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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF COLLIE

**LOCAL PLANNING
SCHEME NO.6**

SHIRE OF COLLIE**LOCAL PLANNING SCHEME NO. 6**

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

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PART 1—PRELIMINARY**1. Citation**

This local planning Scheme is the Shire of Collie Scheme No 6.

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—

Local Planning Scheme No. 5, gazetted on 2 October 2009

4 Notes do not form part of Scheme

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

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

5 Responsibility for Scheme

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

6 Scheme area

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

7 Contents of Scheme

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

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental provisions provided for in Schedule A.
- (b) the Scheme Map (Sheets 1 -16);

(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 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 overarching aim of this Scheme is to improve the aesthetic appeal of the Collie townships, safeguard its natural resources, (which include mineral, hydrological and ecological), whilst promoting sustainable development through diversified residential, agricultural, tourist and resource based economic activities.

The local government's general aims are to—

- (a) ensure there is sufficient supply of serviced and suitable land for housing, industry, commercial, public purposes, community facilities, recreation and open space;
- (b) provide for a variety of residential lifestyle and housing opportunities;
- (c) provide sufficient zoned land to support business growth and diversification to promote a resilient economy;
- (d) ensure the appropriate use of land thereby protecting land from incompatible uses;
- (e) facilitate a diverse and integrated network of open space, catering for active and passive recreation, consistent with the needs of the community;
- (f) promote the sustainable use of rural land for agricultural purposes ensuring its protection from ad hoc fragmentation;
- (g) protect, conserve and enhance the natural environmental values and resources and promote ecologically sustainable land use and development;
- (h) preserve, protect and enhance places, buildings and objects of cultural and heritage value;

- (i) encourage growth in the tourism sector through providing for a range of accommodation types whilst protecting the historical and natural values of the Shire;
- (j) protect the Collie Coal Basin as a future mining resource;
- (k) provide for orderly and proper planning of the Shire of Collie; and
- (l) assist in the implementation of the State Planning Strategy, the Local Planning Strategy as well as relevant State, Regional and Local Policies.

10 Relationship with local laws

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

11 Relationship with other local planning Schemes

There are no other local planning Schemes of the Shire of Collie which apply to the Scheme area.

12 Relationship with region planning Scheme

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

PART 2—RESERVES

13 Regional Reserves

There are no regional reserves in the Scheme area.

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
Cemetery	<ul style="list-style-type: none"> • To set aside land required for a cemetery.
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.
Drainage/Waterway	<ul style="list-style-type: none"> • To set aside land required for significant waterways and drainage.
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.
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.
Government Services	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of government services.
Heritage	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of heritage purposes
Infrastructure Services	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential infrastructure services.
Local Distributor Road	<ul style="list-style-type: none"> • To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> • To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Medical Services	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential medical services.

Reserve name	Objectives
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.
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.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Special Purpose	<ul style="list-style-type: none"> To set aside land for a special purpose. Purposes that do not comfortably fit in any other reserve classification
Special Purpose Reserve—Heritage & Tourism	<ul style="list-style-type: none"> Public Purposes which specifically provides for a range of heritage purposes 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 heritage of the site or the surrounding or wider area. 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.
State Forest	<ul style="list-style-type: none"> To identify areas of State Forest
Strategic Infrastructure	<ul style="list-style-type: none"> To set aside land required for port and airport facilities.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.

15 Additional uses for local reserves

(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
AR1	Reserve 47291 Central Park	Restaurant/Cafe	Activities consistent with the operation of a kiosk Other conditions as determined by local government
AR2	Reserve 6684 Collie Recreation Ground	Club Premises Recreation—Private	As determined by the local government
AR3	Portion of Reserve R34343 Golf Course	Recreation—Private	Within designated lease area as defined within the lease document. Undertake actions for the management and protection of the river foreshore environment Other conditions as determined by the local government
AR4	Reserve 30627 Speedway	Club Premises Recreation—Private	As determined by the local government

(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

- Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- 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.
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.
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 or to improve the existing streetscape. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

Mixed Use	<ul style="list-style-type: none"> To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
Private Community Purposes	<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 provisions 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.
Special Use Zone	<ul style="list-style-type: none"> To facilitate special categories of land uses which do not sit comfortably within any other zone. To enable the Council to impose specific conditions associated with the special use.

