

SHIRE OF HALLS CREEK

LOCAL PLANNING SCHEME NO. 2

As Gazetted on the 17th September 2019



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

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SHIRE OF HALLS CREEK LOCAL PLANNING SCHEME NO.2 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
LPS 2	17/09/19	18/9/19	MLD	New Scheme

SCHEME DETAILS

SHIRE OF HALLS CREEK

LOCAL PLANNING SCHEME NO.2

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

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- Part 1 Preliminary** - sets out the Scheme title, responsible authority for implementing the Scheme, the Scheme area, the contents, purposes and aims of the Scheme and relationship to other Schemes and laws.
- Part 2 Reserves** - sets out the reserves which apply in the Scheme area and related provisions.
- Part 3 Zones and use of land** - sets out the zones which apply in the Scheme area, permissibility of land uses in the various zones and the requirement for additional uses, restricted uses, special use zones and non-conforming uses within the Scheme area.
- Part 4 General development requirements** - sets out the general requirements which apply to land use and development within the Scheme area and the specific requirements which apply to particular uses and forms of development.
- Part 5 Special control areas** - sets out particular provisions which may apply in addition to the zone requirements.
- Part 6 Terms referred to in Scheme** - lists the general terms and land use terms used in the Scheme.

Schedules

- Schedule A Supplemental provisions to the deemed provisions.
- Schedule 1 Signage and advertisements for which development approval not required.
- Schedule 2 Additional site and development requirements.

Part 1 - Preliminary

1. Citation

This local planning scheme is the Shire of Halls Creek Scheme No.2.

2. Commencement

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

3. Scheme revoked

The following local planning schemes are revoked -

Shire of Halls Creek Town Planning Scheme No.1
Gazettal date 5 April 1991

4. Notes do not form part of Scheme

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

Note: The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law

5. Responsibility for Scheme

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

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the Scheme text), this Scheme includes the following -

(a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2), including any supplemental provisions provided for in Schedule A of the Scheme text; and

(b) the Scheme Map (sheets 1 - 4).

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

8. Purposes of Scheme

The purposes of this Scheme are to -

- (a) set out the local government's planning aims and intentions for the Scheme area;
- (b) set aside land as local reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in this Scheme;
- (d) control and guide development including processes for the preparation of structure plans, activity centre plans, and local development plans;

- (e) set out procedures for the assessment and determination of development applications;
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans;
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are -

- encourage an appropriate balance between economic and social development, conservation of the natural environment, provision of infrastructure and services, and improvements in lifestyle and amenity;
- recognise and provide for the cultural practices and traditions of the traditional owners in the Shire;
- Safeguard and enhance the historic heritage significance, character and amenity of the district's built and natural environment;
- zone sufficient land for residential purposes and to provide for a range of accommodation choices that meets the needs and aspirations of the community;
- provide sufficient zoned land for commercial, retail, industrial and civic uses, suitable to strengthen the economic base of the Shire;
- implement strategic planning for the municipality, in particular the recommendations of the Shire's local planning strategy and relevant State strategies;
- reserve certain portions of land required for public purposes;
- zone the balance of the land within the Scheme Area for purposes described in the Scheme as recommended by the Shire's local planning strategy;
- define the uses and types of development to be permitted on land within the Scheme Area; and
- control and regulate the development and use of land throughout the municipality;
- to promote ecologically sustainable land use and development;
- to assist the effective implementation of the State Planning Strategy and other adopted strategies and policies as these apply to the Kimberley Region;
- to make provision for other matters necessary or incidental to planning and development generally.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

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

12. Relationship with regional planning scheme

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

Part 2 - Reserves

13. Regional Reserves

There are no regional reserves in the Scheme area.

14. Local reserves

(1) In this clause -

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

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

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

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

Table 1 - Reserve objectives

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Medical Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential medical services.
Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential emergency services.

Reserve name	Objectives
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Car Park	<ul style="list-style-type: none"> To set aside land required for a car park.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none"> To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Strategic infrastructure	<ul style="list-style-type: none"> To set aside land required for port or airport facilities.
Special Purpose	<ul style="list-style-type: none"> To set aside land for a special purpose. Purposes that do not comfortably fit in any other reserve classification.

15. Additional uses for local reserves

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

Part 3 - Zones and use of land

16. Zones

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

Table 2 - Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none">• To provide for a range of housing and a choice of residential densities to meet the needs of the community.• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ul style="list-style-type: none">• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.• To provide for a range of residential densities to encourage a variety of residential accommodation.• To provide for the progressive and planned development of future urban areas for residential purposes and for commercial, community and recreational facilities, and other uses normally associated with residential development.
Settlement	<ul style="list-style-type: none">• To identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places by — (a) requiring preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2; and (b) ensuring that development accords with a layout plan.
Cultural and Natural Resource Use	<ul style="list-style-type: none">• Provide for development associated with the extraction of mineral and natural resources.• Ensure the preservation of Aboriginal heritage and culturally significant areas.• Provide for the conservation of significant landscape and environmental areas and values.• Allow for low impact tourism development including limited tourist accommodation and camping areas.• Allow land uses associated with Aboriginal heritage, traditional law and culture.

Zone name	Objectives
Rural	<ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific local rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Rural Residential	<ul style="list-style-type: none"> • to provide a basis for detailed planning in accordance with the structure planning provisions of this Scheme. • To provide for lot sizes in the range of 1 ha to 4 ha. • To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Enterprise	<ul style="list-style-type: none"> • To provide for light industrial and ancillary residential development on one lot. • To provide for lot sizes in the range of 1 ha to 4 ha. • To carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses. • To notify prospective purchasers of potential amenity impacts from light industrial land uses.
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.

Zone name	Objectives
Commercial	<ul style="list-style-type: none"> • To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or improve the existing streetscape. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Mixed Use	<ul style="list-style-type: none"> • To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. • To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. • To ensure light industrial uses are located so as to avoid land use conflicts with other adjoining uses.
Tourism	<ul style="list-style-type: none"> • To promote and provide for tourism opportunities. • To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area. • To allow limited residential uses where appropriate. • To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

17. Zoning table

The zoning table for this Scheme is as follows -

Table 3 - Zoning Table

USE AND DEVELOPMENT CLASS	Residential	Urban Development	Cultural and Natural Resource Use	Rural	Rural Residential	Rural Enterprise	General Industry	Commercial	Mixed Use	Tourism	Settlement
Abattoir	X	X	D	D	X	A	A	X	X	X	Land use permissibility to be determined with reference to the endorsed Layout Plan
Agriculture - extensive	X	X	P	P	D	X	X	X	X	X	
Agriculture - intensive	X	X	P	P	D	X	X	X	X	X	
Amusement parlour	X	X	X	X	X	X	X	P	D	X	
Ancillary dwelling	P	P	P	P	P	A	X	X	X	D	
Animal establishment	X	X	P	P	D	A	X	X	X	X	
Animal husbandry - intensive	X	X	P	P	D	A	X	X	X	X	
Art gallery	X	X	P	X	X	X	X	P	X	D	
Bed and breakfast	A	A	D	D	D	X	X	X	X	D	
Betting agency	X	X	X	X	X	X	X	P	A	X	
Brewery	X	X	X	X	X	X	P	X	D	X	
Bulky goods showroom	X	X	X	X	X	X	P	D	P	X	
Caravan park	X	X	D	D	X	X	X	X	X	D	
Caretaker's dwelling	X	X	I	I	I	I	I	I	I	I	
Car park	X	X	X	X	X	X	X	P	D	X	
Child care premises	A	A	D	X	X	X	X	D	A	X	
Cinema/theatre	X	X	X	X	X	X	X	D	D	D	
Civic use	A	A	D	X	X	X	D	P	D	X	
Club premises	X	X	D	D	A	A	X	P	D	X	
Commercial vehicle parking	A	A	D	D	A	D	P	X	D	X	
Community purpose	A	A	D	D	D	D	X	D	D	X	
Consulting rooms	A	A	D	X	X	X	X	P	D	X	
Convenience store	X	X	D	X	X	X	X	P	D	A	
Corrective institution	X	X	D	D	X	X	X	X	X	X	
Educational establishment	X	X	D	D	A	X	D	D	D	X	
Exhibition centre	X	X	D	D	A	X	X	P	P	D	
Family day care	A	A	D	X	X	X	X	P	X	X	
Fast food outlet	X	X	D	X	X	X	X	P	D	D	
Fuel depot	X	X	D	D	X	X	P	X	D	X	

