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PLANNING AND DEVELOPMENT ACT 2005

TOWN OF PORT HEDLAND

LOCAL PLANNING SCHEME
No. 7

PLANNING AND DEVELOPMENT ACT 2005

TOWN OF PORT HEDLAND

LOCAL PLANNING SCHEME No. 7

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PLANNING AND DEVELOPMENT ACT 2005

TOWN OF PORT HEDLAND

LOCAL PLANNING SCHEME No. 7**PART 1—PRELIMINARY****1. Citation**

This local planning scheme is the Town of Port Hedland Scheme No 7.

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—

Town of Port Hedland Local Planning Scheme No. 5, Gazettal date 31 August 2001 as amended.

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 Town of Port Hedland 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

The Scheme applies to the municipal district of the Town of Port Hedland as generally shown by the Scheme area boundary on the Scheme Maps. All offshore islands are included in the municipal district including Sable Island continuing east to Bedout Island.

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;
- (c) the following plans, maps, diagrams, illustrations or materials—

There are no plans, maps, diagrams, or illustrations or materials in addition to the provisions set out in this document.

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

8. Purposes of Scheme

The purposes of this Scheme are to—

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

9. Aims of Scheme

The aims of this Scheme are—

- (a) Community and Culture
 - (i) Encourage and facilitate the provision of high quality community facilities;
 - (ii) Protect and enhance culturally sensitive areas and places of heritage value;
 - (iii) Celebrate local culture and encourage the provision of public art in developments;
 - (iv) Maintain and enhance the network of open space;
 - (v) Enhance the public health of the community.
- (b) Economy
 - (i) To recognise, protect and complement the primacy of the port;
 - (ii) Encourage local economic development, employment and diversification opportunities while recognising the importance of both mining and pastoral activities;
 - (iii) Effectively manage the supply and use of accommodation considering resource sector economic cycles.
- (c) Built environment
 - (i) Develop and support a hierarchy of activity centres;
 - (ii) Ensure subdivision and development achieves high quality design and resilience;
 - (iii) Support a diverse range of housing choice for a varied residential population, to establish and maintain community identity with high levels of amenity;
 - (iv) Provide areas for urban development free from potential land use conflicts;
 - (v) Maintain and enhance established streetscapes with valued amenity;
 - (vi) Facilitate efficient supply and use of essential infrastructure.
- (d) Natural environment
 - (i) Protect, maintain and enhance the values of the natural environment;
 - (ii) Provide adaptation planning to address changes in the environment;
 - (iii) Protect and enhance important tourist sites with environmental values.
- (e) Movement Networks
 - (i) Improve access to ensure safe and convenient movement of people, including pedestrians, cyclists, public transport users and motorists;
 - (ii) Ensure development and infrastructure as viewed from State and Regional Roads, including the Great Northern Highway and North West Coastal Highway maintains a high level of visual amenity.
- (f) Miscellaneous
 - (i) Respond to and implement strategic planning directions for the Scheme Area in response to state and local strategic planning instruments;
 - (ii) Encourage an appropriate balance between economic and social development, conservation of the natural environment and improvements in lifestyle and amenity.

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 Town of Port Hedland which apply to the Scheme area.

Note—

Land is subject to the Port Hedland West End Improvement Scheme No. 1 as identified on the Scheme Map.

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.

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.
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.
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.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Drainage / Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
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 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 Reserve	<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

(1) Table 2 sets out—

- classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
- the conditions that apply to that additional use.

Table 2—Specified additional uses for land in local reserves in Scheme area

No.	Description of land	Additional use	Conditions
1	Lot 5164 Shoata Road, South Hedland Lot 254 Shoata Road, Boodarie	<ul style="list-style-type: none"> Recreation—Private Animal establishment 	<p>(1) The additional use specified shall be deemed 'T' for the purposes of the Scheme.</p> <p>(2) Due regard shall be given to the requirements of the Boodarie Industrial Buffer Special Control Area.</p> <p>(3) Development applications shall demonstrate the proposed development does not prevent, inhibit or adversely affect, or itself be affected by, the development of any potential use within the Boodarie Strategic Industrial Area.</p>

(2) Despite anything contained in clause 14, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

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 3—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 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— <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.
Rural Residential	<ul style="list-style-type: none"> • 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.
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.

Zone name	Objectives
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.
Industrial Development	<ul style="list-style-type: none"> • To designate land for future industrial development. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.
Strategic Industry	<ul style="list-style-type: none"> • To designate industrial sites of State or regional significance.
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.
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 activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
Service Commercial	<ul style="list-style-type: none"> • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.
Centre	<ul style="list-style-type: none"> • To designate land for future development as a town centre or activity centre. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.
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.
Private Clubs, Institutions and Places of Worship	<ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, institutions and places of worship. • To integrate private recreation areas with public recreation areas wherever possible. • To separate potentially noisy engine sports from incompatible uses. • To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.

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 local government to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows—

Table 4—Zoning Table

USE AND DEVELOPMENT CLASS	ZONES															
	Residential	Urban Development	Centre	Commercial	Mixed Use	Tourism	Service Commercial	Private Clubs, Institutions and Places of Worship	Strategic industry	General Industry	Industrial Development	Rural	Rural Residential	Light Industry	Settlement	
Abattoir	X	Refer to clause 18(7)	X	X	X	X	X	X	A	A	Refer to clause 18(7)	A	X	X	Land use permissibility to be determined with reference to the endorsed Layout Plan	
Aerodrome	X		X	X	X	X	X	X	X	X		X	X	X		X
Aged or dependent persons dwelling	P		D	A	A	X	X	X	X	X		X	X	A		X
Agriculture—extensive	X		X	X	X	X	X	X	X	X		X	P	D		X
Agriculture—intensive	X		X	X	X	X	X	X	X	X		X	P	A		X
Amusement parlour	X		D	D	D	D	X	X	X	X		X	X	X		X
Ancillary dwelling	P		X	X	X	X	X	X	X	X		X	D	D		X
Animal establishment	X		X	X	X	X	A	X	X	A		A	P	A		A
Animal husbandry—intensive	X		X	X	X	X	X	X	X	X		X	D	A		X
Art gallery	A		D	D	D	D	X	A	X	X		X	D	A		X
Bed and breakfast	D		D	D	P	P	X	X	X	X		X	D	D		X
Betting agency	X		P	D	A	I	X	X	X	X		X	X	X		X
Brewery	X		D	D	D	D	D	X	X	D		D	D	A		D
Bulky goods showroom	X		D	D	X	X	P	X	X	X		X	X	X		D
Caravan park	X		X	X	X	P	X	X	X	X		X	A	X		X
Caretaker's dwelling	X		X	X	X	I	X	X	X	X		X	I	X		X
Car park	A		D	D	D	D	D	X	X	X		X	X	X		D
Child care premises	A		D	D	D	I	X	X	X	X		X	I	A		X
Cinema/theatre	X		D	D	D	D	X	D	X	X		X	D	X		X
Civic use	D		P	D	P	D	P	P	D	D		D	D	D		D
Club premises	A		D	D	D	A	D	P	X	X		X	A	X		A
Commercial vehicle parking	A		A	D	D	X	P	X	P	P		P	A	A		P
Community purpose	A		P	D	D	D	P	P	X	X		X	D	D		X
Consulting rooms	A		P	P	P	X	A	X	X	X		X	X	X		X
Convenience store	X		P	P	P	I	D	X	X	X		X	X	X		A
Corrective institution	X		X	X	X	X	X	X	X	X		X	A	X		X
Dwelling (grouped)	P		X	X	X	X	X	X	X	X		X	X	X		X
Dwelling (multiple)	P		D	D	D	A	X	X	X	X		X	X	X		X
Dwelling (single house)	P		X	X	X	X	X	X	X	X		X	P	P		X
Educational establishment	X		D	D	D	X	X	P	X	X		X	X	X		X
Exhibition centre	X	P	D	D	D	D	P	X	X	X	D	A	X			
Family day care	P	P	D	P	I	X	X	X	X	X	P	P	X			