17.Zoning table

The zoning table for this Scheme is as follows—

Table 4—Zoning Table

USE DEVELOPMENT CLASS &	Commercial	Mixed Use	Strategic Industry	General Industry	Light Industry	Residential	Rural	Rural Residential	Private Community Purposes	Urban Development	Industrial Development	Special Use
Abattoir	X	X	D	A	X	X	A	X	X	Refer to clause 18 (6)	Refer to clause 18 (6)	Refer to clause 21
Agriculture—extensive	X	X	X	X	X	X	P	X	X			
Agriculture—intensive	X	X	X	X	X	X	P	X	X			
Airfield	X	X	X	A	X	X	A	X	X			
Amusement parlour	P	P	X	X	I	X	X	X	I			
Ancillary dwelling	X	X	X	X	X	P	P	P	X			
Animal establishment	X	X	X	X	A	X	D	X	X			
Animal husbandry—intensive	X	X	X	X	X	X	A	X	X			
Art gallery	P	D	X	X	X	X	I	X	I			
Bed and breakfast	D	D	X	X	X	A	I	D	X			
Betting agency	P	D	X	X	X	X	X	X	X			
Brewery	D	A	X	D	A	X	D	X	X			
Bulky goods showroom	D	D	X	X	A	X	X	X	X			
Camping ground	X	X	X	X	X	X	A	X	I			
Caravan Park	X	X	X	X	X	X	A	X	X			
Caretakers dwelling	X	X	X	A	D	X	D	X	D			
Car park	P	P	X	X	A	X	A	X	X			
Child care premises	D	D	X	X	X	X	X	X	X			
Cinema/theatre	P	A	X	X	X	X	X	X	I			
Civic use	P	P	X	X	X	A	X	X	A			

USE DEVELOPMENT CLASS &	Commercial	Mixed Use	Strategic Industry	General Industry	Light Industry	Residential	Rural	Rural Residential	Private Community Purposes	Urban Development	Industrial Development	Special Use
	Club premises	A	A	X	X	A	X	A	X	P	Refer to Clause 18 (7)	Refer to Clause 18 (7)
Commercial vehicle parking	X	X	X	P	P	X	A	X	X			
Community purpose	D	P	X	X	X	A	D	A	P			
Consulting rooms	P	P	X	X	X	X	X	X	X			
Convenience store	P	P	X	X	A	X	X	X	X			
Corrective institution	X	X	X	X	X	X	A	X	X			
Educational establishment	A	A	X	X	A	X	A	A	A			
Exhibition centre	D	D	X	X	X	X	I	X	A			
Family day care	D	A	X	X	X	A	D	I	X			
Fast food outlet	P	A	X	X	X	X	X	X	X			
Fuel depot	X	X	X	P	A	X	A	X	X			
Funeral parlour	D	A	X	X	D	X	X	X	I			
Garden centre	X	A	X	D	D	X	A	X	X			
Grouped dwelling	D	D	X	X	X	P	X	X	X			
Holiday accommodation ¹	X	X	X	X	X	A	D	A	X			
Holiday house	X	X	X	X	X	D	D	D	X			
Home business	P	P	X	X	X	A	D	A	X			
Home occupation	P	P	X	X	X	D	D	D	X			
Home office	P	P	X	X	X	P	P	P	X			
Home store	P	P	X	X	X	A	X	X	X			
Hospital	A	A	X	X	X	X	X	X	A			
Hotel	D	A	X	X	X	X	X	X	X			
Industry ⁴	X	X	P	P	A	X	X	X	X			
Industry—cottage	A	D	X	X	D	A	D	A	D			
Industry—extractive	X	X	D	D	X	X	A	X	X			
Industry—light	X	A	D	P	P	X	X	X	X			
Industry—primary production	X	X	X	D	D	X	D	X	X			
Industry—service	X	D	X	P	P	X	X	X	X			
Liquor store—large	A	X	X	X	X	X	X	X	X			
Liquor store—small	D	A	X	X	X	X	X	X	X			
Lunch bar	P	P	A	A	D	X	X	X	X			
Market	P	D	X	X	X	X	A	X	X			
Medical centre	P	D	X	X	X	A	X	X	X			
Mining operations ²	X	X	A	D	X	X	A	X	X			
Motel	A	D	X	X	X	X	X	X	X			
Motor vehicle, boat or caravan sales	X	A	X	X	P	X	X	X	X			
Motor vehicle repair	X	X	X	D	P	X	X	X	X			
Motor vehicle wash	X	A	X	P	P	X	X	X	X			
Multiple dwelling	D	A	X	X	X	A	X	X	X			
Nightclub	A	A	X	X	X	X	X	X	A			
Office	P	D	I	I	I	X	X	X	X			
Park home park	X	X	X	X	X	A	A	X	X			
Place of worship	A	A	X	X	A	A	A	A	D			
										Refer to Clause 18 (7)	Refer to Clause 18 (7)	Refer to clause 21