USE AND DEVELOPMENT CLASS	Residential	Urban Development	Cultural and Natural Resource Use	Rural	Rural Residential	Rural Enterprise	General Industry	Commercial	Mixed Use	Tourism
Funeral parlour	X	X	X	X	X	X	D	A	A	X
Garden centre	X	X	D	D	D	D	X	P	D	X
Holiday accommodation	X	X	D	D	A	X	X	X	X	D
Holiday house	X	X	D	D	A	X	X	X	X	D
Home business	A	A	D	D	A	P	X	X	X	X
Home occupation	A	A	D	D	D	P	X	X	X	X
Home office	I	I	I	I	I	I	X	X	I	I
Home store	X	X	D	D	A	X	X	X	X	X
Hotel	X	X	X	X	X	X	X	D	X	D
Industry	X	X	D	D	X	X	P	X	X	X
Industry - cottage	A	A	D	D	D	P	X	X	P	X
Industry - extractive	X	X	D	D	X	X	D	X	X	X
Industry - light	X	X	D	D	X	P	P	X	P	X
Industry - primary production	X	X	P	P	X	X	X	X	X	X
Liquor store – large	X	X	X	X	X	X	X	P	D	A
Liquor store – small	X	X	X	X	X	X	X	P	D	D
Lunch Bar	X	X	D	X	X	X	P	P	P	D
Market	X	X	D	X	X	X	X	P	D	X
Medical centre	A	A	D	X	X	X	X	P	D	X
Mining operations	X	X	D	D	X	X	X	X	X	X
Motel	X	X	D	D	X	X	X	D	X	D
Motor vehicle, boat or caravan sales	X	X	X	X	X	X	P	A	P	X
Motor vehicle repair	X	X	D	D	X	D	P	X	P	X
Motor vehicle wash	X	X	D	D	X	D	P	X	P	X
Nightclub	X	X	X	X	X	X	X	A	A	X
Office	X	X	I	X	X	I	I	P	P	X
Park home park	X	X	D	X	X	X	X	X	X	D
Place of worship	A	A	D	X	X	X	X	P	D	X
Reception centre	X	X	D	X	A	X	X	P	D	D
Recreation - private	X	X	D	D	A	X	D	D	A	X
Renewable energy facility	X	X	D	D	A	A	D	D	A	X
Repurposed dwelling	D	D	D	D	D	D	X	X	A	X
Residential Aged Care Facility	D	D	D	X	D	X	X	X	A	X
Residential Building	X	A	D	X	X	X	X	X	X	X
Residential - single house	P	P	P	P	P	P	X	X	A	I
Residential - grouped dwelling	D	D	D	X	A	A	X	X	X	I
Residential - multiple dwelling	A	A	D	X	X	X	X	X	A	X
Resource recovery centre	X	X	X	X	X	A	D	X	X	X
Restaurant/cafe	X	X	D	D	X	X	X	P	D	D

USE AND DEVELOPMENT CLASS	Residential	Urban Development	Cultural and Natural Resource	Rural	Rural Residential	Rural Enterprise	General Industry	Commercial	Mixed Use	Tourism
Restricted premises	X	X	X	X	X	X	D	A	A	X
Road house	X	X	D	D	X	X	D	D	D	D
Rural home business	X	X	P	P	D	P	X	X	X	X
Rural pursuit/hobby farm	X	X	P	P	D	A	X	X	X	X
Second hand dwelling	D	D	D	D	D	D	X	X	A	X
Service station	X	X	D	D	X	X	X	D	D	A
Shop	X	X	D	X	X	X	I	P	D	I
Small bar	X	X	X	X	X	X	X	P	D	D
Tavern	X	X	X	X	X	X	X	A	A	A
Telecommunications infrastructure	A	A	D	D	A	D	D	D	D	D
Tourist development	X	X	D	D	X	X	X	X	X	D
Trade display	X	X	X	X	X	X	P	X	P	X
Trade supplies	X	X	X	X	X	X	P	X	P	X
Transport depot	X	X	X	X	X	A	P	X	A	X
Tree farm	X	X	P	P	P	X	X	X	X	X
Veterinary centre	X	X	D	D	A	X	P	D	D	X
Warehouse/storage	X	X	X	X	X	D	P	X	A	X
Waste disposal facility	X	X	D	D	X	X	A	X	X	X
Waste storage facility	X	X	D	X	X	X	D	X	X	X
Winery	X	X	D	D	D	X	X	X	X	X
Workforce accommodation	X	X	D	D	X	A	X	X	D	X

18. Interpreting zoning table

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

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

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

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

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

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

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

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

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

3. if a proposed development is identified as a 'P' use in the zoning table, but the proposed development does not comply with all of the development standards and requirements of the scheme, then it is to be treated as a 'D' use.

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

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

(a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or

(b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or

(c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless -
 - (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following that apply to the land -
 - (a) a structure plan;
 - (b) an activity centre plan;
 - (c) a local development plan;
 - (d) the objectives of the zone.

19. Additional uses

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

20. Restricted uses

There are no restricted uses that apply to this Scheme.

21. Special use zones

There are no special use zones which apply to this Scheme.

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

- (2) Subclause (1) does not apply if -
 - (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

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

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government -
 - (a) must ensure that the register is kept up-to-date; and

- (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 - General development requirements

25. R-Codes

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

26. Modification of R-Codes

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

- (1) Where a site has a dual coding specified on the Scheme Map, the local government may approve residential development to the higher code, providing the development is connected to a reticulated sewerage system.
- (2) Local government may permit Aged or dependent persons' dwelling in accordance with the R30 Code.
- (3) Any application for development approval for any residential building other than a single dwelling shall be accompanied by a landscape plan showing the proposed landscaping on the site.

The landscape plan shall show:

- (a) the location and general nature of planted areas;
- (b) the location and nature of materials to be used on non-planted areas;
- (c) the location and size of any outbuildings or other minor proposed structures; and
- (d) the implementation schedule of the landscape plan including, though not limited to, the applicant commencing the implementation of the landscape plan within six calendar months of the completion of all other approved works and the applicant completing the implementation of the landscape plan no later than six calendar months following approval to occupy any building.

These requirements are in addition or substitution for relevant clauses of the R-Codes

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

- (1) State Planning Policy 3.6 - Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government -
 - (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification to State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

- (1) The State planning policies set out in Table 4, modified as set out in clause 30, are to be read as part of this Scheme.

Table 4- State planning policies to be read as part of Scheme

State planning policies to be read as part of Scheme
<i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas</i>

- (2) The local government -
 - (a) must make a copy of each State planning policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of each of those State planning policies on the website of the local government.

30. Modification of State planning policies

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

31. Environmental conditions

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

32. Additional site and development requirements

- (1) Schedule 2 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, and activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

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

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

(1) In this clause -

additional site and development requirements means requirements set out in clauses 32 and 33.

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

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

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

(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and

(b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

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

(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and

(b) the non-compliance with the additional site and development standard will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

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

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

(a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and

(b) the local government must not grant development approval for the construction of the residential dwellings unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

Part 5 - Special control areas

36. Special control areas

- (1) The following Special Control Areas are marked on the Scheme Map according to the legend on the Scheme Map:

Environment - Public Drinking Water Source Area – Priority 1 (SCA 1)

Environment - Wellhead Protection Zone (SCA 2)

Infrastructure - Sewer Treatment Plant Odour Buffer (SCA 3)

- (2) In respect of a Special Control Area shown on a Scheme Map, the objectives and additional provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any other provisions of the Scheme.