USE AND DEVELOPMENT CLASS	ZONES													
	Residential	Urban Development	Centre	Commercial	Mixed Use	Tourism	Service Commercial	Private Clubs, Institutions and Places of Worship	Strategic industry	General Industry	Industrial Development	Rural	Rural Residential	Light Industry
Fast food outlet/ lunch bar	X	Refer to clause 18(7)	D	D	D	A	D	X	I	D	Refer to clause 18(7)	X	X	D
Fuel depot	X		X	X	X	X	X	X	D	D		A	X	D
Funeral parlour	X		D	D	X	X	D	X	X	X		D	X	D
Garden centre	X		A	D	A	X	D	X	X	A		P	A	D
Holiday house	A		X	X	X	D	X	X	X	X		A	A	X
Holiday accommodation	D		D	D	D	P	X	X	X	X		D	D	X
Home business	D		D	D	D	D	X	X	X	X		D	D	X
Home office	P		P	P	P	P	X	X	X	X		P	P	X
Home store	X		X	X	X	X	X	X	X	X		D	D	X
Hospital	X		D	D	X	X	X	X	X	X		X	X	X
Hotel	X		D	D	A	P	X	X	X	X		X	X	X
Industry	X		X	X	X	X	X	X	D	D		X	X	X
Industry—extractive	X		X	X	X	X	X	X	D	X		A	X	X
Industry—light	X		X	X	X	X	X	X	X	D		X	X	P
Industry—primary production	X		X	X	X	X	X	X	D	D		D	X	X
Liquor store—large	X		D	D	D	X	D	X	X	X		X	X	A
Liquor store—small	X		D	D	D	I	D	X	X	X		X	X	A
Market	X		D	D	A	D	X	X	X	X		X	X	D
Medical centre	X		P	D	D	X	X	X	X	X		X	X	X
Mining operations	X		X	X	X	X	X	X	D	X		A	X	X
Motel	X		D	A	A	P	X	X	X	X		X	X	X
Motor vehicle, boat or caravan sales	X		X	X	X	X	D	X	X	D		X	X	D
Motor vehicle repair	X		X	X	X	X	D	X	X	D		X	X	D
Motor vehicle wash	X		A	D	X	X	D	X	I	D		X	X	D
Nightclub	X		A	A	A	X	X	X	X	X		X	X	X
Office	X		P	P	P	I	I	X	I	I		I	X	I
Park home park	X		X	X	X	X	X	X	X	X		X	X	X
Place of worship	A		D	D	A	I	X	D	X	X		A	X	X
Reception centre	X		D	D	D	I	X	A	X	X		D	X	X
Recreation—private	X		D	D	D	P	X	A	X	X		D	X	D
Renewable energy facility	X		X	X	X	X	X	X	D	D		D	A	D
Residential aged care facility	D		D	D	A	X	X	X	X	X		X	X	X
Residential building	A		D	D	D	D	X	X	X	X		D	A	X
Resource recovery centre	X	X	X	X	X	X	X	D	A	X	X	A		
Restaurant/cafe	A	P	P	P	P	X	X	X	I	A	X	X		
Restricted premises	X	A	A	A	A	A	X	X	A	X	X	A		
Road house	X	X	X	X	X	X	X	X	X	D	X	D		
Rural home business	X	X	X	X	X	X	X	X	X	P	A	X		
Rural pursuit/hobby farm	X	X	X	X	X	X	X	X	X	P	A	X		

Land use permissibility to be determined with reference to the endorsed Layout Plan

USE AND DEVELOPMENT CLASS	ZONES																
	Residential	Urban Development	Centre	Commercial	Mixed Use	Tourism	Service Commercial	Private Clubs, Institutions and Places of Worship	Strategic industry	General Industry	Industrial Development	Rural	Rural Residential	Light Industry	Settlement		
Serviced apartment	X		A	A	A	D	X	X	X	X		X	X	X			
Service station	X		X	A	A	X	D	X	D	D		D	X	D			
Shop	X		P	P	P	I	I	X	X	X		X	X	X			
Small bar	X		D	D	D	D	X	X	X	X		X	X	X			
Tavern	X		D	D	D	D	X	X	X	X		D	X	X			
Telecommunications infrastructure	A	Refer to clause 18(7)	A	A	A	A	A	A	D	D	Refer to clause 18(7)	D	A	D			
Tourist development	X		D	D	D	D	X	X	X	X		D	D	X	X	X	
Trade display	X		X	X	X	X	P	X	X	D		D	D	X	I		
Trade supplies	X		X	X	X	X	D	X	X	D		D	X	X	D		
Transport depot	X		X	X	X	X	X	X	D	P		P	X	X	X		
Veterinary centre	X		D	D	A	X	D	X	X	D		D	D	A	D		
Warehouse/ storage	X		X	X	X	X	D	X	D	P		P	X	X	P		
Waste disposal facility	X		X	X	X	X	X	X	D	X		X	A	X	X		
Waste storage facility	X		X	X	X	X	X	X	D	A		A	A	X	X		
Workforce accommodation	A		A	X	A	X	X	X	X	X		X	A	X	X		

Land use permissibility to be determined with reference to the 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.

19. Additional uses

(1) Table 5 sets out—

- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that additional use.

Table 5—Specified additional uses for zoned land in Scheme area

No.	Description of Land	Additional Use	Conditions
A1	Lot 5543 (10), Lot 1003 (9), Lot 1004 (7), Lot 1005 (5), Lot 3 (3), Lot 2 (1) Trig Street, Wedgefield Lot 4 (11), Lot 3 (13), Lot 2 (15), Lot 1 (17), Lot 100 (19), Lot 2600 (21), Lot 2501 (23), Lot 2502 (25), Lot 2503 (27), Lot 5407 (12), Lot 972 (14) Leehey Street, Wedgefield Lot 5539 (27), Lot 5540 (25), Lot 5208 (21), Lot 3011 (19), Lot 3013 (15), Lot 5834 (40), Lot 2113 (38), Lot 2114 (36), Lot 1642 (34), Lot 2445 (32), Lot 2446 (30), Lot 2447 (28), Lots 1807 and 2450 (20-22), Lot 1808 (18), Lot 2508 (12), Lot 2509 (10), Lot 2510 (8), Lot 2505 (21), Lot 2506 (5) Moorambine Street, Wedgefield Lot 50 (9), Lot 4 (1), Lot 981 (6) Sandhill Street, Wedgefield Lot 2051 (4) Miller Street, Wedgefield Lot 5516 (3), Lot 2476 (5), Lot 119 (9), Lot 116 (17), Lot 2485 (23-23a), Lot 5778 (10-12), Lot 5779 (10-12), Lot 5279 (8), Lot 3820 (6), Lot 1029 (4) Ridley Street, Wedgefield Lot 1401 (36), Lot 1402 (24), Lot 6 (24), Lot 1024 (20), Lot 1023 (18), Lot 3264 (16), Lot 3265 (14), Lot 1021 (12), Lot 1020 (10), Lot 1011 (6), Lot 2 (4) Pinnacles Street, Wedgefield Lot 1028 (4), Lot 1 (2), Lot 1002 (3) Taaffee Street, Wedgefield Lot 3001 (20), Lot 50 (18), Lot 1032 (16), Lot 1033 (14), Lot 1012 (15), Lot 1013 (13), Lot 1014 (11), Lot 2 (9), Lot 1016 (7), 1017 (5), Lot 1019 (1), Lot 10 (4) Murrena Street, Wedgefield Lot 11 (5) Pinga Street Wedgefield, Wedgefield	Caretaker's dwelling	(1) In considering applications for development approval, the local government shall have regard for— <p>(a) The potential impacts of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products from existing or proposed developments on any existing or proposed caretaker's dwelling; and</p> <p>(b) the potential for exposure to risks and hazards associated with the location of a caretaker's dwelling in proximity to any other development, and in this regard may refer an application for planning approval to the Environmental Protection Authority for advice or assessment of risks and hazards.</p> (2) When assessing applications for development approval the local government may require applicants to provide information and technical assessments of the potential emissions, risks and hazards of existing and proposed non-residential development on existing and proposed caretaker's dwellings. (3) The local government may require a notification pursuant to section 70A of the Transfer of

No.	Description of Land	Additional Use	Conditions
	<p>Lot 5896 (22), Lot 5895 (20), Lot 5893 (16) Manganese Street, Wedgefield Lot 5840 (36), Lot 5841 (34), Lot 5842 (32), Lot 5843 (30), Lot 5844 (28), Lot 5848 (20), Lot 5849 (18), Lot 5850 (16), Lot 5852 (12), Lot 5853 (10), Lot 5854 (8), Lot 5546 (33), Lot 5547 (31), Lot 3771 (27), Lot 3797 (25), Lot 3798 (23), Lot 3800 (19), Lot 3783 (15), Lot 3784 (13), Lot 3786 (9), Lot 5274 (5), Lot 5544 (35), Lot 3766 (37), Lot 3765 (39), Lot 3764 (41) Harwell Way, Wedgefield Lot 3772 (22), Lot 3773 (20), Lot 3775 (16), Lot 3776 (14), Lot 3779 (8), Lot 3782 (2), Lot 3806 (9), Lot 3805 (7), Lot 3804 (5), Lot 3803 (3), Lot 3802 (1) Carlindie Way, Wedgefield Lot 1 (1), Lot 5782 (20), Lot 3794 (14-16), Lot 3793 (14-16), Lot 3791 (10), Lot 3790 (8), Lot 3789 (6), Lot 3788 (4), Lot 3787 (2), Lot 2 (3), Lot 375 (19), Lot 1670 (15), Lot 5277 (9) Munda Way, Wedgefield Lot 3767 (2), Lot 5529 (4), Lot 3758 (1), Lot 3757 (3) Kangan Way, Wedgefield Lot 1679, Lot 3756 (20), Lot 5276 (8) Cajarina Road, Wedgefield Lot 3813 (1), Lot 3812 (3) Lot 3811 (5) Lot 3810 (7) Lot 3808 (9-11) Lot 3807 (13) Pardoo Street, Wedgefield Lot 2 (4) Draper Street, Wedgefield Lot 984 (15), Lot 985 (11-13), Lot 3837 (9), Lot 989 (3), Lot 990 (1), Lot 11 (4-6), Lot 12 (4-6), Lot 5179 (4-6) Peawah Street, Wedgefield Lot 2504 (9), Lot 11 (7), Lot 2955 (5), Lot 102 (1A), Lot 101 (1), Lot 2948 (4), Lot 3754 (6), Lot 2060 (10), Lot 555 (14), Lot 1638 (18) Yanana Street, Wedgefield Lot 2059 (1), Lot 101 (4), Lot 102 (4A), Lot 103 (6-7), Lot 1 Abydos Place, Wedgefield Lot 1633 (10), Lot 1632 (12), Lot 1631 (14), Lot 5781 (18), Lot 5857 (20) Schillaman Street, Wedgefield</p>		<p>Land Act 1983 to be placed on the Certificate(s) of Title of the subject land, at the cost of the landowner and to the satisfaction of the local government stating that—</p> <p>(a) they are aware of the potential impacts of emissions and risks and hazards associated with such caretaker's dwellings being located in proximity to all, or particular developments, within the Wedgefield Industrial Area; and</p> <p>(b) the local government is not liable for any damage caused by exposure to emissions, risks or hazards and no legal action shall be taken against the local government in this regard.</p> <p>(4) Caretaker's dwellings are restricted to the maximum floorspace as approved at the time of gazettal of Local Planning Scheme No. 7.</p>
A2	<p>Lot 1 (2) Hamilton Road, South Hedland Lot 1003 (9) Throssel Road, South Hedland</p>	<p>Motor vehicle, boat or caravan sales Motor Vehicle Repair</p>	
A3	<p>Part Lot 370 Wedgefield Part reserve 29082 As depicted on the Scheme Map.</p>	<p>Concrete batching—'D' Asphalt batching—'D' Concrete and asphalt storage—'D'</p>	

