



**WESTERN
AUSTRALIAN
GOVERNMENT**
Gazette

ISSN 1448-949X (print)

ISSN 2204-4264 (online)

PRINT POST APPROVED PP665002/00041



PERTH, WEDNESDAY, 8 MARCH 2017 No. 53 SPECIAL

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 12.00 NOON

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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF COOLGARDIE

LOCAL PLANNING SCHEME
No. 5

PREAMBLE*Shire of Coolgardie***LOCAL PLANNING SCHEME No. 5**

The Shire of Coolgardie Local Planning Scheme No. 5 consists of this Scheme text, scheme maps and the deemed provisions as defined in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Schedule 2, Part 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for the making of Local Planning Policies, which set out the general policies of the local government on matters within the Scheme.

This Local Planning Scheme No. 5 is informed by an endorsed Local Planning Strategy and sets out the specific provisions applicable to the Shire of Coolgardie Scheme area. The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF COOLGARDIE

LOCAL PLANNING SCHEME No. 5**TABLE OF CONTENTS**

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- Part 2 Reserves**—sets out the reserves which apply in the Scheme area and related provisions.
- Part 3 Zones and the use of land**—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 4 General development requirements**—sets out the general planning requirements which apply to land use and development within the Scheme area.
- Part 5 Special control areas**—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 6 Terms referred to in Scheme**—lists the general definitions and terms used in the Scheme and also lists the land use terms used in the Scheme.

Schedules

A—Supplemental provisions to the deemed provisions *[this Schedule will need to be included for any schemes which propose additional provisions to the deemed provisions]*

- 1**—Signage and advertisements for which development approval not required
- 2**—Minimum setbacks from boundaries
- 3**—Parking requirements

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF COOLGARDIE

LOCAL PLANNING SCHEME No. 5**PART 1—PRELIMINARY****1. Citation**

This local planning scheme is the Shire of Coolgardie Scheme No. 5.

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 scheme is revoked—

Shire of Coolgardie Town Planning Scheme No. 4 gazetted on 15 April 2003.

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 Coolgardie 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 deemed provisions outlined in Schedule A of the scheme text;

(b) the Scheme Map;

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

8. Purposes of Scheme

The purposes of this Scheme are to—

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

9. Aims of Scheme

The aims of this Scheme are—

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.

- To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural and mining activities.
- To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the local government area.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

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

12. Relationship with region planning scheme

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

PART 2—RESERVES

13. Regional Reserves

There are no regional reserves in the Scheme area.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the *Land Administration Act 1997* section 41.

14. Local reserves

(1) In this clause—

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

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

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

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

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.
Public Purposes	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure.
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.
Railways	<ul style="list-style-type: none"> • To set aside land required for passenger rail and rail freight services.

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.
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— <ul style="list-style-type: none"> (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.
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. • To provide for a range of rural and mining pursuits that are compatible with the capability of the land, retain the rural character and amenity of the locality and acknowledge the significance of mining operations and the extraction of basic raw materials with appropriate environmental safeguards.
Rural Residential	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 1ha to 4ha. • 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 of the landscape. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Townsite	<ul style="list-style-type: none"> • To provide for a range of land uses that would typically be found in a small country town.
Light Industry	<ul style="list-style-type: none"> • To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
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.
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. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

Zone name	Objectives
Special Use	<ul style="list-style-type: none"> To facilitate special categories of land uses which do not sit comfortably within any other zone. To enable the Council to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows—