- (3) Environment - Public Drinking Water Source Area – Priority 1 (SCA 1)

Objectives

- (a) The objectives of the Environment - Public Drinking Water Source Area – Priority 1 Special Control Area are to –
- (i) provide a basis for the protection of public drinking water resources through the control of land use or development which has the potential to prejudice the quality of water supplies for public use;
 - (ii) identify land that has been designated as a public drinking water resource;
 - (iii) ensure that any land use does not detrimentally impact on a public drinking water resource;
 - (iv) implement Scheme controls that are designed to mitigate any adverse effects on a public drinking water resource.

Additional Provisions

- (b) Despite any other provision of the Scheme development approval is required for all use and development within the Environment - Public Drinking Water Source Area – Priority 1 Special Control Area including a single house, removal of vegetation, earthworks or the use of land for the keeping of or grazing animals, and shall be subject to discretion of the local government, notwithstanding that the use may be designated as a 'P' use under the Scheme.
- (c) The local government may refuse any application for development approval or impose conditions on any development approval so as to –
- (i) protect the groundwater resource; and
 - (ii) require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any limitations or constraints associated with the protection of groundwater resources at the applicant's cost.

Note: There will be a general presumption against development or use of land which involves a significant risk to the groundwater resource. The onus will be on the proponent of development to demonstrate that the proposed activity will not prejudice the groundwater resource.

- (d) The local government shall refer applications for development approval within the Environment - Public Drinking Water Source Area – Priority 1 Special Control Area to the Department of Water and Environmental Regulation, any other agency or organisation the local government deems necessary, and the local government shall have due regard to any advice received.
- (e) In addition to other provisions of the Scheme, in considering any application for rezoning, subdivision or development approval within the Environment - Public Drinking Water Source Area – Priority 1 Special Control Area, the local government is to have due regard to –
 - (i) any water resource management plan, strategy or guideline of the Department of Water and Environmental Regulation, and any advice received from the Department of Water and Environmental Regulation;
 - (ii) the potential impact of the proposal on the quality of the water resource;
 - (iii) the practicability and cost of any ameliorative measures proposed for the protection of the resource;
 - (iv) the existing level of protection of the resource provided, with reference to management of land and location of development;
 - (v) the nature, location and performance of any existing or proposed effluent disposal system; and
 - (vi) the drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to manage run-off and drainage.

(4) Environment - Wellhead Protection Zone (SCA 2)

Objectives

- (a) The objectives of the Environment - Wellhead Protection Zone Special Control Area are to –
 - (i) provide a basis for the protection of public drinking water resources through the control of land use or development which has the potential to prejudice the quality of water supplies for public use;
 - (ii) identify land that has been designated as a wellhead protection zone;
 - (iii) ensure that any land use does not detrimentally impact on a public drinking water resource;
 - (iv) implement Scheme controls that are designed to mitigate any adverse effects on a public drinking water resource.

Additional Provisions

- (b) Despite any other provision of the Scheme development approval is required for all use and development within the Environment - Wellhead Protection Zone Special Control Area including a single house, removal of vegetation, earthworks or the use of land for the keeping of or grazing animals, and shall be subject to discretion of the local government, notwithstanding that the use may be designated as a 'P' use under the Scheme.
- (c) The local government may refuse any application for development approval or impose conditions on any development approval so as to –
 - (i) protect the groundwater resource; and
 - (ii) require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any limitations or constraints associated with the protection of groundwater resources at the applicant's cost.

Note: There will be a general presumption against development or use of land which involves a significant risk to the groundwater resource. The onus will be on the proponent of development to demonstrate that the proposed activity will not prejudice the groundwater resource.

- (d) The local government shall refer applications for development approval within the Environment - Wellhead Protection Zone Special Control Area to the Department of Water and Environmental Regulation, any other agency or organisation the local government deems necessary, and the local government shall have due regard to any advice received.
- (e) In addition to other provisions of the Scheme, in considering any application for rezoning, subdivision or development approval within the Environment - Wellhead Protection Zone Special Control Area, the local government is to have due regard to –
 - (i) any water resource management plan, strategy or guideline of the Department of Water and Environmental Regulation, and any advice received from the Department of Water and Environmental Regulation;
 - (ii) the potential impact of the proposal on the quality of the water resource;
 - (iii) the practicability and cost of any ameliorative measures proposed for the protection of the resource;
 - (iv) the existing level of protection of the resource provided, with reference to management of land and location of development;
 - (v) the nature, location and performance of any existing or proposed effluent disposal system; and
 - (vi) the drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to manage run-off and drainage.

(5) Infrastructure - Sewer Treatment Plant Odour Buffer (SCA 3)

Objectives

- (a) The objective of the Infrastructure - Sewer Treatment Plant Odour Buffer Special Control Area is to avoid the establishment of incompatible or odour-sensitive land uses or development within the buffer and protect the long-term operation of the Halls Creek Waste Water Treatment Plant.

Additional Provisions

- (b) Notwithstanding any other provisions of the Scheme, a person must not commence or carry out any development or use of land within the Infrastructure - Sewer Treatment Plant Odour Buffer Special Control Area without first having applied for and obtained the development approval of the local government under Part 9 of the deemed provisions.
- (c) The local government in considering an application for development approval within the Infrastructure - Sewer Treatment Plant Odour Buffer Special Control Area is to have due regard to:
 - (i) the compatibility of the use or development with wastewater treatment plant infrastructure with regard to potential odour and noise emissions from the waste water treatment plant;
 - (ii) whether the use or development would have a detrimental impact on the long-term operation of the waste water treatment plant;
 - (iii) the advice and recommendations of the Water Corporation and the Department of Water and Environmental Regulation and any relevant policies of the Department of Water and Environmental Regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy).

Part 6 - Terms referred to in Scheme

Division 1 - General definitions used in Scheme

37. Terms used

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

building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
building height	in relation to a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.
cabin	means a dwelling forming part of a tourist development or caravan park that is - (a) an individual unit other than a chalet; and (b) designed to short-term accommodate for guests.
chalet	means a dwelling forming part of a tourist development or caravan park that is - (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests.
commencement day	means the day this Scheme comes into effect under section 87(4) of the Act.
commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including - (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
floor area	has meaning given in the Building Code.
frontage	in relation to a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces.
incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.
minerals	has the meaning given in the <i>Mining Act 1978</i> section 8(1).

net lettable area or nla	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas - (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building.
non-conforming use	has the meaning given in the <i>Planning and Development Act 2005</i> section 172.
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.
precinct	means a definable area where particular planning policies, guidelines or standards apply.
predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental.
retail	means the sale or hire of goods or services to the public.
short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period.
wall height	in relation to a wall of a building- (a) if the building is used for residential purposes, has the meaning given in the R-Codes, or (b) if the building is used for purposes other than residential purposes, means the vertical distance from natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.
wholesale	means the sale of goods or materials to be sold by others.

