 76 GG 20/07/18*

## **5.6 ADDITIONAL PROVISIONS RELATIVE TO THE SPECIAL RESIDENTIAL ZONE**

- 5.6.1 In addition to the general provisions relative to this Zone set out hereunder, detailed requirements for particular areas included in this Zone are set out in Appendix No. IV - Schedule of Special Residential Zone Requirements.
- 5.6.2 The use of the land for the keeping of horses shall be carried out in such a manner as not to give rise to nuisance or annoyance to other residents in the same area or to the locality as a whole, by reason of dust, noise, smell or from any other cause.
- 5.6.3 Where appropriate, the Local Government may limit the number of horses to be kept on any lot and such limitation may have regard to the manner in which they are to be kept and the prospect of dust emission and soil erosion.
- 5.6.4 In the erection of buildings or any lot created within this zone, the Local Government may prescribe:
- a) the standard of construction for dwelling houses including the minimum floor level of any dwelling;
  - b) the standard for construction of any outbuilding and corral fencing or any other like structure and in this connection the use of any materials producing an unsightly appearance, including the use of second hand materials may be prohibited by the Local Government; *AMD 68 GG 09/06/15*
  - c) the degree to which landscaping must be provided and maintained on each lot;
  - d) the space to be provided on each lot to accommodate trailers, loose boxes and any other vehicles associated with the keeping of horses, including the number or parking spaces for private cars.

## **5.7 ADDITIONAL PROVISIONS RELATIVE TO THE SPECIAL RURAL ZONE**

### **5.7.1 Development and Land Use**

The provisions of this Clause shall apply specifically to all land included in the Special Rural Zone in addition to any provisions which are more generally applicable to such land under this Scheme.

The objective of the Special Rural Zone is to select land with the rural areas of the Shire wherein closer subdivision may be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats, and small holdings in such a manner as to preserve the rural landscape and amenity consistent with the orderly and proper planning of the locality.

Specific provisions relating to the individual Special Rural Zones will be as laid down in Appendix No. V to the Scheme.

## 5.7.2 Development

- (a) The Local Government will permit the erection of only one dwelling on each new lot and a unit of "Ancillary Accommodation" or granny flat attached to such a dwelling may also be permitted. *AMD 10 GG 8/1/93; AMD 76 GG 20/07/18*
- (b) The Local Government may also approve the erection of such outbuildings that would reasonably be associated with residential or agricultural use or other such use as may be approved by the Local Government. *AMD 76 GG 20/07/18*
- (c) Only one (1) onsite sign is permitted for Short-stay Accommodation' development allowed in the 'Special Rural' zone. *AMD 56 GG 29/03/11*

## 5.7.3 Land Use

- a) No person shall use or permit to be used any lot or any part of a lot for any purpose which would:
- \* detract from the rural/residential amenity of adjoining lots,
  - \* detract from the rural character of the area generally, and
  - \* adversely affect the land by exceeding usual stocking rates with the resultant prospect of soil erosion
- b) In addition the Local Government may require individual land owners to undertake a programme of tree planting to ensure that developments on the subject lot are screened from public roads. Such landscaping is to be implemented and maintained to the satisfaction of the Local Government. *AMD 68 GG 09/06/15*
- c) With respect to the keeping of horses, the erection of dwellings, outbuildings and fences, the provisions of Clauses 5.6.2, 5.6.3 and 5.6.4 shall apply. *AMD 76 GG 20/07/18*

## 5.8 SPECIAL USE ZONES

- 5.8.1 The list of sites included within this Zone is set out in Appendix No. VI which details the respective primary uses for which the land may be used subject to the grant by the Local Government of Development Approval pursuant to Part 9 of the deemed provisions. *AMD 76 GG 20/07/18*
- 5.8.2 In addition to the uses nominated for each site in Appendix No. VI the Local Government may, by absolute majority approve the establishment of any other uses on those sites but only where the additional use or uses are completely incidental and ancillary to the approved primary use and are consistent with the objectives of this Scheme. *AMD 68 GG 09/06/15*

## 5.9 FLOODING

- 5.9.1 Notwithstanding the provisions of any other Clause of this Scheme Text, if the use of land and/or the carrying out of development are determined by the Local Government as being exposed to or contribute to the risk of damage by flooding or will produce drainage difficulties, nothing shall prevent the Local Government from refusing to grant Development Approval to any such use or development pursuant to Part 9 of the deemed provisions on this ground alone or for other related reasons. *AMD 76 GG 20/07/18*
- 5.9.2 Floodways are shown delineated on the Scheme Maps.
- 5.9.3 Applications for Development Approval to commence development of land within a floodway, as shown on the Scheme Map shall be determined by the Local Government in accordance with the guidelines established by the Department of Water and Environmental Regulation. *AMD 68 GG 09/06/15*

## **5.10 STORM SURGE**

5.10.1 Where in the view of the Local Government land is vulnerable to storm surge and lacks adequate protection from inundation by storm and cyclone conditions, applications for Development Approval shall be determined in accordance with guidelines established under State Planning Policy 2.6 State Coastal Planning. *AMD 68 GG 09/06/15; AMD 76 GG 20/07/18*

## **5.11 DEVELOPMENT AREA**

5.11.1 Subdivision and development of all land contained within a development area as indicated on the Scheme Map shall be carried out in accordance with the Structure Plan relating to that area as appended to the Scheme. *AMD 76 GG 20/07/18*

## **5.12 FASCINE WATERWAY DEVELOPMENT**

*AMD 21 GG 19/5/95; AMD 60 GG 15/06/12*

5.12.1 The Local Government's intention in controlling development within the Fascine Waterway Development zone is—

- a) to ensure appropriate standards of development and maintenance are achieved within the zone; and
- b) to control and enhance the health, safety, convenience and the general welfare and amenity of the locality.

5.12.2 The following provisions shall apply to all land included in the zone, in addition to any provisions which are more generally applicable to such land under this Scheme—

- a) With the exception of works and uses referred to in Clause 61 of the deemed provisions and Schedule A, all development in the Fascine Waterway Development zone shall be determined by the Local Government on its merits as if the development proposed were listed as an AA use in Table 1 - Zoning Table. *AMD 76 GG 20/07/18*
- b) Subdivision and development of land within the Fascine Waterway Development zone shall have due regard to the Carnarvon Fascine Structure Plan. *AMD 76 GG 20/07/18*
- c) Those areas identified for residential development on the Carnarvon Fascine Structure Plan shall be subject to the requirements of the R-Codes as described elsewhere in the Scheme. The provisions of the R30 shall apply to all residential development, unless otherwise approved by the Local Government. Where the provisions of this Section of the Scheme vary from any of the R-Code requirements expressed elsewhere in the Scheme, the provisions of this Section shall prevail.
- d) In assessing compliance with the minimum site area requirements under the Residential Design Codes, calculations shall exclude any portion of the lot that falls within the 'revetment wall area' or 'wet area' adjacent to the canal or waterway.
- e) All fencing is to be in accordance with Design Guidelines for the zone adopted as policy as enabled by Part 2 of the deemed provisions, and must comply with any Local Law of the Local Government. *AMD 76 GG 20/07/18*
- f) All clothes drying areas and utility areas which, in the opinion of the Local Government, detract from the amenity of either the canal frontage or the road frontage shall be screened from view to the satisfaction of the Local Government.
- g) The maintenance, repair or replacement of all water frontage walling, retaining, revetment and attached structures within 'revetment wall area' or 'wet area' adjacent to the canal or waterway shall be the responsibility of each lot owner.

- h) The wall treatment, including attached structures along a canal frontage, shall be kept in a structurally sound condition to the satisfaction of the Local Government, and shall not be altered, extended or removed without the written approval of the Local Government first being applied for and obtained. *AMD 68 GG 09/06/15*

#### 5.12.3 Lots abutting Revetment Canal Wall

Notwithstanding the provisions of clause 5.12.2, the following provisions shall apply to all canal lots adopting revetment wall construction, in addition to any provisions which are more generally applicable to such land under this Scheme -

- a) Setbacks for development shall be determined by Design Guidelines adopted as policy as enabled by Part 2 of the deemed provisions or where not stipulated, by the Scheme and/or the Residential Design Codes. *AMD 76 GG 20/07/18*
- b) The Local Government may permit any dwelling or structure, including retaining wall, canal wall or fencing, building or outbuilding to be erected at any height above or below the stabilised surface level and any setback from the revetment canal frontage, provided that - *AMD 76 GG 20/07/18*
- (i) there will be an improved architectural amenity resulting from a minimum setback distance between buildings and the canal frontage in the particular case;
  - (ii) the overall amenity and appearance of the canal frontage will be maintained or improved;
  - (iii) a professional structural engineer provides certification as to the structural soundness of the proposed works including that no erosion or soil instability will result.