Table 3—Zoning Table

USE AND DEVELOPMENT CLASS	ZONES							
	Residential	Settlement	Commercial	Rural Townsite	Light Industry	General Industry	Rural Residential	Rural
abattoir	X	#	X	X	X	A	X	D
agriculture—extensive	X	#	X	X	X	A	X	P
agriculture—intensive	X	#	X	X	X	X	X	P
amusement parlour	X	#	P	D	D	X	X	X
animal establishment	X	#	X	D	D	D	X	D
animal husbandry—intensive	X	#	X	X	X	D	X	P
art gallery	X	#	P	D	X	X	D	D
bed and breakfast	A	#	D	D	X	X	D	D
betting agency	X	#	P	D	D	X	X	X
brewery	X	#	X	X	D	P	X	D
bulky goods showroom	X	#	P	D	P	X	X	X
caravan park	X	#	X	X	X	X	X	X
caretaker's dwelling	I	#	I	I	I	I	X	P
car park	I	#	P	I	P	P	X	I
child care premises	A	#	D	D	X	X	X	X
cinema/theatre	X	#	P	D	X	X	X	X
civic use	X	#	P	D	X	X	X	D
club premises	X	#	P	D	D	X	X	D
commercial vehicle parking	X	#	D	D	P	P	X	I
community purpose	A	#	P	D	D	X	X	D
consulting rooms	A	#	P	D	D	X	X	D
convenience store	X	#	P	D	D	D	X	X
corrective institution	X	#	X	X	X	X	X	X
educational establishment	X	#	D	D	X	X	X	D
exhibition centre	X	#	P	D	X	X	X	X
family day care	A	#	D	D	X	X	X	X
fast food outlet/lunch bar	X	#	A	D	X	X	X	X
freeway service centre	X	#	X	X	X	X	X	X
fuel depot	X	#	X	D	D	P	X	X
funeral parlour	X	#	A	A	D	X	X	X
garden centre	X	#	D	D	P	P	X	D
grouped dwelling	P	#	D	D	X	X	X	X
holiday accommodation	A	#	D	D	X	X	X	D
holiday house	A	#	I	D	X	X	D	D
home business	I	#	I	I	I	X	I	I
home occupation	I	#	I	I	I	X	I	I
home office	I	#	I	I	I	X	I	I

USE AND DEVELOPMENT CLASS	ZONES							
	Residential	Settlement	Commercial	Rural Townsite	Light Industry	General Industry	Rural Residential	Rural
home store	I	#	I	I	I	X	I	I
hospital	X	#	X	D	X	X	X	X
hotel	X	#	D	D	X	X	X	X
industry	X	#	X	X	A	P	X	X
industry—extractive	X	#	X	X	X	X	X	D
industry—light	X	#	X	D	P	D	X	X
industry—primary production	X	#	X	D	X	X	X	P
liquor store—large	X	#	P	X	D	X	X	X
liquor store—small	X	#	P	D	D	X	X	X
market	X	#	D	D	D	X	X	D
medical centre	X	#	P	D	X	X	X	X
mining operations	X	#	X	A*	X	X	X	D*
motel	X	#	D	D	X	X	X	X
motor vehicle, boat or caravan sales	X	#	D	X	D	D	X	X
motor vehicle repair	X	#	D	D	P	P	X	X
motor vehicle wash	X	#	D	D	D	D	X	X
multiple dwelling	D	#	D	D	X	X	X	X
nightclub	X	#	D	X	D	X	X	X
office	I	#	P	D	I	I	I	I
park home park	X	#	D	D	X	X	X	X
place of worship	X	#	A	D	X	X	X	X
reception centre	X	#	D	D	X	X	X	X
recreation—private	X	#	A	D	D	X	X	X
repurposed dwelling	D	#	D	D	X	X	D	D
residential building	D	#	X	X	X	X	X	X
resource recovery centre	X	#	X	X	X	D	X	D
restaurant/cafe	X	#	P	D	X	X	X	X
restricted premises	X	#	A	D	X	X	X	X
road house	X	#	X	X	D	D	X	X
rural home business	I	#	I	I	I	X	I	I
rural pursuit/hobby farm	X	#	X	P	D	D	D	D
second-hand dwelling	D	#	D	D	X	X	D	D
serviced apartment	A	#	D	D	X	X	X	X
service station	X	#	A	D	P	P	X	X
shop	X	#	P	D	I	I	X	X
small bar	X	#	P	D	X	X	X	X
single house	P	#	D	P	I	X	P	P
tavern	X	#	D	D	X	X	X	X
telecommunications infrastructure	D	#	D	D	D	D	D	D
tourist development	A	#	D	D	X	X	X	D
trade display	X	#	D	D	P	P	X	D
trade supplies	X	#	P	D	P	P	X	D
transport depot	X	#	D	D	P	P	X	D
tree farm	X	#	X	X	X	X	X	D
veterinary centre	X	#	P	D	P	P	D	D

USE AND DEVELOPMENT CLASS	ZONES							
	Residential	Settlement	Commercial	Rural Townsite	Light Industry	General Industry	Rural Residential	Rural
warehouse/storage	X	#	D	D	P	P	X	X
waste disposal facility	X	#	X	X	X	X	X	D
waste storage facility	X	#	X	X	X	X	X	D
renewable energy facility	X	#	X	X	X	X	X	D
winery	X	#	X	D	X	X	X	D
workforce accommodation	A	#	A	A	X	X	X	X

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

Development in a 'Settlement' zone shall be permitted in accordance with an endorsed layout plan.