USE DEVELOPMENT CLASS &	Commercial	Mixed Use	Strategic Industry	General Industry	Light Industry	Residential	Rural	Rural Residential	Private Community Purposes	Urban Development	Industrial Development	Special Use
Reception centre	D	D	X	X	X	X	A	X	A	Refer to Clause 18 (7)	Refer to Clause 18 (7)	Refer to clause 21
Recreation—private	A	A	X	X	A	X	A	X	D			
Renewable energy facility	X	X	A	P	A	X	A	X	X			
Repurposed dwelling	X	D	X	X	X	D	D	D	X			
Residential aged care facility	D	A	X	X	X	P	X	X	D			
Residential building	X	X	X	X	X	A	A	X	X			
Resource recovery centre	X	X	D	P	D	X	A	X	X			
Restaurant/cafe	P	D	X	X	X	X	I	X	I			
Restricted premises	D	A	X	X	X	X	X	X	X			
Retirement village	D	A	X	X	X	P	X	X	D			
Road house	X	X	X	A	X	X	A	X	X			
Rural home business	X	X	X	X	X	X	D	X	D			
Rural produce store	X	X	X	X	X	X	I	X	X			
Rural pursuit/hobby farm	X	X	X	X	X	X	P	A	X			
Second-hand dwelling	D	D	X	X	X	D	D	D	D			
Serviced apartment	D	D	X	X	X	X	X	X	X			
Service station	X	A	X	D	D	X	A	X	X			
Shop	P	P	X	X	X	X	I	X	X			
Single bed dwelling	X	X	X	X	X	A	D	A	X			
Single house	X	D	X	X	X	P	P	P	X			
Small bar	P	D	X	X	X	X	X	X	X			
Tavern	P	D	X	X	X	X	A	X	X			
Telecommunication infrastructure	A	A	P	P	P	A	D	A	A			
Tourist development	D	D	X	X	X	X	A	A	X			
Trade display	A	A	X	D	P	X	I	X	X			
Trade supplies	X	A	X	D	P	X	X	X	X			
Transport depot	X	X	X	P	P	X	X	X	X			
Tree farm	X	X	X	X	X	X	P	D	X			
Veterinary centre	A	D	X	X	D	X	A	X	X			
Warehouse/storage ⁴	X	A	X	P	P	X	I	X	X			
Waste disposal facility	X	X	A	A	X	X	A	X	X			
Waste storage facility	X	X	A	A	A	X	X	X	X			
Winery	X	X	X	X	X	X	D	X	X			
Workforce accommodation ³	X	X	X	X	X	X	A	X	X			

Note 1. Refer to Clause 32.8—Holiday accommodation

Note 2. Refer to Clause 32.12—Mining Operations

Note 3. Refer to Clause 32.17—Workforce accommodation

Note 4. Refer to Clause 32.7—Storage or Dismantling of goods, equipment, plant or materials.

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 advertising the application in accordance with clause 64 of the deemed provisions;
- X means that the use is not permitted by this Scheme.

Notes for this clause—

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 1 application is made for both the carrying out of works on, and the use of, land.
 2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table—
- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and advertise 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 shall 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 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) 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	Lots 2 & 3 on D11661 Moira Road, Collie	As a 'D' Use Recreation—private	Development is to comply with development standards of the mixed use zone.
A2	Lot 51 Patstone Road, Collie	Transport Depot Commercial Vehicle Parking	Development of the site is to be in accordance with SAT Decision [2019] WASAT 76 in regard to Matter Number DR 21/2019
A3	#147 (Lot 5079) Mungalup Road, Collie	As a D use Small Bar	As determined by the local government

(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

(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.