*AMD 76 GG 20/07/18*

#### 5.12.4 Lots abutting Vertical Canal Wall

Notwithstanding the provisions of clause 5.12.2, the following provisions shall apply to all canal lots adopting vertical wall construction, in addition to any provisions which are more generally applicable to such land under this Scheme;

- a) The following setback provisions shall apply -
- (i) Where a rear boundary of a lot abuts a canal, the setback to any building or structure shall be a minimum of 3.0 m from the wet face of the canal edge wall.
  - (ii) Where a side boundary abuts a canal, or abuts the Fascine sea wall, the setback to any building or structure from the wet face of the canal edge wall or the closest point of the Fascine sea wall shall be determined by Design Guidelines adopted as policy as enabled by Part 2 of the deemed provisions. *AMD 76 GG 20/07/18*
  - (iii) All other setbacks for development within the zone shall be determined by Design Guidelines adopted as policy as enabled by Part 2 of the deemed provisions or where not stipulated, by the Scheme and/or the Residential Design Codes. *AMD 76 GG 20/07/18*

#### 5.12.5 Lots abutting Fascine Sea Wall -

- a) Boundary setbacks for a lot that has frontage to a Fascine sea wall shall be determined by Design Guidelines adopted as policy as enabled by Part 2 of the deemed provisions. *AMD 76 GG 20/07/18*

#### 5.12.6 Dry Lots -

- a) Boundary setbacks for dry lot development shall be determined by Design Guidelines or, where not stipulated, shall comply with the requirements of the applicable density code in the Residential Design Codes.



## 5.13 CARETAKERS DWELLING

AMD 56 GG 29/03/11

- 5.13.1 It is the Local Government's intent to allow this form of dwelling to occur on a lot where continuous surveillance or supervision of a place and the uses and activities carried out within is necessary for any of the following —
- a) the essential continuous or ongoing production or system processes associated with the lawful use of the land;
  - b) the security of those uses and activities; or
  - c) maintaining public safety
- 5.13.2 The Local Government may allow a temporary caretaker dwelling to occur on a lot containing a place referred to in Part 3 of the deemed provisions where the caretaker function is to manage, supervise and/or carry out to completion the refurbishment or renovation of that place to conserve or maintain its heritage values. AMD 76 GG 20/07/18
- 5.13.3 A temporary caretaker dwelling is initially, only permitted for a period of up to three (3) years from the date approval is granted. However, a further two (2) year extension may be granted upon application being made pursuant to the scheme at least 60 days prior to the approval expiry date. No further approvals beyond any two (2) year extension will be granted.
- 5.13.4 Only one (1) caretaker dwelling on a lot is permitted.
- 5.13.5 Development of a caretaker dwelling cannot precede the development of a use class to which it is appurtenant.
- 5.13.6 The maximum floor area of the caretaker dwelling, including any verandah, porch, pergola or patio space, or the like, but excluding an attached garage or carport, shall not exceed 180m<sup>2</sup>.
- 5.13.7 A minimum area of 30m<sup>2</sup> is to be provided as landscaped private open space, directly accessible from at least one (1) habitable space or room within the caretaker dwelling.
- 5.13.8 A caretaker use can only be carried out for the duration the appurtenant use is being carried out. Further approval pursuant to this scheme is required where the caretaker function is sought to be carried on with a change from one use class to another on the lot.

## 5.14 FARM STAY USE

AMD 56 GG 29/03/11 AMD 68 GG 09/06/15; AMD 76 GG 20/07/18

- 5.14.1 It is the Local Government's intent to allow this type of use within the 'Intensive Horticulture' or 'Rural' zones of this scheme and only where it will be secondary or ancillary to an existing pastoral or agricultural (including horticultural) use of the land.
- 5.14.2 The area to be set aside within a lot upon which a 'Farm-stay' use is to be carried out shall be located clear of any existing floodway or proposed floodway as shown in the Lower Gascoyne River Carnarvon Floodplain Management Study (2002).
- 5.14.3 The site location shall not exceed a maximum site area of 10% where the lot is less than or equal to 6.0 hectares in size, or a maximum site area of 6,000m<sup>2</sup> where the lot exceeds 6.0 hectares in size.
- 5.14.4 Development of the 'Farm-stay' use shall generally accord with an approved Local Development Plan, prepared in accordance with Part 6 of the deemed provisions.
- 5.14.5 Floor levels of buildings to be used for carrying out of the 'Farm-stay' use shall be at least 300mm above the estimated flood level of AEP 1%.

5.14.6 Proposals and applications to lease, freehold or strata-title lots which would result in the 'Farm-stay' use being severed from the primary use of the lot will not be supported.

## **5.15 MIXED USE DEVELOPMENT**

*AMD 56 GG 29/03/11*

5.15.1 It is the Local Government's intent to allow a mix or diversity of land uses within the 'Commercial' zone of this scheme in order to –

- a) Assist in the sustainable, efficient and viable use of land zoned as such;
- b) Increase the vibrancy of the Carnarvon town centre and the adjacent Fascine waterway;
- c) Allow for different forms and styles of human occupancy, both short-term and long-term; and
- d) Assist in reducing automobile dependence.

5.15.2 No residential component shall front or occupy a lot's primary street frontage at ground level, but may include –

- a) Provision of pedestrian access/egress to the residential component;
- b) Provision of vehicle access/egress to the residential component where no access/egress is available from a secondary street.

5.15.3 Development of any residential use component is to accord with the 'Mixed-use' development requirements prescribed in the Residential Design Codes of Western Australia (unless otherwise varied by the Local Government). *AMD 68 GG 09/06/15*

5.15.4 Development of any residential use component shall not precede the development of any non-residential use component.

5.15.5 Only one (1) single house per lot is permitted where the lot is zoned 'Commercial'.

## **5.16 SHORT-STAY ACCOMMODATION**

*AMD 56 GG 29/03/11; AMD 68 GG 09/06/15; AMD 76 GG 20/07/18*

5.16.1 It is the Local Government's intent to allow a wide range and choice of short-stay accommodation typologies within the scheme area to cater for the diverse accommodation needs of the tourist/visitor.

5.16.2 Development of 'Short-stay Accommodation' within the scheme's 'Special Rural' zone is to accord with the provisions of clause 5.7 of the scheme.

5.16.3 Development of 'Short-stay Accommodation' within the scheme's 'Commercial' zone is to accord with the 'Mixed-use' development requirements prescribed in Residential Design Codes of Western Australia (unless otherwise varied by the Local Government).

5.16.4 Development of 'Short-stay Accommodation' within the scheme's 'Tourist Accommodation' zone shall generally accord with an approved Local Development Plan prepared in accordance with Part 6 of the deemed provisions

## **5.17 SERVICED APARTMENT**

*AMD 56 GG 29/03/11 AMD 68 GG 09/06/15*

5.17.1 Development of a 'Serviced Apartment (Residential)' that is 'Commercial' zone of the scheme is to accord with the 'Mixed-use' development requirements prescribed in the Residential Design Codes of Western Australia (unless otherwise varied by the Local Government).

5.17.2 Development of a 'Serviced Apartment (Tourist)' is to accord with the 3 month restricted residential occupancy specified by the definition in the scheme.

## **5.18 OPERATION OF SPECIAL CONTROL AREAS**

*AMD 59 GG 17/02/12*

5.18.1 The following special control areas are shown on the Scheme Maps -

SCA 1 - Brown Range Power House.

SCA 2 – Gascoyne Food Bowl.

*AMD 76 GG 20/07/18*

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

## **5.19 SCA 1 – BROWN RANGE POWER HOUSE SPECIAL CONTROL AREA**

*AMD 59 GG 17/02/12*

5.19.1 Purpose -

The purpose of Special Control Area 1 is to provide development control within the Special Control Area boundary.

5.19.2 Objective -

The objectives of SCA 1 are -

- a) Identify land that may be affected by emissions such as noise and dust from the Brown Range Power Station;
- b) Ensure that the use and development of land within the buffer is compatible with the Brown Range Power Station.

5.19.3 Application Requirements -

- a) Despite any other provisions in the Scheme, development approval is required for all land use and development within Special Control Area 1.

5.19.4 Development Requirements -

- a) Despite any other provisions in the Scheme, the use and development of any residential dwelling, including single dwellings, a grouped dwelling and a multiple dwelling, is prohibited.

## **5.20 SCA 2 - GASCOYNE FOOD BOWL SPECIAL CONTROL AREA**

*AMD 72 GG 14/03/17*

5.20.1 Purpose –

The purpose of Special Control Area 2 is to provide for subdivision and development control within the Special Control Area boundary.