(2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

(1) Table 6 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 6—Special use zones in Scheme area

No.	Description of land	Special Use	Conditions
SU1	Port Hedland International Airport	<ul style="list-style-type: none"> • Abattoir—'A' • Aerodrome—'P' • Agriculture—intensive—'A' • Amusement parlour—'D' • Animal establishment—'A' • Bulky goods showroom—'D' • Carpark—'D' • Child care premises—'I' • Civic use—'D' • Club premises—'D' • Commercial vehicle parking—'D' • Community purpose—'D' • Convenience store—'D' • Educational establishment—'D' • Emergency services—'D' • Fast food outlet/lunch bar—'D' • Fuel depot—'D' • Hotel—'A' • Industry—'D' • Industry—light—'D' • Industry—Primary Production—'D' • Motel—'A' • Motor vehicle repair—'D' • Motor vehicle wash—'D' • Motor vehicle, boat or caravan sales—'D' • Office—'I' • Reception Centre—'D' • Renewable energy facility—'A' • Restaurant—'D' • Restricted premises—'A' • Service station—'D' • Serviced apartment—'A' • Telecommunications infrastructure—'D' • Trade display—'D' • Trade supplies—'D' • Transport depot—'D' • Warehouse/storage—'D' • Workforce accommodation—'A' 	<p>(1) Development shall be consistent with a Structure Plan, Local Development Plan or Local Planning Policy for the area.</p> <p>(2) Land uses shall be compatible with surrounding development.</p> <p>(3) Development shall be in accordance with an approved precinct scale urban water management plan.</p> <p>(4) Development shall not detract from the transportation functions of the airport.</p> <p>(5) The distribution of land uses shall be generally consistent with the land use precincts identified within the Port Hedland International Airport Masterplan.</p>
SU2	Kingsford Smith Business Park Various Lots within Kingsford Smith Business Park as depicted on the Scheme Map	<ul style="list-style-type: none"> • Brewery—'D' • Bulky goods showroom—'D' • Civic use—'D' • Educational establishment—'D' • Fast food outlet/lunch bar—'A' • Funeral parlour—'A' • Light Industry—'D' • Motor vehicle repair—'D' • Motor vehicle, boat or caravan sales—'D' • Motor vehicle wash—'D' • Office—'I' • Recreation—private—'D' 	

No.	Description of land	Special Use	Conditions
		<ul style="list-style-type: none"> • Restaurant/café—'A' • Service Station—'P' • Trade display—'D' • Trade Supplies—'D' • Workforce accommodation—'D' • Warehouse/storage—'D' 	
SU3	Tjalka Boorda Various lots on deposited plan 217789 as depicted on the Scheme Map	<ul style="list-style-type: none"> • Art gallery—'D' • Caravan Park—'D' • Car Park—'D' • Child care premises—'I' • Club premises—'A' • Community purpose—'D' • Convenience store—'I' • Educational establishment—'D' • Exhibition centre—'D' • Family day care—'I' • Fast food outlet/lunch bar—'A' • Garden centre—'D' • Market—'D' • Office—'I' • Reception centre—'I' • Recreation—private—'D' • Residential building—'D' • Restaurant/café—'D' • Serviced apartment—'D' • Shop—'I' • Service Station—'D' • Tourist development—'D' 	<p>(1) Land uses shall be compatible with surrounding development.</p> <p>(2) Development application/s shall be accompanied by details to the satisfaction of the local government to ensure the following matters are addressed—</p> <ul style="list-style-type: none"> (a) Acid sulphate soils; (b) Coastal hazard (c) adaptation; (d) Noise management plan incorporating quiet house design requirements for residential use/s; (e) Bushfire management; and (f) Local water management.

(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 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) Clause 5.4.4 (External fixtures, utilities and facilities) of the R-codes is modified by replacing C4.5 with—
- C4.5 Every dwelling shall be provided with a store room of not less than four square metres in floor area, with a minimum internal dimension of 1.5 metres. The store room shall be fully enclosed.

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 this Scheme.

32. Additional site and development requirements

- (1) Table 7 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 7—Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
1	All zones	<p>Car Parking</p> <p>(1) Except for development to which the R-Codes apply, every development shall provide on-site car parking spaces in accordance with Schedule 1. All parking requirements are to be calculated by rounding up to the nearest whole number.</p> <p>(2) The requirement to provide on-site car parking spaces is subject to—</p> <ul style="list-style-type: none"> (a) the local government agreeing to or requiring a cash-in-lieu payment pursuant to sub-clause 3; and (b) any requirement to provide car parking spaces in a structure plan, local development plan or activity centre plan which applies to the development, in which case the requirement in the structure plan, local development plan or activity centre plan prevails to the extent of any inconsistency. <p>(3) An application for development approval for a non-residential development may, if the local government agrees or requires, make a cash payment to the local government in-lieu of providing all or any of the car parking spaces required for the development for which approval has been sought.</p> <p>(4) The amount of the cash-in-lieu payment shall be determined by the local government by reference to the cost to the local government of providing and constructing the shortfall in car parking spaces that would otherwise have been constructed on the development site in accordance with sub-clause 1 or 2(b) and may include, without limitation—</p> <ul style="list-style-type: none"> (a) the value of land required for the car parking spaces, including any manoeuvring areas, as estimated by a licenced valuer appointed by the local government; (b) the cost of constructing the car parking spaces including manoeuvring areas; (c) any costs ancillary to providing and constructing the car parking spaces, such as the installation of signs and lighting; and (d) any other cost incurred by the local government in determining the cash-in-lieu payment. <p>(5) Payments made to the local government pursuant to this clause must be held in trust and used by the local government only for—</p> <ul style="list-style-type: none"> (a) the provision and maintenance of public parking infrastructure; and (b) any ancillary expenses incurred for the purposes of this clause, including loan repayments. <p>(6) In this clause, public parking infrastructure includes but is not limited to land and facilities for public parking, whether on-street or in a designated car parking station, and includes facilities, technologies and infrastructure ancillary to this land use.</p> <p>Design and Maintenance of Car Parking</p> <p>(7) All car parking bays and circulation areas shall be designed to a 'User class 3A' with the B99 vehicle in accordance with the Australian Standards 2890.1:2004 (or as amended) and the Building Codes.</p> <p>(8) All vehicle parking bays shall be accommodated within the lot boundaries unless otherwise approved by the local government. Parking within the verge shall not be permitted in areas with open drainage swales or that adjoin roads on the Restricted Access Vehicle network.</p> <p>(9) When considering any application for development approval the local government shall have regard to and may impose conditions concerning—</p> <ul style="list-style-type: none"> (a) the proportion of car parking bays to be roofed or covered and the design criteria for this covering; (b) the means of access to each car parking bay and the adequacy of any vehicular manoeuvring area;