Division 2 - Land use terms used in Scheme

38. Land use terms used

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

abattoir	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
aged or dependent Persons Dwelling	has the same meaning given to the term in the R-Codes.
agriculture - extensive	means premises used for the raising of stock or crops but does not include agriculture - intensive or animal husbandry - intensive.
agriculture - intensive	means premises used for 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.
amusement parlour	means premises - (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines.
ancillary dwelling	has the same meaning given to the term in the R-Codes.
animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.
animal husbandry - intensive	means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens, but does not include agriculture - extensive.
art gallery	means premises - (a) that are open to the public; and (b) where artworks are displayed for viewing or sale.
bed and breakfast	means a dwelling - (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms and one guest bathroom.
betting agency	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .

brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .
bulky goods showroom	<p>means premises -</p> <p>(a) used to sell by retail goods and accessories including (though not limited to) the following types that are principally used for domestic purposes -</p> <ul style="list-style-type: none"> (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, beddings, furnishings, fabrics, manchester and home wares; (vii) party supplies; (viii) office equipment and supplies; (ix) baby's and children's goods, including play equipment and accessories; (x) sporting, cycling, leisure, fitness goods and accessories. <p>and</p> <p>(b) used to sell by retail goods and accessories by retail if-</p> <ul style="list-style-type: none"> (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods. <p>but does not include a shop.</p>
caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
caretaker's dwelling	means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
car park	<p>means premises used primarily for parking vehicles whether open to the public or not but does not include -</p> <p>(a) any part of a public road used for parking or for a taxi rank; or</p> <p>(b) any premises in which cars are displayed for sale.</p>
child care premises	<p>means premises where-</p> <p>(a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> section 5 (1), other than a family day care service as defined in that section, is provided; or</p> <p>(b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.</p>
cinema/theatre	means premises where the public may view a motion picture or theatrical production.
civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.

commercial vehicle parking	<p>means premises used for parking of one or 2 commercial vehicles but does not include -</p> <p>(a) any part of a public road used for parking or for a taxi rank;</p> <p>or</p> <p>(b) parking of commercial vehicles incidental to the predominant use of the land.</p>
community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
convenience store	<p>means premises -</p> <p>(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and</p> <p>(b) operated during hours which include, but may extend beyond, normal trading hours; and</p> <p>(c) the floor area of which does not exceed 300 m² net lettable area.</p>
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided.
fast food outlet	<p>means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -</p> <p>(a) without further preparation; and</p> <p>(b) primarily off the premises.</p> <p>but does not include a lunch bar</p>

**freeway service
centre**

means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services —

- (a) service station facilities;
- (b) emergency breakdown repair for vehicles;
- (c) charging points for electric vehicles;
- (d) facilities for cyclists;
- (e) restaurant, cafe or fast food services excluding the sale or consumption of alcohol under the Liquor Licensing Act 1988;
- (f) take-away food retailing without a drive-through facility;
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;
- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas; and
- (j) dump points for the disposal of black and/or grey water from recreational vehicles.

fuel depot

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

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

funeral parlour

means premises used -

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services.

garden centre

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

guest house

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

**holiday
accommodation**

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

holiday house

means a single dwelling on one lot used to provide short-term accommodation for not more than 6 persons but does not include a bed and breakfast or a guest house.

home business

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

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

home occupation

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

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

home office

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

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

home store

means a shop attached to a dwelling that -

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

hospital	means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1), but does not include a nursing home.
hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes - <ul style="list-style-type: none"> (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
industry - cottage	means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which — <ul style="list-style-type: none"> (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put; (d) does not occupy an area in excess of 50 square metres; and (e) does not display a sign exceeding 0.2 square metres in area.
industry - extractive	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include the following purposes - <ul style="list-style-type: none"> (a) the process of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.
industry - light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
Industry - primary production	means land used: <ul style="list-style-type: none"> (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses.
industry - rural	means — <ul style="list-style-type: none"> (a) an industry handling, treating, processing or packing rural products; or (b) a workshop servicing plant or equipment used for rural purposes.

industry - service	means — (a) an industry - light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.
liquor store - large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300 m ² .
liquor store - small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m ² .
lunch bar	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.
marina	means - (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services.
marina filling station	means premises used for the storage and supply of liquid fuels and lubricants for marine craft.
market	means premises used for the display and sale of goods from stalls by independent vendors.
medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
mining operations	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8 (1) is carried out.
motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.
motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans.
motor vehicle repair	means premises used for or in connection with - (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres.
motor vehicle wash	means premises primarily used to wash motor vehicles.
nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
office	means premises used for administration, clerical, technical, professional or similar business activities.

park home park	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions.
recreation - private	means premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
renewable energy facility	renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced for commercial gain. (i.e. solar farms as opposed to solar panels).
repurposed dwelling	means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.
residential aged care facility	means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.
residential building	means a building or part of a building used to provide - (a) short-term accommodation for 2 or more persons; or (b) long-term accommodation for 7 or more persons who are not part of the same family.
resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste.
restaurant/cafe	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
restricted premises	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of - (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); and (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

roadhouse	<p>means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services -</p> <ul style="list-style-type: none"> (a) a full range of automotive repair services; (b) wrecking, panel beating and spray-painting services; (c) transport depot facilities; (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and (f) dump points for the disposal of black and grey water from recreational vehicles.
rural home business	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation -</p> <ul style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 200 m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.
rural pursuit/hobby farm	<p>means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household -</p> <ul style="list-style-type: none"> (a) the rearing, agistment, stabling or training of animals; or (b) the keeping of bees; or (c) the sale of produce grown solely on the premises.
second hand dwelling	<p>means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a modular home or transportable dwelling.</p>
serviced apartment	<p>means a group of units or apartments providing -</p> <ul style="list-style-type: none"> (a) self-contained short stay accommodation for guests; and (b) any associated reception or recreational facilities.
service station	<p>means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -</p> <ul style="list-style-type: none"> (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

shop	means premises other than a bulky goods showroom, a liquor store large or a liquor store small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
small bar	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide - <ul style="list-style-type: none"> (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.
trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufacture off the premises - <ul style="list-style-type: none"> (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.
transport depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including - <ul style="list-style-type: none"> (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.
tree farm	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5.
veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
warehouse/storage	means premises including indoor or outdoor facilities used for - <ul style="list-style-type: none"> (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods.
waste disposal facility	means premises used - <ul style="list-style-type: none"> (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste.

**waste storage
facility**

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

winery

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

**workforce
accommodation**

means premises, which may include modular or relocatable buildings, used -

- (a) primarily for the temporary accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Division 3 - Meaning of words and expressions used in Scheme

39. Terms Used

A word or expression that is not defined in this Scheme —

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

Schedule A - Supplemental provisions to the deemed provisions

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

- Clause 61(1)(k)** the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone where the R Codes do not apply, in which that lot is located and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - (ii) the subject of an order under the *Heritage Act 2018* Part 4; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90.
- Clause 61(1)(l)** the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone where the R Codes do not apply and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - (ii) the subject of an order under the *Heritage Act 2018* Part 4; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 29.
- Clause 61(1)(m)** The signage and advertisements contained in Schedule 1 of this Scheme do not require development approval.
- Clause 61(1)(n)** The erection of a boundary fence in a zone where the R Codes do not apply.
- Clause 61(1)(o)** The carrying out of works urgently necessary to ensure public safety, for the safety or security of plant or equipment or for the maintenance of essential services.)

Schedule 1 - Signage and advertisements for which development approval not required

[Supplemental to the deemed provisions - clause 61(1)(m)]

TABLE 5

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name plate as appropriate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation	0.2m ²
Places of Worship, Meeting Halls and Place of Public Assembly	One advertisement detailing the function, and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15m²</p> <p>Maximum permissible total area shall not exceed 10 m² and individual advertisement signs shall not exceed 6m²</p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Public Place and Reserves	<p>(a) Advertisement signs (illuminated or non-illuminated) relating to the functions of government, a public authority or local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; and</p> <p>(b) Advertisement signs (illuminated or non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the local government of a municipality; and</p> <p>(c) Advertisement signs (illuminated or non-illuminated) required to be exhibited by or pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A