5.20.2 Objective –

The objectives of SCA 2 are to –

- a) Identify priority intensive agricultural land within the Gascoyne Food Bowl area for the following purposes:
  - (i) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
  - (ii) the establishment and operation of plant or fruit nurseries;
  - (iii) the development of land for irrigated fodder production or irrigated pasture (including turf farms); and
  - (iv) aquaculture.

- b) Ensure that subdivision, use and development of land are consistent with the Gascoyne Food Bowl Structure Plan and the objectives of relevant State Planning Policy.

#### 5.20.3 Subdivision Requirements

*Despite any other provisions in the Scheme to the contrary, subdivision within SCA2 will not be supported unless it is consistent with the Subdivision Guide Plan contained within the Gascoyne Food Bowl Structure Plan. The provision for 6ha minimum lot size that is reference in Policy Statement 1 does not apply to land within the SCA2.*

#### 5.20.4 Flood and Floodway Management

- a) no new development (i.e. filling, buildings etc.) is to be in the designated floodways;
- b) structures at road crossings over major waterways are to be sized so that there is minimal increase in the flood levels upstream of the structure;
- c) onsite finished development levels (with the exception of localised pads for dwellings and outbuildings) within the floodplain are not to exceed the existing ground levels;
- d) for areas within the Gascoyne River floodplain, a minimum habitable floor level of 0.50 metres above the adjacent 100 year ARI flood level is required;
- e) for areas that are located outside the Gascoyne River floodplain area, a minimum habitable floor level of 0.30 metres above the adjacent 100 year ARI flood level is required.

#### 5.20.5 Environmental Requirements

*AMD 76 GG 20/07/18*

Prior to subdivision and development, Level 2 Terrestrial Fauna Surveys and Level 2 Flora and Vegetation Surveys are to be undertaken in accordance with EPA Guidance Statements 51 and 56 (or as revised).

Where significant flora or fauna habitat are identified as worthy of protection, future environmental conservation reserves, fences and buffers must be shown on Local Development Plans prepared in accordance with Part 6 of the deemed provisions.

## **PART VI - NON-CONFORMING USE OF LAND**

### **6.1 NON-CONFORMING USE RIGHTS**

6.1.1 No provision of the Scheme shall prevent:

- a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
- b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

### **6.2 EXTENSION OF NON-CONFORMING USE**

6.2.1 A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the Development Approval of the Local Government under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

*AMD 68 GG 09/06/15*

### **6.3 CHANGE OF NON-CONFORMING USE**

6.3.1 Notwithstanding anything contained in the Zoning Table the Local Government may grants its Development Approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Local Government, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Local Government, closer to the intended use of the Zone or Reserve.

*AMD 68 GG 09/06/15*

### **6.4 DISCONTINUANCE OF NON-CONFORMING USE**

6.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

6.4.2 The Local Government may effect the discontinuance of a non-conforming use by the purchase for the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

*AMD 68 GG 09/06/15*

### **6.5 DESTRUCTION OF BUILDINGS**

6.5.1 If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

## **APPENDICES**

- APPENDIX NO. I – INTERPRETATIONS
- APPENDIX NO. II – CAR PARKING LAYOUTS
- APPENDIX NO. III – SCHEDULE OF ADDITIONAL USES
- APPENDIX NO. IV – SCHEDULE OF SPECIAL RESIDENTIAL ZONE REQUIREMENTS
- APPENDIX NO. V – SCHEDULE OF SPECIAL RURAL ZONES
- APPENDIX NO. VI – SCHEDULE OF SPECIAL USE SITES
- APPENDIX NO. VII - RESTRICTIVE CONVENANTS

Policy Statement No. 1

Policy Statement No. 2

Policy Statement No. 3

Policy Statement No. 4

SCHEDULE A – SUPPLEMENTAL PROVISIONS

## APPENDIX NO. I – INTERPRETATIONS

As provided for in Clause 1.6 to this Scheme, the following terms, unless the context otherwise requires, shall have the respective meanings and interpretations set out hereunder:

- “Absolute Majority of Council”** - means a majority of the total number of members for the time being of the Council of the Local Government whether present and voting or not. *AMD 68 GG 09/06/15*
- “Ancillary Accommodation”** - shall have the same meaning ascribed to it in the Residential Design Codes. *AMD 10 GG 8/1/93; AMD 68 GG 09/06/15*
- “Amenity Building”** - means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment or leisure as distinct from the work of the industry or business.
- “Arts and Crafts Studio”** - means a building or part of a building, not in a residential zone, where craft activities are carried out and includes the sale of products created on site.
- “At the Time of the Development”** - means during the period when construction and/or site preparation works are in progress terminating immediately prior to the occupation of the land, including any buildings, for its approved purpose.
- “Bank”** - means premises used for offices but wherein special provision is made for access by the public for services in the areas of finance and banking.
- “Bed and Breakfast”** - means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast; *AMD 36 GG 19/1/01*
- “Building”** - means any structure or appurtenance thereto whether fixed or movable, temporary or permanent, and includes a stable, fence, wall, barrier, hoarding, and outbuildings.
- “Bulk Fuel”** - means the handling, storage and dispensing of liquid or gaseous fuels in containers but excludes the dispensing of liquid or gaseous fuels direct to vehicular tanks for consumption by that vehicle.
- “Building Line”** - means the line between which and any public place or public reserve a building may not be erected by or under the authority of an Act.
- “Camping Area”** - means an area of land set aside for the purpose of camping involving the erection of tents and other forms of temporary shelter not involving trailers, caravans, chalets or mobile homes.
- “Caravan Park”** - means an area of land approved by the Local Government for development for the parking of caravans and ancillary facilities. *AMD 68 GG 09/06/15*
- “Caretaker’s Dwelling”** – means a dwelling on the same site as a building (or within a portion of that building), operation, or plant and occupied by a supervisor of that building, operation, or plant. *AMD 56 GG 29/03/11*
- “Car Park”** - means a site or building used primarily for parking private cars or taxis whether as a public or private car park but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings on or in which cars are displayed for sale.
- “Car Parking”** - means an area of land or building specifically set aside for parking of wheeled vehicles and treated and subsequently maintained in a manner satisfactory to the Local Government for the purpose. *AMD 68 GG 09/06/15*
- “Car Sales Premises”** - means land and buildings used for the display and sale of cars, whether new or second-hand but does not include a workshop.
- “Chalet Park”** - means an area of land approved by the Local Government for development by the erection of attached or detached self-contained holiday rental homes which are not designed for permanent residential accommodation. *AMD 68 GG 09/06/15*

**“Civic Building”** - means a building designed or intended to be used by Government departments, statutory bodies representing the Crown, or the Local Government as offices or for administrative or other like purposes.

AMD 68 GG 09/06/15

**“Commission”** – means the Western Australian Planning Commission established by Section 7 of the *Planning and Development Act 2005*.

AMD 76 GG 20/07/18

**“Communal Open Space”** - shall have the same meaning ascribed to it in the Residential Design Codes.

AMD 68 GG 09/06/15

**“Consulting Rooms”** - means a building or part of a building (other than hospital) used in practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.

**“Convenience Store”** - means land and building used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents and may include the sale of petroleum products and operated during hours which include but which may extend beyond normal trading hours and providing associated parking.

**“Day Care Centre”** - means a day care centre as defined by the Child Welfare (Care Centres) Regulations 1968, published in the Government Gazette of 15 July 1968, published but does not include a family care centre or an occasional care centre as defined by those Regulations.

**“Drive-in Liquor Store”** - means land and buildings wherein specific provision is made for sales of liquor (as defined under *Liquor Control Act 1988* to persons within motor vehicles.

AMD 76 GG 20/07/18

**“Drive-in Theatre”** - means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles.

**“Dry Cleaning Agency”** - mean a building at which the public may lodge and receive articles for dry cleaning and where in some instances subject to the provisions of the Health Act a limited amount of dry cleaning may be carried out on the premises.

**“Dry Cleaning Premises”** - means a building or buildings used for the dry cleaning of clothing and other articles involving the use of chemicals which may not be used within shops and other premises in close proximity one with the other.

**“Dwelling Unit or Dwelling”** - shall have the same meaning ascribed to it in the Residential Design Codes.

AMD 68 GG 09/06/15

**“Eating House”** - means any house, building or structure or any part thereof in which meals are served to the public for gain or reward.

AMD 76 GG 20/07/18

The term does not include:

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

**“Educational Establishment”** - means a school, college, university, technical institute, academy, or other educational centre, or a lecture hall but does not include a reformatory institution or institutional home.

**“Existing Use”** - means use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme, in accordance with the conditions set out in Part 7 - Non-conforming Use of Land.