No.	Description of land	Requirement
		<p>(c) the provision and location of disabled car parking bays as required by the Building Code of Australia;</p> <p>(d) the location of the parking bays and the impact upon the aesthetic character of adjoining development;</p> <p>(e) the extent to which parking bays are located within required building setbacks;</p> <p>(f) the location of proposed public footpaths, vehicular crossings, private footpaths within the lot, and the effect of both pedestrian and vehicular traffic movement and safety; and</p> <p>(g) materials for the sealing, paving and kerbing of surfaces, associated islands and pedestrian spaces and the landscaping of these areas.</p> <p>(10) The owner and occupier of premises on which parking areas are developed shall ensure that the carpark, its markings, associated structures, landscaping and drainage are provided and maintained to the specification and satisfaction of the local government.</p> <p>(11) Where vehicle areas are located adjacent to footpaths or landscaping, barriers to prevent vehicle overhang and intrusion shall be designed and installed. These shall be thereafter maintained to the specification and satisfaction of the local government.</p>
2	All zones	<p>Sealed Areas and Stormwater Management</p> <p>(1) Stormwater is to be managed so as to not discharge onto neighbouring private property and in accordance with the applicable the Local Planning Policy or local government Design Guidelines.</p> <p>(2) All areas to be used for vehicle parking, accessways, loading bays and for turning or manoeuvring of vehicles shall be sealed, drained, curbed, marked and signposted to the specification and satisfaction of the local government.</p> <p>(3) Within the industrial and rural zones the local government may permit an alternative method of surface treatment/dust suppression where, by reason of the development characteristics or the area of bitumen required, the local government considers the seal required in subclause (2) would be either impractical or unduly expensive and the alternative would serve the same function without unacceptable reduction in the standards of health and safety. Applications under this clause will require dust management and sediment control plans to be prepared to the specification and satisfaction of the local government to mitigate off-site impacts.</p> <p>(4) All sealed areas shall be permanently maintained to the satisfaction of the local government and the local government may order an owner to effect repairs where it considers that the sealed area has deteriorated.</p> <p>(5) Outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed to the satisfaction of the local government and maintained in good condition.</p> <p>(6) Stormwater management infrastructure and treatments, including where private infrastructure intersects with the public system, shall be maintained by the applicant and/or landowner to the specification and satisfaction of the local government.</p>
3	All zones	<p>Landscaping and screening</p> <p>(1) All applications for development approval shall indicate the landscaping elements of the proposal and in particular a plan showing—</p> <p>(a) external lighting;</p> <p>(b) the areas subject to landscaping works;</p> <p>(c) the location and species of plants;</p> <p>(d) other materials imported, arranged and/or constructed on the site;</p> <p>(e) areas to be irrigated and the systems to be used; and</p> <p>(f) the proposed staging, if any, of works.</p>

No.	Description of land	Requirement
		<p>(2) The local government may require modifications or additions to the landscaping work proposed by any development application.</p> <p>(3) The owner or occupier of the land shall not use the area shown as landscaping on an approved plan for any purpose other than landscaping unless otherwise approved by the local government. All elements of the landscaped area shall be maintained to the satisfaction and specification of the local government.</p> <p>(4) Within the Centre, Commercial, Tourism, Mixed Use and Service Commercial zones, any outside area which the local government considers detrimental to the amenity of the locality or adjoining lots, shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of the local government.</p> <p>(5) Within the General Industry, Light Industry and Industrial Development zones, any outside storage area which the local government considers may lower amenity when visible from the street shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of the local government.</p> <p>(6) A minimum of 10% of the total property area shall be landscaped within the Strategic Industry, General Industry, Light Industry and Tourism zones. A portion of this landscaping may be considered for approval within the verge immediately adjoining the site, subject to approval and ongoing maintenance by the applicant and/or landowner.</p>
4	All zones	<p>Obstacle Limitation Surfaces map and Australian Noise Exposure Forecast</p> <p>(1) In considering applications for development approval, due regards shall be given to—</p> <ul style="list-style-type: none"> (a) The Obstacle Limitation Surfaces map and Australian Noise Exposure Forecast (ANEF) contours for the Port Hedland International Airport, as contained within an adopted local planning policy; (b) Australian Standards 2021-2000: Acoustics—Aircraft Noise Intrusion—Building Siting and Construction; and (c) Advice of the relevant State Government authorities. <p>(2) All development and structures, including flood lights and cranes, shall comply with the height limitations associated with the Obstacle Limitation Surfaces. Any temporary intrusions shall receive written consent from the local government prior to erection.</p>
5	All zones	<p>Workforce Accommodation</p> <p>(1) The local government may exercise its discretion by granting development approval for workforce accommodation after giving notice in accordance with clause 64 of the deemed provisions where it is proposed within the Rural zone and is located outside a 30-minute drive of the Port Hedland / South Hedland townsite boundary. Where workforce accommodation is proposed within the Rural zone and is located within a 30-minute drive of the Port Hedland / South Hedland townsite boundary, the use is not permitted.</p> <p>(2) In exercising discretion in relation to a development application for workforce accommodation, the local government shall have regard to the following—</p> <ul style="list-style-type: none"> (a) the applicable Local Planning Policies; and (b) appropriateness of the scale design and standard of the accommodation in the context of the location and its integration with the surrounding development. <p>(3) Development applications for all time-limited workforce accommodation shall, to the local government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitated or developed for a subsequent use which is consistent with the intent of the zone.</p>

No.	Description of land	Requirement
		(4) The local government may require, by signed agreement, a commitment to the date and details of rehabilitation and development of a subsequent use the subject of subclause (3).
6	Residential zone and Rural Residential Zone	<p>Commercial Vehicle Parking</p> <p>(1) No more than two commercial vehicles, of which only one may exceed two tonnes tare weight, may be parked on a lot in the Residential zone provided that the local government has granted development approval, in accordance with Part 9 of the deemed provisions, for the parking on the lot and—</p> <ul style="list-style-type: none"> (a) the vehicles form an essential part of the occupation of a resident on the lot; (b) no vehicle exceeds either 2.7 metres in height or 16 metres in length; (c) any vehicle exceeding 8 metres in length is screened from view from outside the lot; (d) no vehicle is brought to or taken from the lot between the hours of 10pm and 6am; (e) major repairs to the vehicles are not undertaken on the lot; and (f) minor repairs, servicing or cleaning of the vehicles are carried out in areas which are screened from view from outside the lot. <p>(2) A development approval granted under (1) shall apply only to a specified person or persons, and to a specified land. The development approval shall not be transferred or assigned to another person or persons, or to other land. A person or persons whom development approval has been granted shall not park, or allow to be parked, a commercial vehicle on any lot within the Residential zone other than the lot subject to a development approval.</p>
7	Centre zone	<p>(1) A structure plan may be prepared to guide subdivision and/or development of land within the Centre zone.</p> <p>(2) Subdivision and development shall have due regard to any structure plan approved by the Western Australian Planning Commission.</p> <p>(3) Development shall be designed in accordance with an approved Local Planning Policy.</p> <p>(4) The height of development is to be a minimum of two storeys with a minimum facade height of 7.5 metres. The upper floor shall consist of useable floor space for the entire width of all street frontages.</p> <p>(5) Ground floor multiple dwelling units are to be designed with adequate depth and ceiling height for future adaptation to non-residential uses.</p>
8	Tourism	(1) Development standards are to be set by the local government in each case having regard to the likely impact of the development on adjoining properties and the requirements of the Scheme in relation to the subject land.
9	Mixed Use, Commercial and Service Commercial	<p>(1) Development shall be designed in accordance with an approved Local Planning Policy.</p> <p>(2) Buildings shall address all street frontages, with design elements to increase street surveillance.</p> <p>(3) Awnings shall be incorporated into the design where deemed appropriate by the local government.</p>
10	General industry, Strategic Industry and Light industry	<p>(1) A structure plan may be prepared to guide subdivision and/or development of land within the General Industry, Strategic Industry and Light Industry zones.</p> <p>(2) Subdivision and development shall have due regard to any structure plan approved by the Western Australian Planning Commission.</p> <p>(3) Unless otherwise prescribed in a structure plan or Local Planning Policy, the following development standards shall apply—</p> <ul style="list-style-type: none"> (a) Buildings to be set back a minimum of 6 metres from the street boundary.

No.	Description of land	Requirement
		<p>(4) Storage of materials shall not occur within the street setback unless for a temporary period as determined by the local government.</p> <p>(5) Unless otherwise specified within an approved structure plan, lots shall not be less than 4,000m² or include battleaxe access legs.</p> <p>(6) Development within the Strategic Industry zone shall optimise the effectiveness of the strategic industrial area by utilising existing infrastructure, create a symbiosis with other resource processing industries and provide goods and services which directly support or complement strategic industry.</p> <p>(7) Development applications for Industry, Transport depot, Warehouse/ storage or any other land use involving the use of heavy vehicles as determined by the local government, shall be accompanied by a Transport Impact Assessment/Transport Impact Statement, prepared in accordance with the Western Australian Planning Commission's <i>Transport Impact Assessment Guidelines</i>, by a suitably qualified person, and to the satisfaction of the local government.</p> <p>(8) The responsible authority may condition any development approval for Industry, Transport depot or Warehouse/ storage to require the proponent to mitigate any potential dust and/or noise impacts that could be generated by the proposed use or development on any sensitive land uses in proximity to the site.</p>
11	Rural Residential	(1) Where connection to reticulated sewerage is not available, the minimum lot size shall be determined with regard to the Government Sewerage Policy, but shall be not less than 1 hectare.
12	Settlement	(1) Development standards shall be as per the corresponding zone as specified on the relevant Layout Plan. Where the relevant zone is not specified on the Layout Plan the development standards will be determined by the local government using the most appropriate zone standard as a guide.
13	Environmental Conservation reserve	(1) In considering applications for development approval, due regard shall be given to an approved management plan which permits limited uses or activities within the Environmental Conservation reserve.
14	Former Recreation Club and Detention Centre Structure Plan Area as identified by Schedule 2 <i>Lot 1227 Keesing Street and Lot 2 Dempster Street, Port Hedland</i>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission which shall address the following requirements—</p> <p>(a) Land identified in the Structure Plan(s) will be restricted to a built height limit that prevents light spill onto Cemetery Beach and Pretty Pool Beach and adjacent area;</p> <p>(b) The Structure Plan(s) shall address the relevant provisions of State Planning Policy No. 2.6—State Coastal Planning Policy and demonstrate that future development of the site will incorporate adequate coastal erosion and inundation protection and management measures approved by the local government consistent with the Port Hedland Townsite Coastal Hazard Risk Management and Adaptation Plan (CHRMAP);</p> <p>(c) Land uses shall be compatible with surrounding development;</p> <p>(d) Lot sizes shall be capable of supporting a diverse range of housing types and appropriate mix of land uses;</p> <p>(e) Movement networks shall be integrated between Lot 2 and Lot 1227;</p> <p>(f) Provision of public open space or environmental conservation reserve seaward of the 100 year coastal erosion risk line; and</p>