All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
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TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
<p>Building Construction Sites (advertisement signs displayed only the duration of the construction as follows:</p> <p>(i) Dwellings</p> <p>(ii) Multiple Dwellings, Shops, Commercial & Industrial projects</p> <p>(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (i) above.</p> <p>One sign as for (i) above.</p> <p>One additional sign showing the name of the project builder.</p>	<p>2m².</p> <p>5m².</p> <p>5m².</p>
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ² .
<p>Property Transactions Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:</p> <p>(a) Dwelling</p> <p>(b) Multiple dwellings, shops, Commercial & Industrial Properties</p> <p>(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha</p>	<p>One sign per street frontage for each property relating to the sale, leasing or impending auction of the property.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above.</p>	<p>Each sign shall not exceed an area of 2m².</p> <p>Each sign shall not exceed an area of 5m².</p> <p>Each sign shall not exceed an area of 10m².</p>
<p>Display Homes</p> <p>Advertisement signs displayed or the period over which homes are on display for public inspection.</p>	<p>(i) One sign as for each dwelling on display.</p> <p>(ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.</p>	<p>2m².</p> <p>5m².</p>

Schedule 2 - Additional site and development requirements [clause 32]

(1) Development Standards – Lot size, Setbacks and site coverage requirements

- (a) Table 6 sets out the minimum lot size, setback and site coverage requirements for land in zones within the Scheme which may be supplemented by the local government's specific requirements.
- (b) The local government in determining applications for any development may require such development to comply generally with the minimum lot sizes, setbacks and site coverage requirements required for the zone as required in Table 6 to ensure that the scale, nature, design, general appearance and impact of such uses is compatible with the objectives of the zone in which the development is proposed and the general purposes and aims of the Scheme.
- (c) The site and development requirements for development within zones not referred to in Table 6 shall be in accordance with the local government's specific requirements in each particular case.

TABLE 6

ZONE	LOT AREA		EFFECTIVE FRONTAGE	MINIMUM SETBACKS FROM BOUNDARIES			MAX SITE COVERAGE
	MIN. LOT AREA	MAX. LOT AREA		FRONT	REAR	SIDE	
Residential	As per R-Codes	N/A	As per R-Codes				
Commercial	500m ²	N/A	*	*	*	*	*
Mixed Use	2,000m ²	N/A	15m	9m ⁽²⁾	7.5m ⁽²⁾	5/1.2m ⁽³⁾	75%
General Industry	2,000m ²	N/A	15m	9m ⁽²⁾	7.5m ⁽²⁾	5m	75%
Urban Development	*	N/A	*				
Rural	*						
Rural Residential	1ha	4ha	*	20m	15m	5m	*
Rural Enterprise	1ha	4ha	50m	20m	10m	10m	* ⁽⁴⁾

NOTES:

1. * means to be determined by the local government in each particular case.
2. A 10-metre front setback shall be applied where loading and unloading facilities are provided at the rear of buildings. A 20-metre front setback shall be applied where loading and unloading facilities are provided at the front of buildings.
3. See Schedule 2 – (5)(b)
4. See Schedule 2 – (9).

Zone Considerations

(2) Development in the Commercial Zone

- (a) Development in the Commercial Zone shall comply with the requirements of Table 6 and the objectives for that zone as outlined in Part 3.
- (b) Development in the Commercial Zone shall not exceed two (2) storeys.
- (c) Where the ground floor of a two-storey building is used for commercial purposes, the upper floors of such building may be used for such purposes as may be permitted by Local government and may include shops, offices or residential development.
- (d) Residential uses in such circumstances are to be confined to the upper storey only.
- (e) Residential development within the Commercial Zone shall conform to the standards prescribed for the Residential Zone and the provisions of the R50 code of the R-Codes.
- (f) The site coverage of up to 100% may be permitted subject to the satisfaction of the Local government on matters relating to access, car parking, rear access and loading docks and stormwater drainage and any other matters the Local government shall consider relevant.

(3) Development in the Cultural and Natural Resource Use Zone

- (a) Development in the Cultural and Natural Resource Use zone shall comply with the objectives for that zone as outlined in Part 3.
- (b) Subject to the Deemed Provisions of this Scheme development will not be approved by the local government, and the local government will not support subdivision unless a structure plan or a layout plan has been approved for the relevant part of the zone.
- (c) Development shall be in accordance with any adopted layout plan prepared in accordance with State Planning Policy No. 3.2 – Aboriginal Settlements.

(4) Development in the General Industry Zone

- (a) Development in the General Industry zone shall comply with the requirements of Table 6 and the objectives for that zone as outlined in Part 3.
- (b) Where a building is approved upon a lot and is set back from the front boundary of that lot the Local government shall require the provision of landscape treatment between the frontage of any building and the front boundary. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.

Such landscape treatment may include a car parking area. Implementation of an approved landscaped plan shall occur within six calendar months of;

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

- (c) All development in the General Industry Zone shall be subject to the following requirements:
- (i) No building shall exceed two storeys in height without the consent of the Civil Aviation Safety Authority, and not to have highly reflective roofing material;
 - (ii) Adequate screening of work, service and storage areas;
 - (iii) All loading and unloading of materials, parking and the operation of all business associated with any industry shall take place within the boundaries of the site;
 - (iv) Minimum fencing standard shall be 1.8m security fence unless otherwise approved by the local government; and
 - (v) New buildings proposed adjacent to the Residential Zone shall be compatible in scale, materials and appearance with any existing residential development.
- (d) No dumping, storage of waste or materials, or construction, servicing or maintenance shall be carried out between the building line and the street frontage unless approved by the Local government. This does not prohibit the display of finished goods or goods for sale or ready for delivery.
- (e) The wrecking or storage of wrecked vehicles or parts thereof shall not be permitted in front of the building setback as prescribed in Table 6.
- (f) The development of built strata lots, for the purpose of providing multiple factory units in one lot, shall not be permitted in the General Industry zone unless the following requirements are complied with:
- (i) all built strata lots shall have a floor area greater than 100m².
 - (ii) each built strata lot shall have a service yard appurtenant to it which shall be a minimum of 50 % of the unit floor area.
 - (iii) access to the office attached to each built strata lot and the major access to the built strata lot.
 - (iv) off street parking may be provided as an overall area on site and shall provide for all employees with a minimum staff parking requirement of four bays per built strata lot. Customer parking shall be provided as an additional figure of one bay per built strata lot.
 - (v) all facades of built strata lots are to be of masonry construction or other material approved by the local government.
- (g) Local government may permit the development and occupancy of a single house upon a lot for the purposes of caretaker's dwelling.

(5) Development in the Mixed-Use Zone

- (a) Development in the Mixed-Use zone shall comply with the requirements of Table 6 and the objectives for that zone as outlined in Part 3.
- (b) Side setbacks shall:
 - (i) be a minimum of 5 metres on any one side to permit access to the rear of the lot; and

- (ii) on any other side, a minimum of 1.2 metres on any other side; or depending upon the building height and materials as prescribed in the Building Code of Australia; or zero in the case of a parapet wall with a satisfactory fire rating in accordance with the Building Code of Australia.
- (c) Minimum building setbacks shall be:
 - (i) in accordance with R Code R20 for residential development;
 - (ii) for non-residential development the front setback shall be 9 metres; and
 - (iii) the rear and side setbacks shall be as determined by the Local government in accordance with the Building Code of Australia.
- (d) Development shall not exceed 2 storeys in height except where the Local government considers that particular circumstances may warrant an exception being made and provided the 'Mixed Use' zone objectives are not compromised.
- (e) Landscaping within the 'Mixed Use' zone
 - (i) Access driveways between a street alignment and buildings may be included in any landscaping requirement of this Scheme but otherwise car parking areas and driveways shall not be included in this requirement;
 - (ii) The local government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require the planting of lawns, trees or shrubs in lieu thereof.
- (f) Where a building is approved upon a lot and is set back from the front boundary of that lot Local government shall require the provision of landscape treatment between the frontage of any building and the front boundary. Such landscape treatment may include a car parking area. Implementation of an approved landscaped plan shall occur within six calendar months of:
 - (i) the completion of any other approved works; or
 - (ii) the date of occupancy, if occupancy commences prior to the completion of the development.
- (6) Development in the Residential Zone
 - (a) Development in the Residential Zone shall comply with the requirements of Table 6 and the objectives for that zone as outlined in Part 3.
 - (b) No horse or other hoofed animal shall be kept on any lot in the Residential Zone.
- (7) Development in the Rural Zone
 - (a) Development in the Rural Zone shall comply with the requirements of Table 6 and the objectives for that zone as outlined in Part 3.
 - (b) Except for:
 - (i) the establishment of a firebreak required to comply with a regulation or by-law; or
 - (ii) the provision of access to a building site; or

(iii) the area of building; or

(iv) cash crops;

not more than 2,000m² on any lot shall be cleared of indigenous trees or substantial vegetation. If the local government is satisfied upon receipt of a submission the clearing of an area greater than 2,000m² will not adversely affect the amenity, character and landscape qualities of the locality it may approve such land to be cleared subject to conditions as may be required by the local government.