**“Extractive Industry”** - includes the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substance from the land, also the manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

**“Farm Stay”** - means a residential building, bed and breakfast chalet or similar accommodation unit used to accommodate short-stay guests on a farm or rural property and where occupation by any person is limited to a maximum of three months in any 12-month period. *AMD 56 GG 29/03/11*

**“Fish Shop”** - means a shop where the goods kept, exposed or offered for sale include wet fish or fish fried on the premises for consumption off the premises.

**“Floor Area”** - shall have the same meaning as is given to it and for the purposes of the Uniform Building By-laws (as amended).

**“Frontage”** - shall have the same meaning ascribed to it in the Residential Design Codes. *AMD 68 GG 09/06/15*

**“Fuel Filling Station”** - means land, buildings and equipment used for the storage and dispensing of liquid and gaseous fuels for the operation of the predominant use of the land but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises. *AMD 68 GG 09/06/15*

**“Fuel Depot”** - means land, buildings and equipment used for the bulk storage, dispensing and sale in bulk quantities of liquid or gaseous fuel but does not include a service station.

**“Funeral Parlour”** - means land and buildings occupied by undertakers where bodies are stored and prepared for burial or cremation.

**“Gazettal Date”** - means the date on which notice of the approval of the Minister to this Local Planning Scheme is published in the Government Gazette.

**“General Industry”** - means any industry other than a hazardous, light, noxious, rural extractive or service industry.

**“Gross Floor Space”** - means the aggregate of the total floor area of each level of a building including the thickness of external walls but excluding the space set aside for the parking of wheeled vehicles and for the accommodation of service vehicles where such space is provided within the building.

**“Grouped Dwelling”** - shall have the same meaning ascribed to it in the Residential Design Codes. *AMD 68 GG 09/06/15*

**“Habitable Room”** - shall have the same meaning ascribed to it in the Residential Design Codes. *AMD 68 GG 09/06/15*

**“Hazardous Industry”** - means an industry which should be isolated from other buildings by reason of the possible danger to persons or property by the processes involved, by the method of manufacture, or by the nature of materials used, produced or stored.

**“Health Centre”** - means a maternal or x-ray centre, a district clinic, a masseur’s establishment, or a medical clinic.

**“Health Studio”** - means a building designed and equipped for recreation and sporting activities, and includes outdoor recreation if especially approved by Local Government. *AMD 68 GG 09/06/15*

**“Height”** - shall have the same meaning as ascribed to it in the Residential Design Codes. *AMD 68 GG 09/06/15*

**“Height Above Natural Ground Level”** - means the distance measured vertically from the centre point of the smallest square or rectangle containing the whole of the proposed new building at the natural ground level, or the ground level created at the time of subdivision or earlier development, as the case may be, to the highest point of the proposed new building.

**“Holiday Home (large)”** - means premises conforming to the definition of ‘Holiday Home (standard)’ with the exception that the premises provide short-stay accommodation for more than six people but not more than 12 at any one time. *AMD 56 GG 29/03/11*

**“Holiday Home (standard)”** - means a single house (excluding ancillary accommodation), which may also be used for short-stay accommodation for no more than six people (but does not include a ‘bed and breakfast’, ‘guesthouse’, ‘chalet’ and ‘short-stay accommodation’ unit).AMD 56 GG 29/03/11

**“Home Business”** - means a business, service or profession carried out in a dwelling or on land around a dwelling which:

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

AMD 68 GG 09/06/15

**“Home Occupation”** - means a business carried on with the permission of the responsible authority within a house or the curtilage of a house that -

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
- (b) does not entail the employment of any person not a member of the occupier’s family except in the case of a professional person;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- (e) is restricted in advertisement to a sign not exceeding 0.2 square metres in area.

**“Hospital”** - means a building or a group of buildings or part of a building, whether permanent or otherwise, in which persons are received and lodged for medical treatment or care.

**“Hotel”** - means land and a building or buildings in respect of which a hotel licence has been granted under the provisions of the *Liquor Control Act, 1988*.

AMD 76 GG 20/07/18

**“Industry”** - means the carrying out of any process for and incidental to:

- (a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing, or canning, or adapting for sale, or breaking up or demolition of an article or part of any article;
- (b) the winning, processing, or treatment of minerals;
- (c) the generation of electricity or the production of gas, and
- (d) the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with -
  - (i) the carrying out of agriculture;
  - (ii) site work on buildings, works on land; and
  - (iii) in the case of the manufacture of goods referred to in sub-paragraph (d) above, the preparation on the premises of a shop, or food for sale; and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration, or accounting, the sale of goods resulting from the process and the use of land for the amenity of persons engaged in the process.

**“Infant Health Clinic”** - means premises used for the purpose of an infant advisory service for mothers.

**“Intensive Agriculture”** - 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.

AMD 72 GG 14/03/17

**“Intensive Horticulture”** - means intensive agricultural practices which are carried out with the aid of techniques including water reticulation to render the land capable of sustaining considerably greater number of stock, higher crop yields, or different types of crops than could be produced without the aid of those techniques.

AMD 72 GG 14/03/17

**“Kennels”** - means land and buildings used for the purpose of keeping, breeding, and temporary care of dogs except that the expression shall not include the keeping of up to six dogs by a land owner for his own use and enjoyment unless a different limit is provided for in a Local Law. The maximum number of dogs which may be kept in kennels shall be determined in each case by the Local Government.

AMD 68 GG 09/06/15

**“Kindergarten”** - means land and buildings set aside for use for the care and teaching of pre-school children.

**“Land”** - includes air stratum titles, messuages, tenements, and hereditaments and any estate in the land, and houses, buildings, works and structures, in or upon the land.

**“Landscape, Landscaping or Landscaped”** - shall have the same respective meanings as ascribed to them in the Residential Design Codes.

AMD 68 GG 09/06/15

**“Laundrobar”** - means a building or buildings wherein machines are installed providing for the washing and drying of house-hold clothing and other fabric for reward or profit and which may involve the use of coin-operated machines. “Laundrette” and “Laundromat” shall have the same meaning.

**“Licensed Restaurant”** - shall have the same meaning ascribed to it under the *Liquor Control Act 1988*.

AMD 76 GG 20/07/18

**“Light Industry”** - means an industry:

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise and;
- (b) the establishment of which will not, or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like service.

**“Liquor Store”** - means premises in respect of which a liquor store licence has been granted under the *Liquor Control Act, 1988*.

AMD 76 GG 20/07/18

**“Lodging House”** - means a building or structure permanent or otherwise in which provision is made for boarding or lodging more than four persons, exclusive of family members of the keeper thereof, for hire or reward but the terms do not include:

- (a) a Motel,
- (b) premises used as a boarding school approved under the *Education Act 1928*, or
- (c) a building containing flats.

**“Lot”** - has the meaning given to it in and for the purposes of the Act, and allotment has the same meaning.

**“Machinery Sales”** - means land or a building or buildings used for the display or sale of machinery and industrial implements whether new or secondhand and the workshop incidental to the servicing of that equipment.

**“Marina”** - means land and/or water areas used for the mooring of boats and water craft and which may include boat launching ramps, jetties, mooring pens, slipways, boat servicing and repair facilities, car parks, trailer and jinker storage areas, club house and administrative office facilities.

**“Marine Dealer”** - means land and buildings occupied for the purpose of storing, sorting, packing and sale of second-hand or waste materials, including metals, paper, rags, bottles and glass, whether for waste disposal or re-cycling elsewhere, but does not include premises used for motor vehicle wrecking or a refuse disposal yard.

**“Marine Filling Station”** - means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft but in which no industry is carried on, but does not include a service station.

**“Medical Clinic”** - means premises in which facilities are provided for the practice of more than one medical practitioner or dental practitioner, physiotherapist, chiropractor or masseur.

**“Mixed Use”** - means buildings that contain commercial and other non-residential uses in conjunction with residential dwellings.  
*AMD 56 GG 29/03/11*

**“Motel”** - means a building, group of buildings or place used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.  
*AMD 68 GG 09/06/15*

**“Motor Repair Station”** - means land and buildings used for or in connection with mechanical repairs and overhauls including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

**“Motor Vehicle Wrecking”** - means the dismantling of motor vehicles and machinery of all kinds and the storage of vehicles awaiting dismantlement and also vehicle parts and accessories. The expression also includes Scrap Metal Yards.

**“Multiple Dwelling”** - shall have the same meaning ascribed to it in the Residential Design Codes.  
*AMD 68 GG 09/06/15*

**“Museum”** - means a place preserving and exhibiting works of nature, art, curiosities, etc., also any collection of such objects.

**“Night Clubs”** - means a building or part of a building where entertainment and refreshments are provided to patrons, and the normal hours of business are later at night to early in the morning.

**“Non-conforming Use”** - has the meaning given in the Planning and Development Act 2005 Section 172.

**“Noxious Industry”** - means an industry in which the process involved constitutes an offensive trade within the meaning of the *Health Act, 1911* (as amended) but does not include fish shops or dry cleaning establishments.