No.	Description of land	Requirement
		<p>(g) The following documentation and management plans are to be prepared, as applicable, to the satisfaction to the relevant authority outlined below—</p> <ol style="list-style-type: none"> i. Construction Management Plan prior to commencement of subdivision or development site works to the satisfaction of the local government; ii. Urban Water Management Plan (as a condition of subdivision approval) to the satisfaction of the Department of Water and Environmental Regulation; iii. Marine Turtle Management (as a condition of subdivision approval) to the satisfaction of the Department of Biodiversity, Conservation and Attractions; iv. Acid Sulfate Soil Management (as a condition of subdivision approval) to the satisfaction of the local government; and v. Other management plans as considered necessary on the advice from the relevant State Government agency. <p>(2) Applications for subdivision and/or development approval shall be accompanied by—</p> <ol style="list-style-type: none"> (a) Line of sight modelling for the proposed development, to determine from what locations direct and indirect light (including skyglow) would be visible from Cemetery Beach and Pretty Pool Beach. Any portion of a building with line of sight from/to Pretty Pool Beach and/or Cemetery Beach shall be designed to restrict artificial light emission as visible from the beach front to the satisfaction of the Department of Biodiversity, Conservation and Attractions; and (b) Lighting Management Plan to be prepared to the satisfaction of the local government in consultation with the Department of Biodiversity, Conservation and Attractions in accordance with the Environmental Assessment Guideline for Protecting Marine Turtles from Light Impacts (EPA 2010) (or as updated) and the Commonwealth Light Pollution Guidelines for Wildlife—Including Marine Turtles, Seabirds and Migratory Shore birds (Department of the Environment and Energy and Department of Biodiversity, Conservation and Attractions, 2020) (or as updated) to ensure protection of marine turtle habitats.
15	<p>Telstra Site Structure Plan Area as identified by Schedule 2 <i>Lots 101 and 102 Clark Street and Lot 5474 Thompson Street, Port Hedland</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission which shall address the following requirements—</p> <ol style="list-style-type: none"> (a) A Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation; (b) Land uses shall be compatible with surrounding development; (c) Lot sizes shall be capable of supporting a diverse range of housing typologies and appropriate mix of land uses; and (d) Provision and protection of services (including underground services) and access for ongoing maintenance of infrastructure relating to Telstra's exchange of Lot 101 Clark Street.
16	<p>Former Wastewater Treatment Plant Structure Plan Area as identified by Schedule 2 <i>Lot 952 and Lot 2046 Tindale Street, Port Hedland</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission which shall address the following requirements—</p> <ol style="list-style-type: none"> (a) A Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation; (b) A Bushfire Management Plan to the satisfaction of the Department of Fire and Emergency Services;

No.	Description of land	Requirement
		<ul style="list-style-type: none"> (c) Coastal Hazard Risk Management and Adaptation Plan which addresses the relevant policy measures of State Planning Policy 2.6—State Coastal Planning Policy and associated guidelines to the satisfaction of the Western Australian Planning Commission; (d) Land uses shall be compatible with surrounding development; (e) Lot sizes shall be capable of supporting a diverse range of housing typologies; and (f) Lot configuration, public realm and movement networks to integrate with adjacent McGregor Street Sporting Precinct.
17	Athol Street and Stables Structure Plan Area as identified by Schedule 2. Land bound by Cooke Point Road Athol Street, Pretty Pool Creek and Styles Road.	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission which shall address the following requirements—</p> <ul style="list-style-type: none"> (a) Land identified in the Structure Plan(s) will be restricted to a built height limit that prevents light spill onto Cemetery Beach and Pretty Pool Beach and adjacent area; (b) The finished floor level of all habitable development shall be a minimum of 6.7 metres Australian Height Datum, or any other level following approval of further modelling; (c) The Structure Plan(s) shall address the relevant provisions of State Planning Policy No. 2.6—State Coastal Planning Policy and demonstrate that future development of the site will incorporate adequate coastal erosion and inundation protection and management measures approved by the local government consistent with the Port Hedland Townsite Coastal Hazard Risk Management and Adaptation Plan (CHRMAP); (d) Land uses shall be compatible with surrounding development; (e) Lot sizes shall be capable of supporting a diverse range of housing types and appropriate mix of land uses; (f) Provision of public open space or environmental conservation reserve seaward of the 100 year coastal erosion risk line; and (g) The following documentation and management plans are to be prepared, as applicable, to the satisfaction to the relevant authority outlined below— <ul style="list-style-type: none"> i. Construction Management Plan prior to commencement of subdivision or development site works to the satisfaction of the local government; ii. Mangrove Management (as a condition of subdivision approval) to the satisfaction of the Department of Biodiversity, Conservation and Attractions; iii. Urban Water Management Plan (as a condition of subdivision approval) to the satisfaction of the Department of Water and Environmental Regulation; iv. Marine Turtle Management (as a condition of subdivision approval) to the satisfaction of the Department of Biodiversity, Conservation and Attractions; and v. Acid Sulfate Soil Management (as a condition of subdivision approval) to the satisfaction of the local government. vi. Other management plans as considered necessary on the advice from the relevant State Government agency. <p>(2) Subdivision and development of the land shall be consistent with a Foreshore Management Plan prepared in accordance with the provisions of State Planning Policy No. 2.6—State Coastal Planning Policy to the satisfaction of the Western Australian Planning Commission.</p>

No.	Description of land	Requirement
		<p>(3) Applications for subdivision and/or development approval shall be accompanied by—</p> <p>(a) Line of sight modelling for the proposed development, to determine from what locations direct and indirect light (including skyglow) would be visible from Cemetery Beach and Pretty Pool Beach. Any portion of a building with line of sight from/to Pretty Pool Beach and/or Cemetery Beach shall be designed to restrict artificial light emission as visible from the beach front to the satisfaction of the Department of Biodiversity, Conservation and Attractions; and</p> <p>(b) Lighting Management Plan to be prepared to the satisfaction of the local government in consultation with the Department of Biodiversity, Conservation and Attractions in accordance with the Environmental Assessment Guideline for Protecting Marine Turtles from Light Impacts (EPA 2010) (or as updated) and the Commonwealth Light Pollution Guidelines for Wildlife—Including Marine Turtles, Seabirds and Migratory Shore birds (Department of the Environment and Energy and Department of Biodiversity, Conservation and Attractions, 2020) (or as updated) to ensure protection of marine turtle habitats.</p>
18	Trumpet Way Structure Plan Area as identified by Schedule 2	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <p>(a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation.</p> <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <p>(a) Land uses shall be compatible with surrounding development;</p> <p>(b) Lot sizes shall be capable of supporting a diverse range of housing typologies;</p> <p>(c) Movement networks shall address connectivity and avoid the creation of cul-de-sac streets.</p>
19	<p>Koombana Structure Plan Area as identified by Schedule 2</p> <p><i>Lot 3509 Kabbarli Loop, Lots 3505, 3506 and 3508 Koojarra Crescent, Lots 195, 196, 197 and 198 Skippers Loop, South Hedland</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <p>(a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation;</p> <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <p>(a) Land uses shall be compatible with surrounding development;</p> <p>(b) Lot sizes shall be capable of supporting a diverse range of housing typologies; and</p> <p>(c) Movement networks shall address connectivity and avoid the creation of cul-de-sac streets.</p>
20	<p>Pundulmurra Structure Plan Area as identified by Schedule 2</p> <p><i>Lot 5954 Kennedy Street and Lot 2940 Coppin Place, South Hedland</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <p>(a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation.</p>

No.	Description of land	Requirement
		<p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <ul style="list-style-type: none"> (a) Land uses shall be compatible with surrounding development; (b) Lot sizes shall be capable of supporting a diverse range of housing typologies; and (c) Movement networks shall address connectivity and avoid the creation of cul-de-sac streets.
21	<p>Osprey Structure Plan Area as identified by Schedule 2 <i>Lot 9003 Masters Way, South Hedland</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <ul style="list-style-type: none"> (a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation. <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <ul style="list-style-type: none"> (a) Land uses shall be compatible with surrounding development; (b) Lot sizes shall be capable of supporting a diverse range of housing typologies; and (c) Movement networks shall address connectivity and avoid the creation of cul-de-sac streets.
22	<p>Osprey Rural Structure Plan Area as identified by Schedule 2 <i>Lots 9001, 570-572 and 574 Murdoch Drive, South Hedland</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <ul style="list-style-type: none"> (a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation; (b) Acoustic assessment in accordance with State Planning Policy 5.4—Road and Rail Noise; and (c) Detailed site investigation and sampling and analysis quality plan. <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <ul style="list-style-type: none"> (a) Lot sizes shall be capable of accommodating a diverse range of housing typologies, inclusive of larger special residential lifestyle lots; and (b) Incompatible odour and dust sensitive land uses shall not be established within relevant Special Control Area buffers.
23	<p>Western Edge Structure Plan Area as identified by Schedule 2 <i>Structure Plan Area as shown in Schedule 2</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <ul style="list-style-type: none"> (a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation; (b) Traffic Impact Assessment to the satisfaction of the Western Australian Planning Commission. <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <ul style="list-style-type: none"> (a) Land uses shall be compatible with surrounding development; (b) Lot sizes shall be capable of supporting a diverse range of housing typologies, with higher density housing located in walkable catchment of the adjacent Centre zone; (c) Movement networks shall address connectivity and avoid the creation of cul-de-sac streets.