18. Interpreting zoning table

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the development approval application relates to land that is being used for a non-conforming use; and

(b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

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

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

19. Additional uses

There are no additional uses which apply to this Scheme.

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

(1) Table 5 sets out—

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

TABLE 5—SPECIAL USE ZONES IN SCHEME AREA

No.	Description of land	Special use	Conditions
1	Lot 2217 Lady Loch Road, Coolgardie	Truck Depot	Compliance with an adopted structure plan.
2	Lot 35 Goldfields Highway, Kambalda East	Roadhouse	Compliance with the Council's approval.
3	Lot 1512 Salmon Gum Road, Kambalda West	Worship	Compliance with the Council's approval.
4	Lot 437 Larkin Street, Kambalda East	Worship	Compliance with the Council's approval.
	Lots 380 and 381 Lindsay Street, Coolgardie	Worship	Compliance with the Council's approval.
	Lots 139 and 140 Lindsay Street, Coolgardie	Worship	Compliance with the Council's approval.
	Lot 1149 Callitris Road, Kambalda West	Worship	Compliance with the Council's approval.
	Lot 2172 Bayley Street, Coolgardie	Motel	Compliance with the Council's approval.
	Lot 967 Gum Nut Place, Kambalda West	Motel	Compliance with the Council's approval.
	Lot 562 Salmon Gum Road, Kambalda West	Aged Persons Accommodation	Compliance with the Council's approval.
	Lot 100 McPherson Street, Coolgardie	Aged Persons Accommodation	Compliance with the Council's approval.
	Lot 37 Great Eastern Highway, Coolgardie	Caravan Park	Compliance with the Council's approval.
	Lot 37 and 206 Bayley Street, Coolgardie	Caravan Park	Compliance with the Council's approval.
	Portion UCL, Goldfields Highway, Kambalda East	Motor Club	Compliance with the Council's approval.
	Lot 44 Goldfields Highway, Kambalda East	Workers' accommodation	Compliance with the Council's approval.
	Lot 201 Goldfields Highway, Kambalda East	Workers' accommodation	Compliance with the Council's approval.
	Lot 100 Portion of Mt Burges Station, Jaurdi Loc 80, Coolgardie East	Mungari Industrial Park	1. Use of the land is restricted to activities and industries related to mineral extraction or to products consumed, processed or produced by the mining industry, and also includes— <ul style="list-style-type: none"> (a) Industry—extractive; (b) Industry—general; (c) Industry—light; (d) Industry—primary production; (e) waste storage facility; (f) wind/solar farm.

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

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

22. Non-conforming uses

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

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

(2) Subclause (1) does not apply if—

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

(3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government—

- (a) purchases the land; or
- (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

(1) A person must not, without development approval—

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

(2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

(3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use—

- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
- (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

(1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

(2) A register prepared by the local government must set out the following—

- (a) a description of each area of land that is being used for a non-conforming use;
- (b) a description of any building on the land;
- (c) a description of the non-conforming use;
- (d) the date on which any discontinuance of the non-conforming use is noted.

(3) If the local government prepares a register under subclause (1) the local government—

- (a) must ensure that the register is kept up-to-date; and
- (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
- (c) may publish a copy of the register on the website of the local government.

(4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

(1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.

(2) The local government—

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

(3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.

(4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. Modification of R-Codes

(1) In areas coded R10/30, residential development shall be permitted at the R10 density, however, the Council may approve development up to the R30 density, if it can be proven that—

- (a) an effective method of effluent disposal, satisfactory to the Health Department requirements can be provided; and
- (b) consideration being given to the effect the proposal will have on the residential amenity of the locality by reason of streetscape, building form, servicing, privacy between buildings and traffic circulation both on and off the site.

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 of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

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

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) Table 6 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.