**“Office”** - means the conduct of administration, the practice of a profession carrying on of agencies, banks, typist and secretarial services, and services of a similar nature or, where not conducted on the site thereof, the administration of or the accounting in connection with an industry.

**“Open Space”** - shall have the same meaning ascribed to it in the Residential Design Codes.  
*AMD 68 GG 09/06/15*

**“Open Air Display”** - means the use of land as a site for the display and/or sale of goods and equipment.

**“Piggery”** - means a rural holding or, part thereof, including buildings set aside for the intensive keeping, breeding or rearing of pigs.

**“Place of Natural Beauty”** - means the natural beauties of the area including lakes and other inland water, banks of rivers, foreshores of harbours, frontal dunes, and other parts of the sea, hill slopes and summits and valleys.

**“Plot Ratio”** - 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. AMD 76 GG 20/07/18

**“Poultry Farm”** - means land and buildings where domestic fowl, such as chicken, ducks, geese, turkeys and the like are kept for either egg or meat purposes in conditions other than free-range and in numbers exceeding the person requirements of the land owners or occupier.

**“Private Club”** - means land and/or buildings controlled exclusively by an organisation comprised of a restricted membership and to which the public is not normally admitted except by the express permission of the organisation concerned.

**“Private Hotel”** - means land and buildings in respect of which a limited hotel licence has been granted under the provisions of the *Liquor Control Act 1988*. AMD 76 GG 20/07/18

**“Private Open Space”** - shall have the same meaning ascribed to it in the Residential Design Codes. AMD 68 GG 09/06/15

**“Professional Office”** - means any building used for the purpose of his profession by an accountant, architect, artist, author, barrister, chiroprapist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), or town planner and ‘professional person’ has a corresponding interpretation.

**“Public Amusements”** - means the use of land as a theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium, or for games.

**“Public Assembly - Place of”** - means any land or buildings used as a special place of assembly including grounds for athletics, all sports grounds with spectator provision, race-courses, trotting tracks, stadia or showgrounds.

**“Public Utility”** - means any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

**“Public Worship - Place of”** - includes buildings used primarily for the religious activities of a church, but does not include an institute for primary, secondary or higher education, or a residential training institution.

**“Radio/Television Installation”** - means land, structures and buildings used for the relay or transmission of radio, telephone and television signals and includes provision for the generation of, or conversion of power supplies for these purposes.

**“Recreation”** - means the use of land for park, garden, playgrounds, sports arenas, foreshore reserves and the like, whether or not a charge is levied for the use of the facility/area.

**“Redevelopment”** - means revision or replacement of an existing land use according to a controlled plan.

**“Residential Building”** - means a building or a portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adopted or designed to be used for purpose of human habitation: AMD 1 GG 13/7/90

- (a) temporarily by two or more persons, or
- (b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

**“Restaurant”** - shall have the same interpretation as Eating House except that the expression “Licensed Restaurant” shall have the same meaning ascribed to it in the *Liquor Control Act 1988*. AMD 76 GG 20/07/18

**“Roadhouse”** - means land and a building or buildings used primarily as a service station but with a supplementary use as a restaurant, take-away food outlet or as a shop providing an approved limited range of day-to-day travel commodities and services.

**“Rural Industry”** - means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop, servicing plant or equipment used for rural purposes in the locality.

**“Rural Pursuit”** - means and includes agriculture, horticulture, forestry and pasture. *AMD 68 GG 09/06/15*

**“Seasonal Staff/Workers Accommodation”** - means shared self-contained living accommodation (separate to a single dwelling) used for the accommodation of temporary workers directly employed in an approved activity carried out on the lot and does not include a Caretakers Dwelling.

*AMD 68 GG 09/06/15*

**“Service Industry”** - means a light industry operating on land and within buildings having a retail shop front and in which goods may be manufactured only for sale on the premises or land and buildings having retail shop front and used as a depot for receiving goods to be serviced.

**“Service Station”** - means land and buildings used for the supply of petroleum products and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs.

**“Serviced Apartment”** - means a complex where all units or apartments provide for self-contained accommodation for short-stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum of three months in any 12 month period.

*AMD 56 GG 29/03/11*

**“Setback”** - shall have the same meaning ascribed to it in the Residential Design Codes.

*AMD 68 GG 09/06/15*

**“Setback Line”** - means a line fixed by means of horizontal measured distance from any lot boundary including a street alignment or new street alignment.

**“Shire”** - means the Shire of Carnarvon.

**“Shop”** - means any building wherein goods are kept exposed or offered for sale by retail, and includes a cafe and a restaurant, and receiving depot, but does not include a bank, fuel depot, a market, service station, petrol filling station, milk depot, marine store, timber yard, or land and buildings used for the sale of motor and vehicles, or for any purpose falling within the definition of industry.

**“Short-Stay Accommodation”** - means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests and for management of the development where occupation by any person is limited to a maximum of three (3) months in any 12 month period and excludes those uses more specifically defined elsewhere.

*AMD 56 GG 29/03/11*

**“Showroom”** – means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, hardware, timber supplies, swimming pools or goods of a bulky nature.

*CORRECTION NOTICE AMD 43 GG 6/1/06*

**“Single House”** - shall have the same meaning ascribed to it in the Residential Design Codes.

*AMD 68 GG 09/06/15*

**“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.

**“Small Holding”** - means a small rural allotment as provided for pursuant to this Scheme used or intended to be used essentially for residential purposes with associated rural activities and includes a hobby farm, a farmlet, a rural retreat and a bushland retreat.

**“Stables”** - means premises used for the keeping, breeding and rearing of horses and ponies involving the erection of buildings, corrals and compounds and their use for those purposes, except that the expression shall not include land used solely for agistment of horses.

**“Street Alignment”** - means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment so prescribed.

**“Take-Away Food Outlet”** - means land and buildings which are used for the preparation and sale of food and refreshments to the public at large for consumption otherwise than on the premises concerned.

**“Tavern”** - means land and a building or buildings in respect of which a Tavern Licence has been granted under the provisions of the *Liquor Control Act 1988*. AMD 76 GG 20/07/18

**“Trade Display”** - means the controlled and moderate display of goods for advertisement as approved by Local Government. AMD 68 GG 09/06/15

**“Transport Depot”** - means land used for the garaging of road motor vehicles used or intended to be used for carrying goods for hire or reward, or for any consideration, or for the transfer of goods from one such motor vehicle to another of such motor vehicles, and includes maintenance and repair of vehicles.

**“Vehicle”** - includes a tractor.

**“Veterinary Clinic”** - means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients. Patients remaining on the premises overnight shall be kept within a building and in such a manner as to ensure that no detriment to the amenity of adjoining or nearby premises results.

**“Veterinary Establishment”** - means land and building used for, or in connection with, the treatment of sick animals and pets and includes the accommodation of sick animals and pets.

**“Warehouse”** - means any building or enclosed land, or part of a building or enclosed land, used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.