No.	Description of land	Requirement
24	<p>Forrest Circle Structure Plan Area as identified by Schedule 2</p> <p><i>Lots 901—903 Forrest Circle, South Hedland</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <p>(a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation.</p> <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <p>(a) Land uses shall be compatible with surrounding development;</p> <p>(b) Lot sizes shall be capable of supporting a diverse range of housing typologies, with higher density housing located in walkable catchment of the adjacent Centre zone; and</p> <p>(c) Lot configuration, public realm and movement networks to integrate with adjacent South Hedland Integrated Sporting Precinct and former North West TAFE Site.</p>
25	<p>Club Hamilton Structure Plan Area as identified by Schedule 2</p> <p><i>Lot 2053 Hamilton Road, South Hedland</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <p>(a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation.</p> <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <p>(a) Land uses shall be compatible with surrounding development;</p> <p>(b) Lot sizes shall be capable of supporting a diverse range of housing typologies; and</p> <p>(c) Lot configuration, public realm and movement networks to integrate with adjacent South Hedland Integrated Sporting Precinct.</p>
26	<p>Hamilton Road Structure Plan Area as identified by Schedule 2</p> <p><i>Lots 331 and 506 Hamilton Road, South Hedland</i></p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <p>(a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation; and</p> <p>(b) Acoustic assessment in accordance with State Planning Policy 5.4—Road and Rail Noise.</p> <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <p>(a) Land uses shall be compatible with surrounding development;</p> <p>(b) Lot sizes shall be capable of supporting a diverse range of housing typologies; and</p> <p>(c) Movement networks shall address connectivity and avoid the creation of cul-de-sac streets.</p>
27	<p>Boodarie Strategic Industrial Area as identified by Schedule 2</p>	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <p>(a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation.</p>

No.	Description of land	Requirement
		<p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <ul style="list-style-type: none"> (a) Onsite and offsite buffers required to separate uses within the industrial precincts and the Special Control Area from adjacent incompatible industrial or sensitive uses; (b) Coordination of proponent provided infrastructure including road access, wastewater management, water supply, power supply and other key infrastructure services; and (c) Identification of shared infrastructure corridors.
28	Hedland Junction Structure Plan Area as identified by Schedule 2	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <ul style="list-style-type: none"> (a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation; and (b) Traffic Impact Assessment to the satisfaction of the Western Australian Planning Commission. <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <ul style="list-style-type: none"> (a) Land uses shall be compatible with surrounding development, inclusive of a mix of General Industry and Light Industry zones; (b) Additional screening and landscaping requirements for lots adjacent to Wallwork Road / Powell Road and main entry roads; and (c) Movement networks to integrate with adjacent Wedgefield North Structure Plan Area.
29	Wedgefield North Structure Plan Area as identified by Schedule 2	<p>(1) Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission.</p> <p>(2) Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports—</p> <ul style="list-style-type: none"> (a) Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation; and (b) Traffic Impact Assessment to the satisfaction of the Western Australian Planning Commission. <p>(3) Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements—</p> <ul style="list-style-type: none"> (a) Land uses shall be compatible with surrounding development, inclusive of a mix of General Industry and Light Industry zones; (b) Light Industry zone shall be located adjacent to Great Northern Highway. General Industry Zone shall be located to the southern end of the Structure Plan area; (c) Additional screening and landscaping requirements for lots adjacent to Great Northern Highway, Wallwork Road and main entry roads; and (d) Movement networks to connect Great Northern Highway with adjacent Hedland Junction Structure Plan Area.
30	Former Lock Hospital site <i>Lot 841 Sutherland Street, Port Hedland</i>	<p>(1) Development applications shall be accompanied by details to the satisfaction of the local government to ensure the following matters are addressed—</p> <ul style="list-style-type: none"> (a) Environmental Management Plan to be prepared to the satisfaction of the local government in consultation with the Department of Biodiversity, Conservation and Attractions, which addresses the following matters— <ul style="list-style-type: none"> i. construction management; ii. marine turtle management; iii. nutrient and irrigation management;

No.	Description of land	Requirement
		iv. mangrove management; v. acid sulphate soil management (if required); and vi. other management plans as considered necessary on the advice from relevant State Government agency. (b) Line of sight modelling from proposed development sites within the structure plan area to determine from what locations direct and indirect light (including skyglow) would be visible from Cemetery Beach and Pretty Pool Beach. Any portion of a building with line of sight from/to Pretty Pool Beach and/or Cemetery Beach shall be designed to restrict artificial light emission as visible from the beach front to the satisfaction of the Department of Biodiversity, Conservation and Attractions; and (c) Lighting Management Plan to be prepared to the satisfaction of the local government in consultation with the Department of Biodiversity, Conservation and Attractions in accordance with the Environmental Assessment Guideline for Protecting Marine Turtles from Light Impacts (EPA 2010) (or as updated) and the Commonwealth Light Pollution Guidelines for Wildlife—Including Marine Turtles, Seabirds and Migratory Shore birds (Department of the Environment and Energy and Department of Biodiversity, Conservation and Attractions, 2020) (or as updated) to ensure protection of marine turtle habitats.

(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 site and development 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 8—Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional Provisions
SCA 1— Boodarie Industrial Buffer	To separate industry and other essential infrastructure services from sensitive land uses.	Ensure incompatible land uses do not hinder the development of heavy industries within the Boodarie Industrial Estate.	<p>(1) Sensitive land uses, as defined by EPA Guidance Statement No. 3 (Separation Distances Between Industrial and Sensitive Land Uses, June 2005) as amended, shall not be permitted in the Boodarie Industrial Buffer Special Control Area.</p> <p>(2) Applications for development approval within the Boodarie Industrial Buffer Special Control Area, shall demonstrate the following—</p> <ol style="list-style-type: none"> (a) The proposal is compatible with any existing or proposed future use or development within the Boodarie Strategic Industrial Area; (b) The proposed development shall not generate conflict from existing, proposed or likely risks, hazards and nuisance (including but not limited to noise, odour and light) associated with the Strategic Industry Zone; (c) The proposal shall not create potential impacts on the efficient development of the Boodarie Strategic Industrial Area; (d) The likelihood of the proposed development adversely affecting the efficiency and capacity of Turner River and surrounding landscape to safely carry and discharge floodwaters, including any backwater flows; (e) The likelihood of the proposed development adversely affecting the safety of land zoned ‘Strategic Industry’ during flood events; and (f) The likelihood of the proposed development adversely affecting the safety of Pilbara Port Authority land and any other adjoining land areas during flood events. <p>(3) In considering an application for development approval with respect to land wholly or partly within the Boodarie Industrial Buffer Special Control Area, the Local Government shall refer the proposal to the relevant State Government Agencies and other stakeholders for comment.</p>

Name of area	Purpose	Objectives	Additional Provisions
SCA 2—Gas Power Station	To ensure compatibility of land use and development with the power station.	<ul style="list-style-type: none"> • To avoid incompatible or odour sensitive land use or development being established within the odour buffer. • To protect the long term operation of the gas power station plant. 	<p>(1) Sensitive land uses, as defined by EPA Guidance Statement No. 3 (Separation Distances Between Industrial and Sensitive Land Uses, June 2005) as amended, shall not be permitted within the Gas Power Station SCA.</p> <p>(2) When considering applications for development approval within the Gas Power Station Buffer Special Control Area, the local government shall have regard to the—</p> <ul style="list-style-type: none"> (a) compatibility of the development with the operations of the power station, (b) impact of the proposal on the operations of the power station, and (c) the need for the proposal to connect to the power supply from the station. <p>(3) When determining applications for development approval within the Gas Power Station Buffer Special Control Area, the local government may approve, with or without conditions, or refuse a proposal for reasons relevant to the operations of the Gas Power Station.</p>
SCA 3—Waste Water Treatment Plant Odour Buffer	To ensure compatibility of land use and development with Water and Wastewater Infrastructure.	<ul style="list-style-type: none"> • To avoid incompatible or odour sensitive land use or development being established within the odour buffer. • To protect the long term operation of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the Town's treated waste water. 	<p>(1) Sensitive land uses, as defined by EPA Guidance Statement No. 3 (Separation Distances Between Industrial and Sensitive Land Uses, June 2005) as amended, shall not be permitted within the Waste Water Treatment Plant Odour Buffer Special Control Area.</p> <p>(2) The Waste Water Treatment Plant and its associated infrastructure may create odour and/or noise nuisance to surrounding land uses. Therefore, when determining applications for Development Approval for development or land use within the Special Control Area, the local government shall—</p> <ul style="list-style-type: none"> (a) Consider the compatibility of the use or development with wastewater treatment plant infrastructure having regard to potential odour and noise emissions from the waste water treatment plant; (b) Consider whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant; (c) Obtain and have regard to the advice and recommendations of the Water Corporation, Department of Water and Environmental Regulation, Western Australian Planning Commission, and other relevant authority, and any policies related thereto; (d) Impose conditions as appropriate on any planning approval to attenuate or minimize odour and noise impacts; and