(c) Animal Husbandry - Intensive uses are not permitted in the Rural zone unless such a use is proposed to be located more than five (5) kilometres from an established townsite and more than two (2) kilometres from an existing residential dwelling.

(d) Animal Husbandry - Intensive uses are not permitted within two (2) kilometres of an existing neighbouring residential dwelling unless the local government has exercised its discretion by granting development approval after considering a site-specific study provided by the applicant addressing the proximity of sensitive land uses and potential impacts, and giving notice in accordance with clause 64 of the deemed provisions.

(8) Development in the Rural Residential Zone

(a) Development in the Rural Residential Zone shall comply with the requirements of Table 6 and the objectives for that zone as outlined in Part 3.

(b) All development in the Rural Residential Zone shall comply with the following specific requirements:

(i) in order to conserve the rural environment and features of natural beauty all trees shall be retained unless their removal is authorized by the local government;

(ii) in order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require, as a condition of any development approval, the planting of such trees and groups of trees and species as specified by the local government;

(iii) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government; and

(iv) with the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural Residential Zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.

(9) Development in the Rural Enterprise Zone

- (a) Development in the Rural Enterprise Zone shall comply with the requirements of Table 6 and the objectives for that zone as outlined in Part 3.
- (b) Development of a single house within the Rural Enterprise zone shall be in accordance with the R2 density provisions of the R-Codes, with the exception of the minimum lot size area, which is not applicable. No more than one residential dwelling will be permitted on each lot.
- (c) Where an enterprise development has been established in association with a single house, the house shall only be occupied by the owner/occupier of the business and their family.
- (d) No enterprise development will be granted approval for a lot within the Rural Enterprise zone, unless a single house exists on the lot, or a single house is to be constructed within the first stage of a development.
- (e) Further requirements for development relating to specific areas zoned Rural Enterprise zone are set out in Table 7 as follows:

TABLE 7

NO	DESCRIPTION OF LAND	SPECIAL REQUIREMENTS
1	Lots 14, 22, 23, 25, 27, 29 to 40, 43 47, 82, 83 and 44 Located on Beckett, Cox and Dehe Streets and Duncan Road.	<p>1. Applications for Development Approval</p> <p>Subject to the deemed provisions of this scheme, applications for development approval shall provide sufficient information to address the requirements of the Scheme and the following matters:</p> <ul style="list-style-type: none"> (a) the spatial extent and location of proposed residential development envelopes and enterprise development envelopes; (b) the spatial extent and location of development on lots surrounding the lot subject to the application for development approval; (c) separation distances between proposed development and sensitive land uses including (but not limited to) Priority 1 Public Drinking Water Source Areas and Wellhead Protection Zones established as special control areas under this Scheme; and (d) the compatibility of the proposed development with the operation of the Halls Creek airport. <p>2. Landscaping and Revegetation</p> <p>Prior to subdivision or development, a revegetation plan shall be prepared by the applicant/owner and approved by the local government. The revegetation plan shall address the following requirements:</p> <ul style="list-style-type: none"> (a) Implementation of the approved revegetation plan is to be undertaken at the development stage using local endemic species and maintained to the satisfaction of the local government; (b) Within each lot no local endemic trees or vegetation may be felled, damaged or removed except where the trees or vegetation are dead, diseased or dangerous; (c) Lots are to be fenced from stock at the development stage to the satisfaction of the local government; and

		(d) Development of any buildings or structures within the revegetated areas identified is not permitted.
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(10) Development in the Settlement Zone

- (a) Where an application for development approval within the Settlement zone includes land not covered by a Layout Plan prepared in accordance with State Planning Policy No. 3.2 – Aboriginal Settlements, the local government may determine that application in accordance with clause 68 of the Deemed Provisions after giving notice in accordance with clause 64 of the Deemed Provisions.

(11) Development in the Tourism Zone

- (a) Development in the Tourism zone is to be consistent with a structure plan prepared in accordance with the provisions of this Scheme.;
- (b) Local government may approve the use of a tourist site in the Tourist Zone for permanent residential purposes to a maximum of 35% of the number of units, rooms or caravans/cabins approved for the site.

(12) Development in the Urban Development Zone

- (a) Development in the Urban Development Zone shall comply with the requirements of Table 6 and the objectives for that zone as outlined in Part 3.
- (b) All development in the Urban Development zone shall be in accordance with a Structure Plan prepared in accordance with the provisions of Part 4 of the deemed provisions.

General Considerations

(13) Development on land without constructed or dedicated road frontage or access

- (a) Notwithstanding any other provision of the Scheme, development approval of the local government is required for any development on land abutting an unconstructed road, or a lot or location which does not have frontage to a constructed public road. In considering an application for the development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the local government may:
 - (i) Refuse the application until the road has been constructed or access by means of a constructed road is provided;
 - (ii) Grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
 - (iii) Grant approval to the application subject to the following conditions, or any other conditions the local government see fit to impose -
 - Arrangements are to be made for permanent access, to the satisfaction of the local government;
 - The location of any legal access shall be to the satisfaction of the local government;
 - Access must be constructed and maintained to the satisfaction of the local government; and

- A notification is to be placed on the title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

(14) Lots with frontage to more than one street

- (a) Where a lot has frontage to more than one street (except in the 'Residential' zone or 'Urban Development' zone with an adopted Structure Plan), the local government may: –
- (i) Designate one of the streets to be a primary street for the purpose of determining front setbacks;
 - (ii) Require that the specified front setbacks shall apply to each road;
 - (iii) Permit the setback on a secondary street to be reduced to half of the specified front setback or averaged unless the site is adjacent to a State Highway, Limited Access Road, Primary Distributor Road or Local Distributor Road unless other more specific provisions in the Scheme apply; or
 - (iv) Refuse vehicular access to one of the roads.

(15) Parking of Commercial Vehicles in Residential Areas

- (a) No person shall park within the Residential zone a commercial vehicle without the planning approval of the local government set out in zoning table 3. Where the commercial vehicle parking use is proposed in the Residential zone it shall comply with the following:
- (i) not more than one such vehicle is to be parked on a lot;
 - (ii) the vehicle is to form an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried on upon the lot does not contravene the Scheme;
 - (iii) the vehicle is to be parked behind the front building line and effectively screened from view from outside the lot;
 - (iv) no part of the vehicle is to be parked on any portion of a right-of-way or public road contiguous with the lot;
 - (v) the vehicle is not to exceed 3.0 metres in height or 8.0 metres in length;
 - (vi) no major/minor servicing of vehicles shall be undertaken on the lot; and
 - (vii) the vehicle is not brought to or taken from the lot between the hours of midnight and 6.00 am.