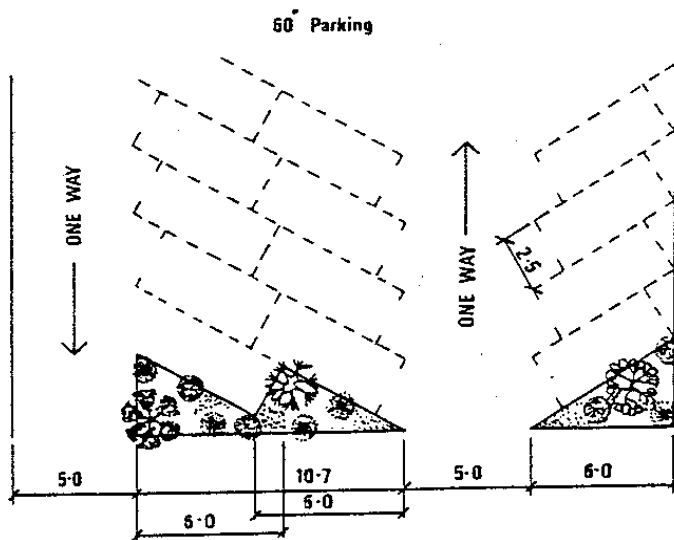
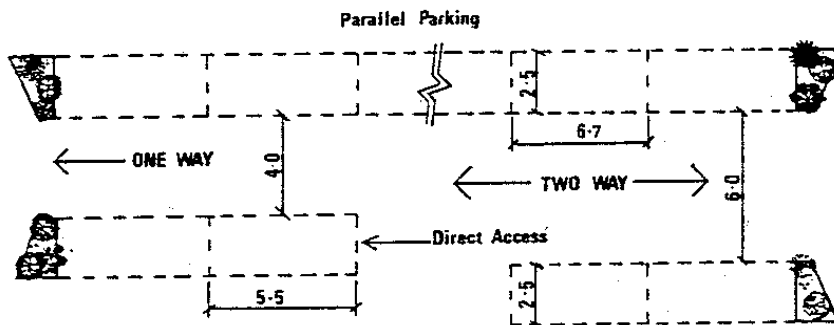
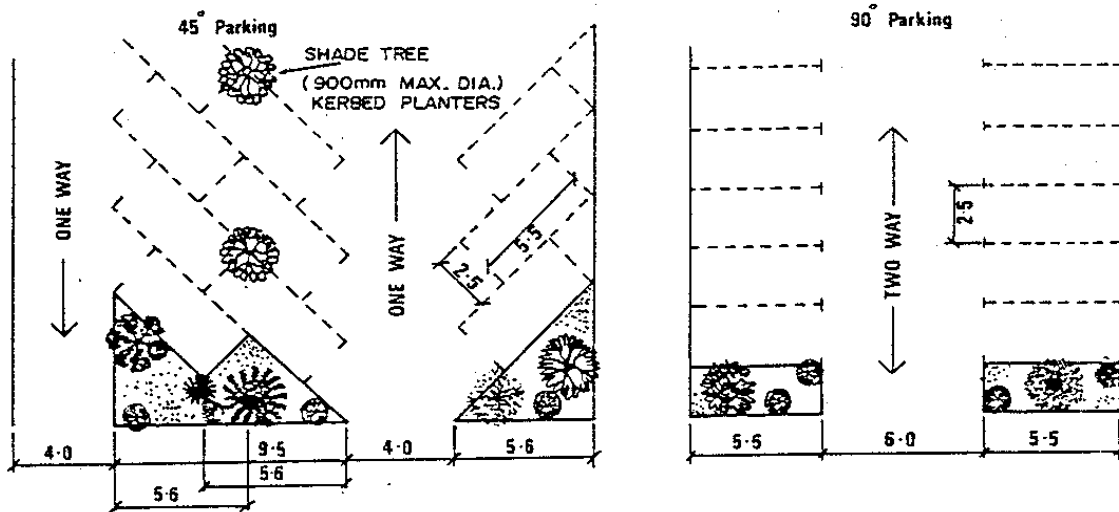
**“Wayside Stall”** - means a stall located adjacent to a street, but not in the road reserve, in which only fruit, vegetables and artefacts grown, produced or made on the land upon which it is located are sold or offered for sale.

**“Wind, Solar or Tidal Energy Facility”** - means premises used to generate electricity by wind force, solar power or tidal action and includes any turbine, panel, building or other structure used in, or in conjunction with, the generation of electricity by wind force, solar or tidal activity but does not include micro-turbines or panels used principally to supply electricity for domestic or commercial properties, rural uses of the land or anemometers. AMD 68 GG 09/06/15

**“Wineshop”** - means land and a building or buildings in respect of which a wine house licence has been granted under the provisions of the *Liquor Control Act 1988*. AMD 76 GG 20/07/18

**“Zoological Garden”** - means land, structures and buildings used for the keeping of animals and birds, and for the growing of plants for inspection and observation by the public at large, and where a charge maybe made for admission.

## APPENDIX NO. II - CAR PARKING LAYOUTS



**NOTES:**

BAY SIZES - 2.5 m X 5.5 m

PARALLEL PARKING  
BAY SIZES - 2.5 m X 6.0 m

aisle width - 4m ONE WAY  
6m TWO WAY

(COUNCIL MAY REQUIRE GREATER aisle widths WHERE FREQUENCY OF USE DETERMINES)

LANDSCAPING & SHADE TREE PLANTING DIAGRAMMATIC ONLY. DETAILS TO BE APPROVED BY COUNCIL IN EACH CASE.

ALL DIMENSIONS IN METRES



## APPENDIX NO. III - SCHEDULE OF ADDITIONAL USES

(See Clause 4.4)

Property Description		Zone Classification	Additional Uses	Special Conditions
A1	Lots 193/194 Port Hotel Robinson Street	Hotel	Shops	
A2	Lot 7 of 382 Norton Way	Residential	Radio Station	
A3	Lot 290 on Plan 193365 (HN 1896) North West Coastal Highway  <i>AMD 70 GG 16/02/16</i>	Intensive Horticulture	<p>The following uses are "AA" uses:</p> <ul style="list-style-type: none"> <li>• Restaurant/Cafe/ Eating House</li> <li>• Convenience Store</li> <li>• Consulting Room</li> <li>• Day Care Centre</li> </ul> <p>The following uses are "SA" uses:</p> <ul style="list-style-type: none"> <li>• Place of Public Worship</li> <li>• Educational Establishment</li> <li>• Veterinary Clinic</li> <li>• Veterinary Establishment</li> </ul>	
A4	Lot 4 on Diagram 18127 (HN 33) Sanderson Road North Plantations  <i>AMD 72 GG 14/03/17; AMD 76 GG 20/07/18</i>	Intensive Horticulture	<p>The following uses are "SA" uses:</p> <ul style="list-style-type: none"> <li>• Poultry Farm</li> </ul>	Must demonstrate compliance with the relevant legislation and regulation and approvals where required. Subject to SPP 2.5 Rural Planning.

## APPENDIX NO. IV - SCHEDULE OF SPECIAL RESIDENTIAL ZONE REQUIREMENTS

In addition to the requirements for Land within this Zone set out in Clause 5.6, the following more particular requirements shall apply to the localities nominated in this Schedule. *AMD 76 GG 20/07/18*

### Specified Area of Locality

1. Lot 7 North West Coastal Highway, Brown Range: *AMD 40 GG 25/7/03*
  - (i) All buildings shall be setback a minimum of 15.0 metres from the North West Coastal Highway; and
  - (ii) Noise alternation measures being implemented prior to any approval use/development commencing on the land.
  
2. Land situated adjoining Reserve 22753. Racecourse, Golf Course, Massey Bay
  - (i) Development in this area shall be for single house in accordance with Table 1, R2.5 of the Residential Design Code.
  - (ii) Applications for Development Approval will be determined in accordance with guidelines established by the Department of Water and Environmental Regulation in respect to flood and storm surge.
  
3. Land North of Boor Street and East of the Aboriginal Settlement
  - (i) Development in this area shall be rural and residential purposes with a single house in accordance with Table 1, R2.5 of the Residential Planning Code.
  - (ii) Subdivision within this area shall accord generally with the Subdivision Guide Plan East Carnarvon Area 2 Sheet No. 8 appended to this Scheme or with any modifications thereto which may be approved by the Western Australian Planning Commission after consultation with the Local Government. *AMD 68 GG 09/06/15*
  - (iii) Land within this locality and within the special Residential Zone is divided into two areas as shown on the Scheme Map Sheet No. 5 as special rural and special residential.
  - (iv) Applications for Development Approval will be determined in accordance with guidelines established by the Department of Water and Environmental Regulation in respect to sheet flooding.

## APPENDIX NO. V - SCHEDULE OF SPECIAL RURAL ZONES

In addition to the requirements for land within the Zone set out in Clause 5.7 of the following more particular requirements shall apply to the locality nominated in this Schedule. *AMD 76 GG 20/07/18*

### Specified Area of Locality

#### 1. Land on the west side of North West Coastal Highway and south side of Robinson Street

(i) Subdivision within this area shall accord generally with the subdivision Guide Plan East Carnarvon Area 2 Sheet No. 8 appended to this Scheme or with any modifications thereto which may be approved by the Western Australian Planning Commission after consultation with the Local Government.

(ii) Within this Area the following provisions shall apply:

Minimum Lot Size	1.00ha
Minimum Effective Frontage	50m
Front Setback	25m

(iii) Land may only be used in the manner approved by Local Government pursuant to Part 9 of the deemed provisions and for the purposes set out in Table No. 1 - Zoning Table. *AMD 76 GG 20/07/18*

(iv) In addition to the controls over the fencing of land within the floodways referred to in Clause 5.9, no fence shall be erected in this zone without the approval of the Local Government, fencing materials which may obstruct the flow of floodwaters shall not be used. *AMD 76 GG 20/07/18*

(v) Front setback areas shall be used only for landscaping or for other purposes approved in each case by the Local Government and such other uses shall be assessed by the Local Government against the objective of maintaining a visual impression of rural approaches to the town. *AMD 68 GG 09/06/15*

#### 2. Land flanking Boundary Road north of Robinson Street

Provisions numbered (ii) - (v) relating to Specified Area No 1 above also apply to land in this locality.

## APPENDIX NO. VI - SCHEDULE OF SPECIAL USE SITES

The land comprised within the lots described below may be used, following the grant of a Development Approval pursuant to this Scheme, primarily for the purpose or purposes set out against that property in this Schedule. The Local Government may also grant Development Approval for other uses on the land concerned provided that any such use is totally dependent upon and incidental to the primary uses as Scheduled herein.