TABLE 6—ADDITIONAL REQUIREMENTS THAT APPLY TO LAND IN SCHEME AREA

No.	Description of land	Requirement
1	General and Light Industry zones	Caretakers dwellings— <ul style="list-style-type: none"> (a) only one caretakers' dwelling is permitted on a lot and that dwelling should be on the same lot as the associated industrial use; (b) a caretakers' dwelling is to have a total floor area that does not exceed 100m² measured from the external face of walls; and (c) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m² referred to in paragraph (b).
2	Rural Residential zone	Rural Residential Scheme amendment proposal— <ul style="list-style-type: none"> (a) Each application for rezoning of land to Rural Residential is to be accompanied by a report which addresses the requirements of Section 5.6 of State Planning Policy 2.5 Land Use Planning in Rural Areas, to the satisfaction of the Council. Structure plan requirement— <ul style="list-style-type: none"> (b) A Structure Plan is to be prepared for Rural-Residential zoned land prior to subdivision proceeding in accordance with the Structure Plan requirements of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Schedule 2, Part 4. Approval conditions— <ul style="list-style-type: none"> (c) In addition to the other provisions of the Scheme as may affect it, any land which is included as part of the Rural-Residential zone shall be subject to the following conditions— <ul style="list-style-type: none"> i. Not more than one dwelling per lot shall be permitted but the local government may, at its discretion, permit an ancillary accommodation in addition to a single dwelling. ii. No indigenous vegetation or trees shall be destroyed or cleared except, subject to the landowner obtaining the prior consent in writing of the local government, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence and/or driveway. iii. 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

No.	Description of land	Requirement
		<p>planting of such trees and/or groups of trees and species as specified by the local government.</p> <p>iv. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the local government. The landowner shall be responsible to implement appropriate measures to prevent noise, odour, dust pollution or soil erosion to the satisfaction of the Council.</p>
3	All zones	<p>Setbacks and Landscaping—</p> <p>(a) The site and development requirements for land in various zones are to be as set out in Schedule 2—Minimum setbacks from boundaries.</p> <p>(b) In addition to Schedule 2 requirements, all service and loading areas shall be located behind the primary street setback and appropriately screened.</p>
4	Scheme area	<p>Parking Requirements—</p> <p>(a) Unless otherwise provided by the Scheme, all non-residential development (other than a Residential Building) is required to provide on-site parking, in accordance with the requirements of Schedule 3—Parking requirements.</p> <p>(b) Where a development is not specified in Schedule 3, the Council shall determine parking requirements as having regard to the nature of development and the number of vehicles likely to be attracted to the development.</p> <p>(c) Parking spaces are to be serviced with all necessary access-ways, and the parking area shall be surfaced to the satisfaction of the local government.</p> <p>(d) In the Commercial zone, where a developer can satisfy the Council that the maximum car parking requirement cannot be provided on the site, the Council may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this clause—</p> <p>(e) 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 estimated by the Valuer-General acting in accordance with the <i>Valuation of Land Act 1978</i>, of the area of land which would have been occupied by the parking spaces.</p> <p>i. Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council 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 months from the time of agreeing to accept the cash payment.</p> <p>ii. Payments made under this clause shall be paid into a special fund to be used to provide public car parks.</p>
5	Scheme area	<p>Home Business and Rural Home Business—</p> <p>(a) An approval to conduct a home business or rural home business is issued to a specific occupier of a particular parcel of land, it is not to be transferred or assigned to any other person, and is not to be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home business or rural home business approval is issued the approval is cancelled.</p> <p>(b) If, in the opinion of the local government, a home business or rural home business is causing a nuisance or annoyance to owners or occupiers of land in the locality the local government may—</p> <p>i. revoke the approval; or</p> <p>ii. require the occupier of the land in respect of which the home business or rural home business approval is issued to implement those measures specified by the local government and which in the opinion of the local government will remove the nuisance or annoyance.</p>
6	Scheme area	<p>Development on Land Subject to Dampness or Flooding—</p> <p>(a) Where, in the opinion of the Council, the dampness of the site on which a building is proposed to be constructed so warrants, the Council may require that one or all of the following measures shall be carried out—</p> <p>i. the subsoil shall be effectively drained;</p>

No.	Description of land	Requirement
		ii. the surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building; iii. the surface of the ground beneath the building shall be covered with an approved damp-resisting material. (b) The local government may refuse an application for development approval for any building or development located on land which is considered by the local government as being liable to flooding or inundation. (c) In considering any application for development approval on land within a flood plain as defined by the Department of Environment Regulation, the local government will consult with the Department of Environmental Regulation and take any advice given by that Department into account when determining the application.
7	Scheme area	Connection to Reticulated Potable Water Supply— All new development is required to be connected to any available Water Corporation potable water supply service unless otherwise approved by the local government.
8	Scheme area	Requirement for consultation to commence mining— In considering proposals to commercially extract minerals, Council may exercise its discretion to inform the Minister for Mines and Petroleum, the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.