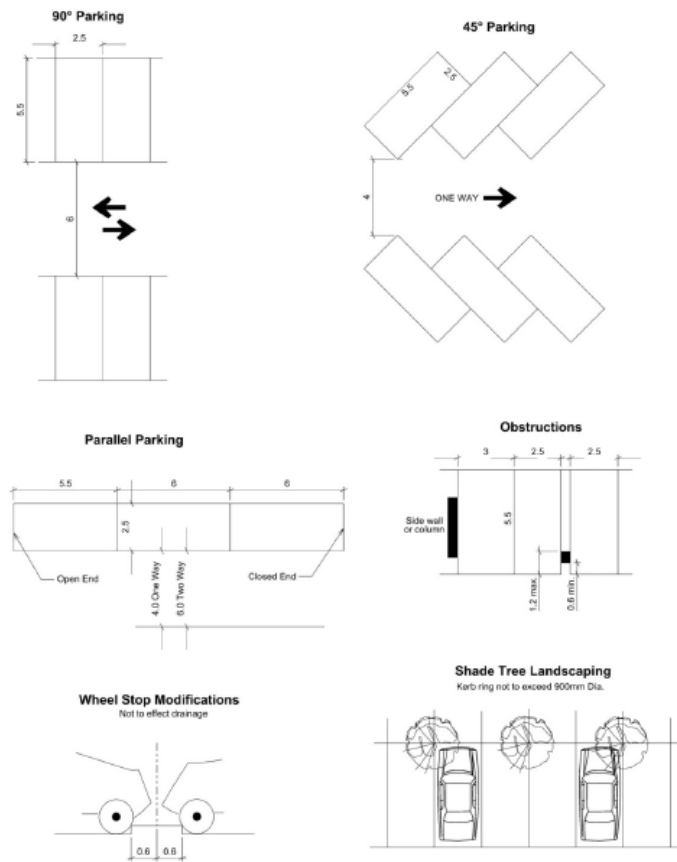
(16) Car parking requirements

- (a) The minimum number and dimensions of car parking spaces to be provided on a residential lot shall be in accordance with the provisions of the R-Codes.
- (b) The minimum number and dimensions of car parking spaces for other uses shall be in accordance with Table 8:

TABLE 8

USE	NUMBER OF CAR PARKING SPACES
Betting Agency	1 bay for every 10m ² floor area
Caravan parks / Camping grounds	1 bay per caravan site and 1 bay per 2 campsites plus 1 bay per 20 sites for visitor parking with a minimum of 2 provided
Child care premises / Family day care	1 bay per 4 patrons plus 1 bay for every person employed
Civic use / Community purpose	1 bay for every 35m ² floor area
Club Premises	1 bay for every 4 persons to be accommodated
Consulting rooms	4 bays per practitioner
Education establishment	1 car bay for every person employed plus adequate pickup / set down areas on site plus 2 bays for visitors
Fast food outlet / lunch bar	1 bay for every 10m ² floor area
Hospital	1 bay for every bed provided plus 1 bay for every person employed
Hotel	1 bay for every bedroom plus 1 bay for every 4m ² of public bar / lounge floor area
Industry - general	1 bay for every 100m ² floor area
Medical centre	3 bays for every consulting room
Motel	1 bay for every bedroom plus 1 bay for every 25m ² gross floor area of service building
Motor repair / Service station	2 bays for every working bay plus 1 bay for every person employed
Office	1 bay for every 40m ² floor area
Place of worship	1 bay for every 4 persons to be accommodated
Residential building	1 bay for every bedroom plus 1 bay for every staff member
Restaurant	1 bay for every 4 persons to be accommodated
Shop	1 bay for every 15m ² floor area
Single house / Grouped dwelling / Multiple dwelling	As prescribed in the R-Codes
Tavern	1 bay for every 4m ² of public floor area
Warehouse / showroom	1 bay for every 100m ² floor area

CAR PARKING LAYOUTS



If a use is not listed in the preceding table, then car parking bay dimensions shall be in accordance with Australian Standard AS2890.1.

- (c) A person shall not develop or use any land or erect, use or adapt any building in the Commercial, Mixed Use, General Industry, Urban Development, Rural Residential or Rural Enterprise zones unless car parking spaces specified by the local government are provided and such spaces are constructed and maintained in accordance with the Scheme.
- (d) All areas utilised for vehicle parking, manoeuvring, access, egress and storage in the Commercial and Mixed-Use zones are to be sealed, marked and formalised as per Australian Standard 2890.1-2004 as amended.
- (e) All areas utilised for vehicle parking, manoeuvring, access and egress in the General Industry zone are to be sealed, marked and formalised as per Australian Standard 2890.1-2004 as amended.
- (f) Where the maximum dimension of any open car parking area exceeds twenty metres in length or width, one car parking space in ten shall be used for garden and tree planting to provide visual relief and so long as the garden and tree planting areas shall be maintained in good order, those car parking spaces shall be included in calculations as car parking and not as landscaping.
- (g) Where the owner can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in subclauses (a) and (b), landscaping may be provided in lieu of car parking spaces not constructed and the said landscaping shall be

included in the calculations as car parking but not as landscaping provided that the local government may from time to time require that the additional parking spaces be provided.

- (h) All areas utilised for storage in the General Industry zone may be constructed to a suitable unsealed standard that permits all-weather access by two-wheel drive vehicles and that does not result in gravel, sand or other forms of earth leaving the site.
- (i) In the Commercial zone and Mixed-Use zone where a developer can satisfy the local government that the maximum car parking requirement cannot be provided on the site the local government may accept a cash payment in lieu of the provision of car parking spaces but subject to the requirements of this clause:
 - (i) A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value, as determined by either the Valuer-General or by a licensed valuer appointed by the local government, of the area of his land which would have been occupied by the parking spaces;
 - (ii) Before the local government agrees to accept a cash payment in lieu of the provision of car parking spaces, the local government must either have already provided a public car park nearby, or must have firm proposals for providing a public car park area nearby within a period of not more than eighteen (18) months from the time of agreeing to accept the cash payment;
 - (iii) Payments made under this clause shall be paid into a special purpose fund to be used for the provision of public carparking facilities and the local government may use this fund to provide or maintain public parking facilities anywhere within the 'Commercial' zone and 'Mixed-Use' zone.
- (j) Where public off street parking facilities are located or are proposed to be located in the near vicinity of land or building being the subject of an application for development approval the Local government may approve such application notwithstanding that the required number of car parking spaces are not to be provided on site subject to:
 - (i) the Local government being satisfied that off-street parking facilities are sufficient to cater for the requirements of the land or buildings, and
 - (ii) the applicant entering into an agreement with the Local government to pay for the cost of providing and maintaining the required number of car parking spaces as required.
- (k) Where the number of car parking spaces proposed to be provided on land or in a building the subject of an application for development approval is less than the number required to be provided pursuant to the Scheme, the Local government may approve the application if it can be demonstrated that off street parking facilities in the near vicinity are available to cater for the requirements of the proposal and that arrangements to the satisfaction of the Local government have been made to enable those facilities to be used for that purpose.

- (l) The owner or occupier of premises on which car parking spaces are provided shall ensure that the parking area is landscaped with shade trees, the car parking is laid out, drained and maintained in accordance with the approved plans relating thereto.

(17) Effluent Disposal

- (a) Where existing and proposed lots within the Scheme Area are not connected to a reticulated sewerage system, on-site effluent disposal systems shall be to the specifications and satisfaction of the local government. The use of 'non-standard' effluent disposal systems may be required at the discretion of the local government and in any event the following requirements shall be satisfied:

- (i) a 2 metre separation between the base of the leach drain and the highest recorded groundwater level or bedrock;
- (ii) at least 100 metres horizontal separation between the effluent disposal system and existing drains, water courses and water bodies;
- (iii) the area around each effluent disposal system shall be planted with indigenous trees and shrubs shall be maintained;
- (iv) prevention of direct movement of wastewater and nutrients from the locality of each effluent disposal system.

The above requirements may be altered where soil amending techniques are introduced or alternatively the use of modified effluent disposal systems may be permitted in accordance with management guidelines prepared by the Local Government.

- (b) Where on site effluent disposal systems are used, the system shall be located within the prescribed building envelope or in another appropriate location specified by the Local Government.

(18) Building Height

- (a) The height limit of any building shall be limited to 9 metres.
- (b) The height limit in subclauses (a) shall not be exceeded unless considered in accordance with clause 64 of the deemed provisions.