*AMD 68 GG 09/06/15*

### SCHEDULE

Land & Property Description	Primary Uses	Developments Requirements
1. Reserve 38185	Welfare Housing	As determined by the Local Government.
2. Babbage-Whitlock Areas  <i>AMD 76 GG 20/07/18</i>	Residential/Tourist Reserve Uses	(See below.)
<p>(i) No development will be permitted until such time as overall Structure Planning has been carried out to the satisfaction of the Local Government and the Western Australian Planning Commission.</p> <p>(ii) Such Structure Planning shall be prepared and approved in accordance with Part 4 of the deemed provisions. <span style="float: right;"><i>AMD 76 GG 20/07/18</i></span></p> <p>(iii) The staging of development shall be preceded by staging of zoning as and when development is ready to proceed.</p>		
Portion Lot 1000 George St <i>AMD 15 GG 31/5/94</i>	Senior Citizens Community Centre	As determined by the Local Government.
3. Part Lot 30 Mahony Ave Carnarvon  <i>AMD 23 GG 19/9/95</i>	OTC Earth Station Tourist Precinct	As determined by the Local Government.
4. Portion Lot 10 Robinson Street, Carnarvon as per Outline Development Plan as adopted by the Local Government  <i>AMD 43 GG 18/11/05;</i> <i>AMD 68 GG 09/06/15;</i> <i>AMD 76 GG 20/07/18</i>	Showroom, Warehouse, Trade Display	See Below

Land & Property Description	Primary Uses	Developments Requirements
		<p>(1) The Development will be subject to design guidelines to be adopted by the Local Government.</p> <p>(2) The nett lettable area (NLA) of any 'showroom' unit shall be a minimum of 400m<sup>2</sup>.</p> <p>(3) Showroom uses and development will not: <span style="float: right;"><i>AMD 76 GG 20/07/18</i></span></p> <p>i) undermine the primacy of the Carnarvon town centre as the retail, commercial, administrative, and civic and cultural hub of the Carnarvon townsite or any established and/or planned hierarchy of retail centres;</p> <p>ii) result in the potential loss of the level of service to the local community; or</p> <p>iii) adversely affect the amenity of the locality.</p>
<p>5. Lot 1 and Lot 2 North West Coastal Highway, Brown Range</p> <p><i>AMD 63 GG 3/08/13; AMD 68 GG 09/06/15 AMD 76 GG 20/07/18</i></p>	<ul style="list-style-type: none"> <li>• Fuel Filling Station</li> <li>• Roadhouse</li> </ul> <p>All other uses to be listed as incidental: eg</p> <ul style="list-style-type: none"> <li>• Arts and Crafts Studio</li> <li>• Caretaker's Dwelling</li> <li>• Car Parking</li> <li>• Licensed Restaurant</li> <li>• Motel</li> <li>• Shop</li> <li>• Liquor Store</li> <li>• Amenity Building.</li> </ul>	<p>As specified by the Local Government.</p>
<p>6. Part Lots 1193 on Plan 181640, 1179 on Plan 213005 and 1147 on Plan 173472 David Brand Drive, Carnarvon.</p> <p><i>AMD 69 GG 16/02/16; AMD 76 GG 20/07/18</i></p>	<p>Aged or Dependent Persons Dwelling.</p> <p>Other uses to be listed is incidental (IP use):</p> <ul style="list-style-type: none"> <li>• Caretaker's dwelling</li> <li>• Medical Clinic</li> <li>• Health Studio</li> <li>• Arts &amp; Craft Studio</li> <li>• Car Park</li> </ul>	<p>1. No development will be permitted until such time as a structure plan has been prepared and approved in accordance with Part 4 of the deemed provisions.</p> <p>2. In accordance with Part 4 of the deemed provisions, a structure plan shall include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• road networks and access requirements;</li> <li>• urban water management plan outlining drainage requirements and landscaping;</li> <li>• geotechnical assessment confirming capability of the land for development;</li> <li>• consideration of potential impacts of storm surge from the Gascoyne River;</li> <li>• areas of open space to</li> </ul>

Land & Property Description	Primary Uses	Developments Requirements
6. (Cont'd)		be identified to contribute to the 10% requirement for public open space in the Brockman locality which is to be reclassified accordingly.

## APPENDIX VII – RESTRICTIVE COVENANTS

AMD 62 GG 24/5/13

Land burdened by the Restrictive Covenant	Description of the Covenant	Extinguishment or Variation of the Covenant
<p>Lots 25, 24, 23, 22, 21, 20, 19, 18, 70, 69, 68, 67, 66, 65, 65, 63, 62, 61, 2, 5, 6, 7, 8, 51 Norton Way, Morgantown;                      Lots 373, 374, 376 George Street, Morgantown;                      Lots 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 71 Butcher Street, Morgantown;                      Lots 1, 3, 72, 9, 10, 11, 12, 13, 14, 15, 16, 17, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 Willesee Street, Morgantown;                      Reserves 34143, 34144;                      Lots 59 and 60 Ross Street, Morgantown; Lots 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96 Tuckey Court, Morgantown; Lots 75, 76, 77, 78, 79, 80, 81, 82 Babbage Island Road, Morgantown;                      Lots 302, 303, 309 Maslen Street, Morgantown;                      Lots 300, 301, 304, 305, 306, 307 Geyer Place, Brockman;                      Lots 292, 293, 294, 295, 296, 297 Salmond Court, Brockman;                      Lots 310, 311, 312, 330, 331, 332 Newman Place, Brockman;                      Lots 322, 323, 324, 342, 343, 344 Meiklejohn Crescent, Brockman;                      Lots 335, 334, 333, 354, 355, 356, 349, 348, 347, Castrini Crescent, Brockman;                      Lots 125, 126 Richards Street, Brockman</p>	<p>Covenant (A)</p> <p>(a) No dwelling house erected on the said land shall comprise less than 116m<sup>2</sup> gross area and shall not be erected unless there shall be at least three rooms under the main roof capable of being used as bedrooms separately from other habitable rooms one such room being not less than 11.15m<sup>2</sup> in area and the other two being not less than 7.43m<sup>2</sup> each in area.</p> <p>(b) Not without the written consent of the Transferor to construct external walls of the said dwelling house on the said land of materials other than brick.</p> <p>(c) No dwelling house shall have roof structures that are not thermally insulated and ceilings therein shall not be less than an average of 2550 mm in height.</p> <p>(d) No fences shall be erected on the said land other than along the rear boundary to its full length and on the side boundaries to the front building line thereof. Not without the written consent of the Transferor to construct the said fencing with materials other than asbestos cement which shall not be less than 1500mm in height except that the said boundary fences may be sloped to a lower height for the first three metres beyond the front building line.</p> <p>(e) No dwelling house shall be designed and constructed for use other than as a single private dwelling house (Clause 1 'building') as defined or mentioned in the Uniform Building By-Laws applicable to the said land as at the 20th day of June 1975.</p>	<p>Extinguish</p>
<p>Lots 152, 1, 154, 155, 156, 157, 11, 160, 161, 162, 1002, 1193, 1147 David Brand Drive, Brockman;                      Lots 186, 185, 184, 183, 182, 181, 180, 179, 178, 226, 225, 224, 223, 222, 221, 220, 219, 218, 217, 216, 215, 214, 173, 172, 213, 212, 211 Foss Crescent, Brockman;                      Lots 23, 22, 21, 171, 242, 241, 363, 362, 284, 283, 282, 281, 280, 279, 286, 285, 227, 228, 229, 230, 231, 232, 288, 287 Cranberry Drive, Brockman;                      Lots 364, 365, 366, 367, 1, 3, 4, 369, 370 Snook Court, Brockman;                      Lots 256, 257, 258 Eweing Place, Brockman;                      Lots 259, 260, 261, 262, 263, 274, 275, 1179 Bibra Way, Brockman;                      Lots 266, 267, 268, 1, 271, 272, 273 Buzolic Court, Brockman;                      Lots 278, 277, 276, 289, 280, 325, 341 Meiklejohn Crescent, Brockman;                      Reserve 44093;                      Lots 108, 109, 110, 111, 112, 350, 351, 352, 353, 336, 122, 123, 124 Castrini Crescent, Brockman; Lots 113, 114, 115, 116, 117, 118, 119, 120, 121 Skinner Court, Brockman;                      Lots 138, 1, 3, 1, 5 Houlahan Place,</p>	<p>Covenant (B)</p> <p>1. Not without written consent of the transferor to construct external walls of a dwelling- house on the said land with materials other than brick.</p> <p>2. Not without the written consent of the transferor to construct fencing with materials other than fibro cement of not less than 1500mm in height for the rear boundary to its full length and the side boundaries to at least the front building line. Side boundary fences may be sloped to a lower height for the first three metres beyond the front building line.</p>	<p>Extinguish AMD 68 GG 09/06/15</p>