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

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

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

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

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

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

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

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

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 dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5—SPECIAL CONTROL AREAS

36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
 (2) The purpose, objectives and additional provisions that apply to each special control area is set out in the Table.

TABLE 7—SPECIAL CONTROL AREAS IN SCHEME AREA

Name of area	Purpose	Objectives	Additional provisions
SCA 1— Rubbish tips	Rubbish tips	The objectives for the SCA 1 are to— (a) identify land which may be affected by the rubbish tip; (b) ensure that the use and development of land is compatible; and (c) minimise impacts on residential and other sensitive uses.	<ul style="list-style-type: none"> • Despite any other provision of the Scheme planning approval is required for all use and development including a single house. • In addition to other provisions of the Scheme, all development shall be determined by the Council taking in to account advice received from the Environmental Protection Authority.
SCA 2— Wastewater treatment plants	Wastewater treatment plants	The objectives for the SCA 2 are to— (a) identify land which may be affected by the wastewater treatment plant; (b) ensure that the use and development of land is compatible; and (c) minimise impacts on residential and other sensitive uses.	<ul style="list-style-type: none"> • Despite any other provision of the Scheme planning approval is required for all use and development including a single house. • In addition to other provisions of the Scheme, all development shall be determined by the Council taking in to account advice received from the Environmental Protection Authority.
SCA 3— Kambalda airstrip	Kambalda airstrip	The objectives for the SCA 3 are to— (a) identify land which may be affected by the Kambalda airstrip; (b) ensure that the use and development of land is compatible; (c) minimise impacts on residential and other sensitive uses; and (d) protect the operational airspace of the airstrip.	<ul style="list-style-type: none"> • Despite any other provision of the Scheme planning approval is required for all use and development including a single house. • In addition to other provisions of the Scheme, all development shall be determined by the Council taking into account advice received from the Environmental Protection Authority.
SCA 4— Mungari industrial park	Mungari industrial park	The objectives for the SCA 4 are to— (a) identify land which may be affected by development or uses in the Mungari Industrial Park; (b) ensure that the use and development of land is compatible; and	<ul style="list-style-type: none"> • Despite any other provision of the Scheme planning approval is required for all use and development including a single house. • In addition to other provisions of the Scheme, all development shall be determined by the Council taking into account advice received from any consultant, government or private agencies it elects to consult.

Name of area	Purpose	Objectives	Additional provisions
		(c) minimise impacts on residential and other sensitive uses.	<ul style="list-style-type: none"> The proponent is required to meet the full cost of any consultation that Council considers necessary to properly assess an application.
SCA 5—Kambalda rifle range	Kambalda rifle range	<p>The objectives for the SCA 5 are to—</p> <p>(a) identify land which may be affected by development or uses in the rifle range;</p> <p>(b) ensure that the use and development of land is compatible; and</p> <p>(c) minimise impacts on residential and other sensitive uses.</p>	<ul style="list-style-type: none"> Despite any other provision of the Scheme planning approval is required for all use and development including a single house. In addition to other provisions of the Scheme, all development shall be determined by the Council taking into account advice received from any consultant, government or private agencies it elects to consult. The proponent is required to meet the full cost of any consultation that Council considers necessary to properly assess an application.

PART 6—TERMS REFERRED TO IN SCHEME

Division 1—General definitions used in Scheme

37. Terms used

(1) 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—
- if the building is used for residential purposes, has the meaning given in the R-Codes; or
 - 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—
- an individual unit other than a chalet; and
 - designed to provide short-term accommodation for guests.
- chalet** means a dwelling forming part of a tourist development or caravan park that is—
- a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
 - 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 utility, van, truck, tractor, bus or earthmoving equipment; and
 - 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—
- if the building is used for residential purposes, has the meaning given in the R-Codes; or
 - if the building is used for purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.

incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use
minerals	has the meaning given in the <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— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.
wholesale	means the sale of goods or materials to be sold by others.