(19) Disability services

- (a) The local government may require the provision of facilities for the disabled when considering applications for development approval.

(20) Declared rare flora

- (a) Prior to the subdivision or development of any lot where there is remnant native vegetation, the local government may seek advice from the Department of Biodiversity, Conservation and Attractions as to whether any declared rare flora will be affected by the proposal, and shall take appropriate action if the lot contains such flora.

(21) Caretaker's Dwellings

(a) Where a caretaker's dwelling use is proposed it shall comply with the following:

- (i) A caretaker's dwelling must be incidental to the predominant use of the site;
- (ii) Only one caretaker's dwelling is permitted on each lot;
- (iii) The total plot ratio area of a caretaker's dwelling is 80m², measured from the external face of walls excluding verandahs and carports;
- (iv) Verandahs and carports may be permitted, but if enclosed will form part of the total calculated floor area;
- (v) The Local Government may consider the use of notifications on title to advise prospective purchasers of potential impacts from noise, dust, odour or amenity that may arise from the location of a caretaker's dwelling within the zone;
- (vi) The Local Government will not consider applications for caretakers' dwellings prior to the primary site activity being either approved or constructed;
- (vii) Where simultaneous approval has been granted by the Local Government for both a caretaker's dwelling and the main activity on the same lot, the main activity must be developed and operational prior to occupation of the dwelling;
- (viii) Caretaker's dwellings should be carefully sited and constructed so the potential site (or estate) impacts from noise, dust, odour or amenity are minimised;
- (ix) A caretaker's dwelling may only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the lawfully established or approved land use;
- (x) Where the primary site activity has ceased the occupation of the caretaker's dwelling is to cease.

(22) Repurposed Dwelling Requirements

(a) Where a Repurposed dwelling use is proposed it shall comply with the following:

- (i) Within the Rural Residential zone only one Repurposed dwelling may be approved on a lot;
- (ii) The Repurposed dwelling should be carefully sited and constructed so the potential impacts from noise, dust, odour or amenity are minimised;
- (iii) For the purposes of establishing whether a grouped dwelling is proposed a Repurposed dwelling will count as one dwelling;
- (iv) Regardless of external wall materials, all roofs over the main portion of the Repurposed dwelling are to have a pitch of 10° or greater.

(23) Second-hand Dwelling Requirements

- (a) Notwithstanding any other requirement of the Scheme, all Second-hand dwellings require the planning approval of the local government.
- (b) Where a Second-hand dwelling use is proposed it shall comply with the following in addition to any other relevant provision of the Scheme:
 - (i) A building that has a roof or wall sheeting or any other material such as sound proofing or insulation, that contains asbestos, is not permitted to be relocated until those materials containing asbestos are removed and disposed of in the appropriate manner, prior to transportation.
 - (ii) The void area between the floor and natural ground levels is to be enclosed with brickwork, battens or other suitable materials as approved by the local government.
- (c) When considering an application for planning approval for a second-hand dwelling, the local government may impose conditions concerning:
 - (i) The external appearance and material finishes, the screening of sub-floor spaces, the addition to or modification to the existing dwelling and the time frame imposed to complete specified work and connect the dwelling or building to lot services;
 - (ii) The provision of landscaping and/or screening of the building and/or site; and
 - (iii) The provision of a bond or bank guarantee in favour of the Local Government as surety for the completion of the building to a standard of presentation acceptable to the Local Government within a specified time.
- (d) Where the provision of a bond or bank guarantee is required, the Local Government shall refund the payment upon satisfactory completion of the necessary works.

Tourism Use Considerations

(24) Bed and Breakfast

- (a) Bed and breakfast uses may be permitted to be operated from single houses but only where the development in the opinion of the local government:
 - (i) does not adversely affect the amenity of the area;
 - (ii) provides a tourist facility;
 - (iii) is in a location approved by the local government;
 - (iv) has been advertised for public comment, where required in the Zoning Table (Table 3), in conformity with the advertising requirements specified in clause 64 of the deemed provisions and no significant objections have been received during the advertising period; and
 - (v) the proposal complies with all other Scheme requirements and any relevant local government policy.

(25) Tourist Facilities

(a) In this clause the tourist facilities refers to the following uses defined in this Scheme:

- Caravan Park
- Holiday Accommodation
- Holiday House
- Park home park
- Tourist development

(b) The local government may approve tourist facilities in accordance with the zoning table but only where the development, in the opinion of the local government:

- (i) does not adversely affect the amenity of the area;
- (ii) has no significant environmental impact;
- (iii) complies with all other Scheme requirements and any relevant local government policy; and
- (iv) has been advertised for public comment, where required in the zoning table (Table 3), in conformity with the advertising requirements specified in clause 64 of the deemed provisions and no significant objections have been received during the advertising period.

(26) Home occupation / cottage industries

(a) Local government shall not approve any Home Occupation or Industry - Cottage use unless:

- (i) development approval is granted in accordance with the Scheme. The Local government may limit the period of validity of a permitted Cottage Industry and shall review the register from time to time as the Local government deems fit;
 - the applicant provides the following information;
 - location of the home occupation/industry;
 - the area of the floor space to be devoted to the activity;
 - the times and conditions of the operation;
 - demonstrate that there is a demand for the goods and services.

Amenity Control Considerations

(27) Unkempt land

(a) On any land within the Scheme area, any undergrowth, refuse, rubbish or disused material which in the opinion of the local government is likely to adversely affect the health, comfort or convenience of the inhabitants thereof, the local government may cause a notice to be served on the owner or occupier of such land requiring that the land is cleared of trees, scrub, undergrowth, refuse or rubbish, or such refuse, rubbish or disused material is removed from such land within a specified period.

(b) Where the owner or occupier does not clear the land or remove the refuse, rubbish or disused material as required by the notice, the local government

may without payment or any compensation in respect thereof, clear or remove it and dispose of it at the expense of the owner or occupier to whom notice is given.

- (c) A person to whom a notice under this clause is given may apply for a review of the requirement to the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. Where such an appeal is lodged, the effect of the notice and subsequent actions under subclause (b) shall be suspended until a decision of the State Administrative Tribunal has been handed down.
- (d) Failure to comply with a notice under this clause shall be a breach of the provisions of this Scheme.

(28) Vehicles, caravans, trailers in residential areas

- (a) Except as hereinafter provided, no person within any lot zoned Residential Zone may without the written approval of the Local government:
 - (i) allow any commercial vehicle or truck to remain or be parked for a period of more than forty-eight hours consecutively;
 - (ii) repair, maintain, service or clean a commercial vehicle or truck;
 - (iii) keep, park, repair or store any boat, trailer, caravan or any material not specifically for the immediate use by the occupant in front of the building setback line.

(29) Derelict vehicles

- (a) Local government shall not permit the storage and/or wrecking of any vehicle on any street verge or on any lot between the front boundary and the front setback line within any Zone.

(30) Rear access and loading docks

- (a) When considering any application for development approval the Local government shall have regard to and may require the provision of loading docks or rear access. In particular, the Local government may impose conditions concerning:
 - (i) the size of loading docks
 - (ii) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to proceed in a forward direction.

APPROVAL

COUNCIL EXECUTION OF LOCAL PLANNING SCHEME DOCUMENTS

Pursuant to Regulation 31(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the Shire of Halls Creek submits the duly executed local planning scheme documents for endorsement

The Common Seal of the **Shire of Halls Creek** was hereunto affixed in the presence of:

Noel Mason

CHIEF EXECUTIVE OFFICER

Malcolm Edwards

PRESIDENT

Date: 13/8/19

WAPC Endorsement (Regulation 32 (1))

Sean Collingwood

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

Date: 22/8/19

Minister Endorsement (Regulation 32 (2))

Rita Saffioti

MINISTER FOR PLANNING

Date: 30 Aug 2019