Land burdened by the Restrictive Covenant	Description of the Covenant	Extinguishment or Variation of the Covenant
Brockman; Lots 126, 127, 128, 129, 135, 202, 201 Richards Street, Brockman; Lots 205, 204, 203 Dempster Road, Brockman; Lots 132, 1, 130, 134 Carson Place, Brockman; Reserve 41680; Lots 329, 313 Newman Place, Brockman; Lots 291, 298 Salmond Court, Brockman;		



# POLICY STATEMENT NO. 1

## SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO. 10

### LOCAL PLANNING SCHEME POLICY STATEMENT NO. 1

1. **SUBJECT MATTER:** Planning and Development Control objectives with respect to land used for Intensive Horticulture and Plantations.
2. **POLICY AREA:** All land included within the Intensive Horticulture Zone of the Scheme.
3. **POLICY OBJECTIVE:** To preserve and maintain the affected land as viable units for horticulture and plantation which will include resistance, by recommendation for refusal, to proposals for subdivision and refusal of any land use or development proposals which would operate in conflict with this objective.
4. **POLICY STATEMENT:** The Local Government will not recommend approval to any subdivision proposal for lots smaller in area than 6ha, and in such other cases will only recommend approval where it can be convinced that the proposed subdivision will enhance rather than detract from the viability of the lots for Intensive Horticultural purposes and where a water supply service is assured.

The Local Government will oppose any development which will result in a diversion of land from horticultural or plantation production except those developments which are essential for the continued effective operation of the plantation concerned and which developments will remain incidental and subservient to the principal use of the land for horticulture. *AMD 68 GG 09/06/15*

That the construction of additional accommodation on Intensive Horticulture and Plantation properties be approved, on the basis of:

Accommodation within the Intensive Horticulture Zone will comply with Table 1-Zoning Table of Scheme 10 in that a single house is a 'permitted' use and ancillary accommodation is 'discretionary use'.

*AMD 68 GG 09/06/15; AMD 76 GG 20/07/18*

## POLICY STATEMENT NO. 2

### SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO. 10

#### LOCAL PLANNING SCHEME POLICY STATEMENT NO. 2

1. **SUBJECT MATTER:** Control of development in Commercial and Industrial Area, including the siting of buildings, the design of car parking, servicing and landscaped areas.
2. **POLICY AREA:** All Land included within the Light and General Industrial Zones and in the Special Use Zones where development of a commercial or industrial nature is envisaged.
3. **POLICY OBJECTIVE:**
  - (a) To ensure that both existing and proposed new commercial and industrial premises are developed or improved to a standard more acceptable to the community in terms of aesthetic appeal, convenience and freedom of dust.
  - (b) To provide for a range of lot sizes which will facilitate the establishment of the entire range of industrial and commercial activity within the town.
4. **POLICY STATEMENT:** The Local Government will normally require:
  - (a) the provision and maintenance of landscaping along the frontage of the site.
  - (b) the provision of customer/visitor parking in front of the building arranged in accordance with the standards set out in the Scheme.
  - (c) the arrangement of servicing in such a manner as to avoid any conflict between parking and servicing.
  - (d) the treatment of parking areas in such a fashion that the incidence of dust generation would be minimised. Forms of treatment will be approved by the Local Government in each case.

In respect of lot sizes the Local Government will generally expect:

- (i) a range of lot sizes in the Commercial/Light Industrial Zones which provide for the various activities capable of establishing within these zones. Normally the minimum lot size would not be less than 1000 square metres and for new subdivisions an average of 2000 square metres would be sought.
- (ii) Within the General Industrial Zone a minimum lot size of 1500 square metres will be required with a 25 metres minimum effective frontage, and again a range of lot sizes will be sought.
- (iii) Building setbacks from Robinson Street, Boundary Road and Boor Street will be 15 metres. As lot sizes increase the Local Government may require larger setbacks from streets and increased effective frontages to bring the scale of development into harmony with development on smaller lots.

*AMD 68 GG 09/06/15*

## POLICY STATEMENT NO. 3

### SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO. 10

#### LOCAL PLANNING SCHEME POLICY STATEMENT NO. 3

1. **SUBJECT MATTER:** Development Control within and near Flight Path approaches to Carnarvon Airport.
2. **POLICY AREA:** Land comprised within and adjacent to Flight Path Cones defined by the Department of Transport relative to each runway of the Airport.
3. **POLICY OBJECTIVE:** To maximise compatibility between the development of those affected parts of the Scheme Area and the continued use of Carnarvon Airport.
4. **POLICY STATEMENT:**
  - (a) With respect to the East-West and North-South runways, the Local Government will examine any proposals for development on the basis of its susceptibility to amenity loss from light aircraft movements. In general, such impact is regarded as being of minor consequence only, and will not normally interfere with proposals.
  - (b) With respect to the South West-North East Runway used by jet aircraft, the Local Government will: *AMD 68 GG 09/06/15*
    - (i) limit the height of any new development to accord with Department of Transport specifications.
    - (ii) examine each proposal to determine whether or not any development or land use will interfere or adversely affect communications and aviation equipment.
    - (iii) in the case of the North Eastern Flight Path, generally oppose any residential development unless very exceptional circumstances can be proved to exist justifying a departure from this policy.
    - (iv) in the case of the South West Flight Path, examine each proposal for new residential development with the impact of the Flight Path in mind and seek to secure forms of development which will minimise amenity loss from aircraft movements.

## POLICY STATEMENT NO. 4

### SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO. 10

#### LOCAL PLANNING SCHEME POLICY STATEMENT NO. 4

1. **SUBJECT MATTER:** Activities on land and water on the Fascine area adjacent to Olivia Terrace and the Old Tramway.
2. **POLICY AREA:** The water area and foreshore within the area known as the Fascine, between Pelican Point in the west, David Brand Drive in the east and fronting Olivia Terrace.
3. **POLICY OBJECTIVE:** To preserve the visual amenity and control activities on the water and foreshore areas for passive and recreational use.
4. **POLICY STATEMENT:**
  - (a) To preserve the Fascine parklands areas from pedestrian use and related pedestrian activities.
  - (b) To develop the north and south car parking areas to facilitate vehicles with an outlook over the water areas and provide turnaround for vehicles with caravans and trailers.
  - (c) To permit shallow craft vessel activities adjacent to the car park areas such as paddle boats and canoes subject to provision of services by users.
  - (d) That vessels other than shallow craft pleasure boats not be permitted in the Fascine area and such vessels that cannot be readily ramped from the water are to arrange anchorage with the Department of Marine and Harbours.
  - (e) To permit sail boat activities from the beach areas at the Small Boat Harbour and Pelican Point subject to provision of services by users.
  - (f) To preserve the area surrounding the Yacht Club and dredged area for sail boat activities with reservation for other water activities such as power boats, subject to arrangement with the recognised sail boat organisation.
  - (g) That house boat activities be prohibited in the Fascine area.
  - (h) That the Local Government encourage preservation of a suitable section of the old tramway for historical purposes.  
*AMD 68 GG 09/06/15*
  - (i) That boat parking be permitted in the deep water section of Babbage Island and opposite the Fascine Wall subject to the provision of access roads and services by users.

## SCHEDULE A – SUPPLEMENTAL PROVISIONS

AMD 76 GG 20/07/18

61(1)(k) the erection or extension of a single house on a lot if a single house is permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

- (a) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (c) included on a heritage list prepared in accordance with this Scheme; or
- (d) within an area designated under the Scheme as a heritage area; or
- (e) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.

61(1)(l) the erection or extension of an outbuilding, external figure, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply), where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

- (a) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (c) included on a heritage list prepared in accordance with this Scheme; or
- (d) within an area designated under the Scheme as a heritage area; or
- (e) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.

## ADOPTION

Adopted by Resolution of the Council of the Shire of Carnarvon at the meeting of the Council held on the twenty seventh day of June 1984.

.....  
PRESIDENT

.....  
DATED 25/03/87

.....  
SHIRE CLERK

.....  
DATED 25/03/97

## FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Carnarvon at the ordinary meeting of the Council held on the twenty fifth day of March 1987 and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of:

.....  
PRESIDENT

.....  
SHIRE CLERK

This Scheme text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.2 of this Scheme and to which formal approval was given by the Hon. Minister for Planning on the date shown below.

2. Recommended/submitted for final approval by the State Planning Commission.

.....  
CHAIRMAN

.....  
DATE

3. Final approval granted

.....  
GORDON G SMITH  
for MINISTER FOR PLANNING

.....  
DATED 09/12/87