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

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

Division 2—Land use terms used in Scheme

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 follows—

abattoir	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
agriculture—extensive	means premises used for the raising of stock or crops including outbuildings and earthworks, 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— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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.
animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre.
animal husbandry—intensive	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.

art gallery	means premises— (a) that are open to the public; and (b) where artworks are displayed for viewing or sale.
bed and breakfast	means a dwelling— (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms.
betting agency	means an office or totalisator agency established under the <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	means premises— (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes— (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools. or (b) used to sell goods and accessories by retail if— (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
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	means premises used primarily for parking vehicles whether open to the public or not but does not include— (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale.
child care premises	means premises where— (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 (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.
cinema/theatre	means premises where the public may view a motion picture or theatrical production.
civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
commercial vehicle parking	means premises used for parking of one or 2 commercial vehicles but does not include— (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land.

community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
convenience store	means premises— <ol style="list-style-type: none">used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; andoperated during hours which include, but may extend beyond, normal trading hours; andthe floor area of which does not exceed 300 m² net lettable area.
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided.
fast food outlet/ lunch bar	means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten— <ol style="list-style-type: none">without further preparation; andprimarily off the premises.
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— <ol style="list-style-type: none">service station facilities;emergency breakdown repair for vehicles;charging points for electric vehicles;facilities for cyclists;restaurant, cafe or fast food services;take-away food retailing;public ablution facilities, including provision for disabled access and infant changing rooms;parking for passenger and freight vehicles;outdoor rest stop facilities such as picnic tables and shade areas.
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— <ol style="list-style-type: none">as a service station; orfor the sale of fuel by retail into a vehicle for use by the vehicle.
funeral parlour	means premises used <ol style="list-style-type: none">to prepare and store bodies for burial or cremation;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.
holiday accommodation	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
holiday house	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
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— <ol style="list-style-type: none">does not involve employing more than 2 people who are not members of the occupier's household; andwill not cause injury to or adversely affect the amenity of the neighbourhood; anddoes 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 *Hospitals and Health Services Act 1927* section 2(1).
- hotel** means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises.
- industry** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes—
- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes.
- industry—
extractive** means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes—
- (a) the processing of raw materials including crushing, screening, washing, blending or grading;

	(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.
industry—light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
industry—primary production	means premises 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.
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 .
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> — <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or retreading of tyres.
motor vehicle wash	means premises primarily used to wash motor vehicles.
nightclub	means premises the subject of a nightclub licence granted under the <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— <ul style="list-style-type: none"> (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
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. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers.
repurposed dwelling	a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.
resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste.
restaurant/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— <ul style="list-style-type: none"> (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; or (c) smoking-related implements.
roadhouse	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— <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.
rural home business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation— <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	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— <ul style="list-style-type: none"> (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises.
second-hand dwelling	A dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.
serviced apartment	means a group of units or apartments providing— <ul style="list-style-type: none"> (a) self-contained short-stay accommodation for guests; and (b) any associated reception or recreational facilities.
service station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for— <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 manufactured 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— <ul style="list-style-type: none"> (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

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)(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 of Western Australia Act 1990*; or

- (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
- 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
IS NOT REQUIRED

(Schedule 2, cl.56(h) *Planning and Development (Local Planning Schemes) Regulations 2015*)

Land Use and/or Development	Exempted Sign Type and Number	Maximum Area
Dwellings	One professional nameplate as appropriate	0.2 m ²
Home business or home occupation	One advertisement describing the nature of the home business or home occupation	0.2 m ²
Places of worship, meeting halls and places of public assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2 m ²
Shops, showrooms, office and other commercial uses appropriate within town centre	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Local Laws.	Not applicable.
Industrial and warehouse premises	A maximum of four 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 and excluding signs which are connected to a pole, wall, or other building. A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.	Total area of such advertisements are not to exceed 15 m ² . Maximum permissible total area is not to exceed 10 m ² and individual advertisement signs are not to exceed 6 m ² .
Sporting clubs, ovals and sporting complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not applicable.
Public places and reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government, and	Not applicable. Not applicable.