Name of area	Purpose	Objectives	Additional Provisions
			(e) Not approve any development application within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant.
SCA 4— South Hedland Landfill Odour Buffer	To ensure compatibility of land use and development with the landfill facility.	<ul style="list-style-type: none"> • To avoid incompatible or odour sensitive land uses or development being established within the odour buffer. • To protect the long term operation of the landfill facility. 	<p>(1) Sensitive land uses, as defined by EPA Guidance Statement No. 3 (Separation Distances Between Industrial and Sensitive Land Uses, June 2005) as amended, shall not be permitted within the SCA.</p> <p>(2) The South Hedland Landfill Facility and its associated infrastructure may create odour and/or nuisance to surrounding land uses. When determining any application for development approval or subdivision within the Special Control Area, the determining authority shall—</p> <ul style="list-style-type: none"> (a) Consider the compatibility of the use or development with landfill infrastructure having regard to potential odour emissions from the landfill facility; (b) Consider whether the use or development would have a detrimental impact on the long term operation of the landfill facility; (c) Obtain and have regard to the advice and recommendations of the Department of Water and Environmental Regulation, and other relevant authority, and any policies related thereto; and (d) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour emissions, or which by its nature may adversely impact on the continued operation of the landfill facility.
SCA 5 - Mining Dust Buffer	To identify and protect approved mining operations from encroachment of sensitive land uses.	<ul style="list-style-type: none"> • To avoid incompatible or dust sensitive land use or development being established within the dust buffer. • To protect the long term operation of approved mining operations. 	<p>(1) Mining tenements M45/531 and M45/689 and their associated infrastructure may create dust and/or nuisance to surrounding land uses. Therefore, when determining applications for development approval within the Special Control Area, the local government shall—</p> <ul style="list-style-type: none"> (a) Consider the compatibility of the use or development with mining infrastructure having regard to potential dust emissions from mining operations; (b) Consider whether the use or development would have detrimental impact on the long term operation of the mine; (c) Obtain and have regard to the advice and recommendations Department of Water and Environmental Regulation, Department of Mines, Industry Regulation and Safety and other relevant authority, and any policies related thereto;

Name of area	Purpose	Objectives	Additional Provisions
			<p>(d) Impose conditions as appropriate on any development approval to attenuate or minimise dust impacts; and</p> <p>(e) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from dust emissions, or which by its nature may adversely impact on the continued operation of the mining tenement.</p>
SCA 6— Public Drinking Water Source Areas	To control land use and development which has the potential to adversely impact or prejudice the quality or quantity of water supplies for public use.	<ul style="list-style-type: none"> • To ensure the quality of public drinking water is protected from contamination from inappropriate land use or development and to ensure off-site impacts from stormwater are appropriately managed. 	<p>(1) In considering applications for development approval due regard shall be given to—</p> <p>(a) The provisions of Water Quality Protection Note 25 Land Use Compatibility in Public Drinking Water Source Areas;</p> <p>(b) Advice of the Department of Water and Environmental Regulation or any other agency or organisation the local government deems necessary;</p> <p>(c) State Planning Policy 2.7—Public Drinking Water Source;</p> <p>(d) The Government Sewerage Policy;</p> <p>(e) The potential impact of the proposal on the quality of the water resource;</p> <p>(f) The practicability and cost of any ameliorative measures proposed for the protection of the resource;</p> <p>(g) The existing level of protection of the resource provided, with reference to management of land and location of development;</p> <p>(h) The nature, location and performance of any existing or proposed effluent disposal system; and</p> <p>(i) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to manage run-off and drainage.</p>
SCA 7 - Coastal Hazard and Risk Management Adaptation Area	To provide guidance for land use and development within areas subject to coastal erosion and inundation	<ul style="list-style-type: none"> • To protect new development from the impacts of flooding, coastal erosion and inundation. • To provide for implementation of the Port Hedland Townsite Coastal Hazard and Risk Management Adaptation Plan. • To minimise the risks of coastal processes on community. 	<p>(1) Notwithstanding any other provision of the Scheme, all proposed development within SCA 7 requires the approval of local government, unless the development is specified in a local planning policy as a type that does not require approval.</p> <p>(2) In considering proposed structure plans, subdivision or development applications due regard shall be given to—</p> <p>(a) Port Hedland Townsite Coastal Hazard and Risk Management Adaptation Plan;</p> <p>(b) State Planning Policy 2.6—State Coastal Planning Policy;</p> <p>(c) Relevant local planning policies.</p> <p>(3) Where subdivision applications are received within SCA 7, a notification pursuant to section 165A of the <i>Planning and Development Act 2005</i> is to be placed on the Certificate(s) of</p>

Name of area	Purpose	Objectives	Additional Provisions
			<p>Title of the subject land, at the cost of the landowner, advising that the lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.</p> <p>(4) Where development applications are received within SCA 7, the local government may require a notification pursuant to section 70A of the <i>Transfer of Land Act 1983</i> to be placed on the Certificate(s) of Title of the subject land, at the cost of the landowner, advising that the lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.</p>

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	<p>in relation to a building—</p> <p>(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or</p> <p>(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;</p>
cabin	<p>means a dwelling forming part of a tourist development or caravan park that is—</p> <p>(a) an individual unit other than a chalet; and</p> <p>(b) designed to provide short-term accommodation for guests;</p>
chalet	<p>means a dwelling forming part of a tourist development or caravan park that is—</p> <p>(a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and</p> <p>(b) designed to provide short-term accommodation for guests;</p>
commencement day	means the day this Scheme comes into effect under section 87(4) of the Act;
commercial vehicle	<p>means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including—</p> <p>(a) a utility, van, truck, tractor, bus or earthmoving equipment; and</p> <p>(b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);</p>
floor area	has meaning given in the Building Code;
frontage	<p>in relation to a building—</p> <p>(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or</p> <p>(b) 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;</p>
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 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;
Aerodrome	means an area of land or water (including any buildings, installations and equipment), the use of which as an aerodrome is certified under the regulations made under the <i>Civil Aviation Act 1998</i> , being such an area intended for use wholly or partly for the arrival, departure or movement of aircraft;
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— (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;
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 (xii) accessories; (xiii) 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</i> (Western Australia) 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— (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m ² 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</i> (Western Australia) 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— (a) without further preparation; and (b) primarily off the premises;
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;
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— (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50 m ² ; 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 office	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation— (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling;
Home store	means a shop attached to a dwelling that— (a) has a net lettable area not exceeding 100 m ² ; 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);
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— (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— (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> — (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 for 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	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary;
Residential aged care facility	means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which as well as accommodation, includes— (a) appropriate staffing to meet the nursing and personal care needs of residents; (b) meals and cleaning services; (c) furnishings, furniture and equipment; This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care and independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;
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; or (c) smoking-related implements;
Road house	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— (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	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation—</p> <ul style="list-style-type: none"> (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; (b) the keeping of bees; (c) the sale of produce grown solely on the premises;
Serviced apartment	<p>means a group of units or apartments providing—self-contained short-stay accommodation for guests; and any associated reception or recreational facilities;</p>
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	<p>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;</p>
Small bar	<p>means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i>;</p>
Tavern	<p>means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i>;</p>
Telecommunications infrastructure	<p>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;</p>
Tourist development	<p>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—</p> <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	<p>means premises used for the display of trade goods and equipment for the purpose of advertisement;</p>
Trade supplies	<p>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—</p> <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— (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;
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— (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods;
Waste disposal facility	means premises used— (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;
Workforce accommodation	means premises, which may include modular or relocatable buildings, used— (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors;

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*.

61. Development for which development approval not required

- (1) Development approval of the local government is not required for the following works—
- (k) The carrying out of works urgently necessary for safety reasons, the safety or security of plant or equipment or the maintenance of essential services;
 - (l) The erection of a lot boundary fence other than a street boundary in a zone where the R-Codes do not apply and the fence complies with the requirements of the relevant local planning policy;
 - (m) Demolition of any building or structure except as otherwise required by the Scheme or the deemed provisions;
 - (n) A cubby house which has a floor area of 10m² or less, is no more than 2.4m in height and setback a minimum of 1m from a lot boundary.
 - (o) A temporary building associated with a construction site, located wholly on site for the duration of time that a valid development approval and/or building permit is in place and where active construction/building work is being undertaken;
 - (p) A shipping/sea container placed wholly on a residential property for the purposes of relocating personal effects, for a maximum of seven days.
 - (q) In a zone where the R-codes do not apply, a satellite dish with a diameter not exceeding 1.2m;
 - (r) Solar collectors installed on the roof of a building.

Advice Note re Mining Operations—

Where any mining operations, as that term is defined in section 8 of the *Mining Act 1978*, or any lawful act, incidental or conducive to mining operations, or any activity under a State Agreement, is exempt from the requirement of development approval. Assessment of the proposal from a planning perspective may nevertheless be required under the State Agreement, State Agreement Act, the *Mining Act 1978* or pursuant to a grant, approval or permit under that Act. If so, the proposal must be submitted to the local government to give due consideration to the effects and planning significance of the activity so as to enable informed comment to be given to the State or the relevant agency.