Land Use and/or Development	Exempted Sign Type and Number	Maximum Area
	(c) Advertisement signs (illuminated or non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not applicable.
Railway property and reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.	No sign is to exceed 2 m 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.	Not applicable.
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2 m ²

Temporary Signs	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	Maximum Area
Building construction sites (advertisement signs displayed only for the duration of the construction) as follows— Dwellings	One advertisement per street frontage details of the project and the contractors undertaking the construction work.	2 m ²
Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above.	5 m ²
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 within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2 m ²
Property transactions, advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows— Dwellings	One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign is not to exceed an area of 2 m ²
Multiple Dwellings, shops, commercial and industrial properties	One sign as for (a) above.	Each sign is not to exceed an area of 5 m ²
Large rural properties in excess of five (5) hectares.	One sign as for (a) above.	Each sign not to exceed an area of 10 m ² .
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection	One sign for each dwelling on display. In addition to (a) 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.	2 m ² 5 m ²

Schedule 2
MINIMUM SETBACKS FROM BOUNDARIES

ZONE	STREET	REAR	SIDE	MINIMUM LANDSCAPING REQUIREMENT
Commercial	Nil setback which may be varied at the discretion of Council.	In accordance with the Building Code of Australia	In accordance with the Building Code of Australia	1. Canopy shade trees at the rate of 1 tree for every 4 open air parking bays. 2. Screen landscaping as required by Council. 3. Additional landscaping as required by Council.
Settlement	In accordance with an adopted Layout Plan			
Residential	To be assessed in accordance with the Residential Design Codes of Australia.			
General Industry	7.5m	Subject to Building Code of Australia		3 metre landscape strip abutting all streets.
Light Industry	7.5m	Subject to Building Code of Australia		3 metre landscape strip abutting all streets.
Rural Townsite	At the discretion of Council.			
Rural	At the discretion of Council.			

Note—*means to be setback from a common boundary with residential zoned land in accordance with the requirements of the applicable R-Code for that land; otherwise in accordance with the Building Code of Australia.

Schedule 3
PARKING REQUIREMENTS

Uses	Car Parking Requirement (GLA—gross leasable area)
1 bed and breakfast	As per Residential Design Codes, plus 1 guest per bedroom.
2 caretaker's dwelling	1 per dwelling.
3 civic use club premises community purpose exhibition centre place of worship recreation—private	1 per 4 m ² of eating, drinking or lounge area, plus 1 per 4 m ² of public assembly and/or seating area, with other uses as determined by the local government.
4 consulting rooms	4 spaces for per practitioner.
5 education establishment <ul style="list-style-type: none"> • primary school • secondary school 	1.25 spaces per classroom 2 spaces per classroom
6 fast food outlet	1 space per 5 m ² GLA
7 hotel	1 space per bedroom plus 1 space per 2 m ² bar and lounge area
8 industry—cottage industry—extractive industry—general industry—hazardous industry—light industry—service industry—rural	1 space per 50 m ² GLA As determined by Council 1 space per 50 m ² GLA 1 space per 50 m ² GLA 1 space per 50 m ² GLA 1 space per 50 m ² GLA 1 space per employee
9 lunch bar	1 space per 4 persons accommodated
10 medical centre	4 spaces per practitioner
11 motel	1 space per unit plus 1 space per 10 m ² dining room area
12 office	1 space per 40 m ² GLA with a minimum of 2 spaces for each office unit
13 restaurant	1 space per 4 persons accommodated
14 roadhouse	1.5 spaces per service bay plus 1 space per employee plus 1 space per 2 m ² bar and lounge area
15 service station	1.5 spaces per service bay plus 1 space per employee

Uses		Car Parking Requirement (GLA—gross leasable area)
16	shop	1 space per 15 m ² GLA
17	showroom	1 space per 60 m ² GLA
18	tavern	1 space per 2 m ² bar and Lounge area
19	transport depot	1 space per employee
20	veterinary centre	6 spaces per practitioner
21	warehouse	1 space per 100 m ² GLA
22	any other use	To be determined by the local government.

The certification pages for local planning schemes have been updated as follows—

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Shire of Coolgardie at the Ordinary Meeting of Council held on the 20th December 2016.

J. TRAIL, A/Chief Executive Officer.
M. CULLEN, Shire President.

COUNCIL RESOLUTION TO SUPPORT THE SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Shire of Coolgardie Local Planning Scheme No. 5 at the Ordinary Meeting of the Council held on the 20th December 2016.

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

J. TRAIL, A/Chief Executive Officer.
M. CULLEN, President.

WAPC Recommended for Approval—

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

Date: 30 January 2017.

Approval Granted—

D. FARAGHER, Minister for Planning.

Date: 1 February 2017.