Advice Note re Port Operations—

Where any port works and port facilities, as that term is defined in the *Port Authorities Act 1999*, or any activity under a State Agreement, is exempt from the requirement of development approval. Assessment of the proposal from a planning perspective may nevertheless be required under the State Agreement or State Agreement Act. If so, the proposal must be submitted to the local government to give due consideration to the effects and planning significance of the activity so as to enable informed comment to be given to the State or the relevant agency.

(2) Development approval of the local government is not required for the following uses—

- (g) The keeping of bees;
- (h) Street trading where the use complies with the parking requirements of any applicable local planning policy adopted by the local government.

67. Matters to be considered by local government

- (zc) The extent to which any proposed development may prejudice current or planned strategic urban or industrial proposals.
- (zd) Whether stormwater management has been adequately designed for and suitable systems are in place to protect land and infrastructure, on both private property and within the local government drainage network.
- (ze) Demonstration that additional workforce accommodation is required.
- (zf) Community impacts associated with the development including a social impact statement.

85A. Transitional arrangements for local planning policies

Where a local planning policy has been prepared in accordance with the requirements of Local Planning Scheme No. 5, it shall continue to have effect, and may be amended or revoked as if it were a local planning policy adopted under Local Planning Scheme No. 7.

85B. Planning instruments in course of preparation

Any step taken under Local Planning Scheme No. 5 before commencement day in the preparation of a planning instrument is to be taken to be a step taken in the preparation of a planning instrument of that type under this Scheme.

Schedule 1

CAR PARKING STANDARDS

Land Use	Minimum Car Parking Spaces
Abattoir	1 bay for every employee; and 1 visitor bay per 10 employees (minimum 1 bay)
Aerodrome	As determined by the local government
Agriculture—extensive	1 bay for every employee
Agriculture—intensive	1 bay for every employee
Amusement parlour & Cinema/theatre	1 bay for every 5m ² of open floor area; 1 bay for every 10m ² of tables and/or chairs; 1 bay for every 4 spectator/audience seats in rows; and All other areas and facilities at the local government's discretion
Animal establishment	As determined by the local government
Animal husbandry—intensive	As determined by the local government
Art gallery	1 bay per 20m ² floor area (minimum 3 bays per tenancy or unit)
Bed and breakfast	1 additional bay per bedroom
Betting agency	1 bay per 30m ² floor area
Brewery	1 bay per 40m ² floor area
Bulky goods showroom	1 bay per 50m ² floor area (minimum 3 bays per tenancy or unit)
Caravan park	Visitor car parking— 1 bay per 10 long stay bays; and 1 bay per 20 short stay bays
Caretaker's dwelling	1 bay per bedroom
Child care premises	1 bay for every 10 children the facility is designed to accommodate; and 1 bay for every employee (minimum 3 spaces)
Civic use and 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 for every consulting room
Convenience store	1 bay per 25m ² floor area
Corrective institution	1 visitor bay per 5 residents; and 1 bay per employee

Land Use	Minimum Car Parking Spaces
Educational establishment	1 bay for every person employed; Adequate pickup / set down areas on site; Provision of on-site bus standing and turning areas; and Onsite visitor and student parking at the discretion of the local government.
Exhibition centre	1 bay per 30m ² floor area
Family day care	2 bays per 7 children
Fast food outlet/ lunch bar	1 bay for every 10m ² floor area
Funeral parlour	1 bay for every 4 persons for which any assembly area is designed; and 1 bay for every employee
Garden centre	1 bay per 100m ² floor area of display and sales area
Holiday accommodation	As determined by the local government
Holiday house	As determined by the local government
Home business	As determined by the local government
Home office	None
Home store	1 bay per 40m ² of floor area or part thereof
Hospital	1 bay for every 4 patient beds, and 1 bay for each employee
Hotel and Motel	1 bay for every bedroom; and 1 bay for every employee
Industry	1 bay for every 100m ² of unenclosed space used for such purposes; and 1 bay for every 50m ² enclosed space or 1 space for each employee, whichever is the greater (total minimum 3 bays per tenancy or unit)
Industry—extractive	1 bay for every employee; and 1 visitor bay per 10 employees
Industry—light	1 bay for every 100m ² of unenclosed space used for such purposes; and 1 bay for every 50m ² enclosed space or 1 space for each employee, whichever is the greater (total minimum 3 bays per tenancy or unit)
Industry—primary production	As determined by the local government
Liquor store—large	1 bay per 50m ² floor area
Liquor store—small	1 bay per 30m ² floor area
Market	1 bay per 20m ² of land and/or buildings used for such purposes
Medical centre	4 bays for every consulting room
Mining operations	As determined by the local government
Motel	As determined by the local government
Motor vehicle, boat or caravan sales	1 bay for every 100m ² display area; and 1 bay for every employee (total minimum 3 bays)
Motor vehicle repair	4 bays for each working bay or 1 bay for every 50m ² NLA, whichever is the greater; and 1 bay for every employee
Motor vehicle wash	1 queuing bay per wash bay; and 1 bay per employee present at any one time
Nightclub	1 bay per 50m ² floor area
Office	1 bay for every 30m ² NLA (minimum 3 bays per tenancy or office unit)
Park home park	1 bay per accommodation unit
Place of worship	1 bay for every 4 seats; or 1 bay for every 4 persons the facility is designed to accommodate
Reception centre	1 bay for every 4 seats; or 1 bay for every 4 persons the facility is designed to accommodate

Land Use	Minimum Car Parking Spaces
Recreation—private	1 bay for every 20m ² unmarked indoor floor area; 1 bay for every 40m ² pool, skating or other free-movement area; 1 bay for every player accommodated on marked courts or lanes; 1 bay per 4 spectator/audience seats; and 1 bay per employee All other non-specified areas and facilities at the local government's discretion
Residential aged care facility	1 bay per 4 beds; and 1 bay for every employee
Renewable energy facility	As determined by the local government
Resource recovery centre	As determined by the local government
Restaurant/cafe	1 bay for every 4 seats; or 1 bay for every 5m ² seating area, whichever is the greater
Restricted premises	1 bay per 40m ² of NLA (minimum 3 bays)
Road house	2 bays per pump; 1 bay per employee; and 1 bay per 15m ² shop area
Rural home business	As determined by the local government
Rural pursuit / hobby farm	As determined by the local government
Serviced apartment	1.5 bays per accommodation unit
Service station	1 bay per motor vehicle repair bay; 1 bay per 20m ² of floor area area; 1 bay per 6m ² of dining space; and 1 bay per employee
Shop	1 bay per 20m ² of floor area (minimum 3 bays per tenancy or unit)
Small bar	1 bay per 20m ² bar and lounge areas; and 1 bay per 10m ² restaurant
Tavern	1 bay per 20m ² bar and lounge areas; and 1 bay per 10m ² restaurant
Tourist development	1.5 bays per accommodation unit rounded up plus 1 bay per employee plus 1 bay per 10m ² restaurant
Transport depot	As determined by the local government
Trade display	1 per 100m ² of display area; and 1 bay per employee
Trade supplies	1 bay per 100m ² of display area; 1 per employee; and at the local government's discretion the provision of oversized vehicle bays (minimum 1 bay)
Veterinary centre	4 bays per consulting room plus 1 bay per staff member
Warehouse/storage	1 bay per 200m ² floor area
Waste disposal facility	As determined by the local government
Waste storage facility	As determined by the local government
Workforce accommodation	As determined by the local government
All land uses	Where a service/loading bay is required for a land use it is to be provided in addition to the minimum number of car parking bays required under this table. A variation to this requirement may be appropriate where it can be demonstrated that a service bay is either not required due to the type of land use, can be shared with visitor parking or may be located off-site.

Schedule 2

STRUCTURE PLAN AREAS

1. Former Recreation and Detention Centre Structure Plan Area
2. Telstra Tower Structure Plan Area
3. Former Wastewater Treatment
4. Plant Structure Plan Area
5. Athol Street and Stables Structure Plan Area
6. Wedgefield North Structure Plan Area
7. Hedland Junction Structure Plan Area
8. Pundulmurra Structure Plan Area
9. Trumpet Way Structure Plan Area
10. Koombana Structure Plan Area
11. Osprey Structure Plan Area
12. Western Edge Structure Plan Area Hamilton Road Structure Plan Area
13. Club Hamilton Structure Plan Area
14. Forrest Circle Structure Plan Area
15. Osprey Rural Structure Plan Area
16. Boodarie Strategic Industrial Area

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 at the Ordinary Meeting of Council held on the 25 March 2020

C. ASKEW, Chief Executive Officer.

P. CARTER, Mayor.

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Town of Port Hedland at the Ordinary Meeting of Council held on the 23 September 2020

The Common Seal of the Town of Port Hedland was hereunto affixed by authority of a resolution of the Council in the presence of—

C. ASKEW, Chief Executive Officer.

P. CARTER, Mayor.

WAPC Recommended for Approval—

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

Date: 11/12/2020.

Approval Granted—

R. SAFFIOTI, Minister for Planning.

Date: 14/12/2020.