Table 6—Special use zones in Scheme area

No.	Description of land	Special use	Conditions
SU1	Lot 317 & 318 Throssell Street, Collie	Motel (D Use)	Development is to comply with the development requirements for the Mixed Use Zone.
SU2	Lot 2775 Atkinson Street, Collie	Motel (D Use)	Development is to comply with the development requirements for the Mixed Use Zone.
SU3	Lot 2802 Burt Street, Collie (Riverview)	Residential Aged Care Facility (P Use) Retirement Village (D Use) Community Purpose (I Use)	As determined by the Local Government

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 ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

- (1) The R-Codes, modified as set out in Clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (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—
- (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

- (1) Outbuildings that do not exceed a wall height of 3m and collectively do not exceed 100m² in area or 10% in aggregate of the site area, whichever is the lesser are considered to meet the deemed to comply provisions of the R-codes. These requirements are in substitution for 5.4.3 C3 B Large and multiple outbuildings (i) & (iii) of the R-codes.
- (2) Ancillary dwellings that do not exceed a maximum plot ratio area of 80m² are considered to meet the deemed to comply provisions of the R-codes. These requirements are in substitution for 5.5.1 C1 (ii) of the R-codes
- (3) Patios and carports with a setback of 0.5m to the lot boundary and with a maximum wall height of 3.5m and a maximum length of 9m are considered to meet the deemed to comply provisions of the R-codes. These requirements are in addition to 5.1.3 C3.1 (i-v) of the R-codes.
- (4) Where a lot is zoned Residential R15, the local government may approve development and support subdivision consistent with a maximum R20 residential density providing—
- (a) The site is a corner lot with frontage to different streets; and
 - (b) It achieves all relevant design principles and/or deemed-to-comply provisions of the Residential Design Codes to the satisfaction of the local government; and
 - (c) It is consistent with any relevant Local Planning Policy to the satisfaction of the local government; and
 - (d) Reticulated sewerage is available, or can be provided via a condition of subdivision or development approval, subject to the provisions of the Government Sewerage Policy.

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 must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

There are no other State Planning Policies that are to be read as part of the Scheme.

30. Modification of State planning policies

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

31. Environmental conditions

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

32. General Development Standards

32.1. Building heights

- (a) The maximum building height above natural ground level is to be in accordance with Schedule 1.
- (b) The local government may, after following the advertising procedures set out at clause 64 of the Deemed Provisions, consider development in excess of the height limits specified where—
 - (i) site constraints are such as to prevent the construction of a reasonable building on the site without exceeding the relevant height limit; or
 - (ii) the nature of the proposed development is such that, to be functional, it must be built to a higher level; or
 - (iii) other extraordinary circumstances exist as reasonably determined by the local government;
- (c) The local government must be satisfied that the building height variation—
 - (i) is in keeping with the objectives for the zone
 - (ii) will be in harmony with the general character of buildings in the locality;
 - (iii) will not adversely affect the amenity of the locality, including character, landscape, streetscape, public amenity and environmental values;
 - (iv) will be compatible with its setting, including the relationship of the development to development on adjoining land, or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.
 - (v) does not exceed 25% greater than the maximum building height specified in Schedule 1.
- (d) For the purpose of clause 32.1, the building height limits do not apply to a chimney stack, mast, telecommunications infrastructure, signal receiving or transmitting tower, satellite dish (not exceeding a diameter of 4m), pole, wind turbine, silo or grain elevator. Notwithstanding, the proposed development is to be designed, sited and/or treated to ensure that it does not adversely impact the visual amenity of the locality, as determined by the local government

32.2. Caretakers dwelling

- (a) A caretakers dwelling shall—
 - (i) be incidental to the predominant use of the land;
 - (ii) limited to one caretaker's dwelling per lot;
 - (iii) be limited in floor area to a maximum of 100m²;
 - (iv) be located to minimise any amenity impacts from noise, dust, odour and light spill from the predominant land use;
 - (v) be consistent with the character and locality;
 - (vi) maintain the amenity of the locality;
 - (vii) comply with the development standard of this Scheme or any R-code standards applicable; and
 - (viii) only be occupied once the non-residential use requiring a caretaker has been constructed and/or is operational.
- (b) The use of a caravan as a caretaker's dwelling is not permitted, except in the conjunction with an approved caravan park or camping ground.
- (c) A caretakers dwelling shall not be permitted in addition to an ancillary dwelling.
- (d) The local government will not support the subdivision of land that will result in a caretaker's dwelling being located solely on its own lot, separate from the predominant land use.
- (e) The local government will refuse to grant development approval for a caretaker's dwelling prior to the predominant land use being either approved or constructed/operational.

32.3. Car parking

- (a) Parking spaces are to be serviced with access-ways to the satisfaction of the local government.
- (b) The layout of any proposed new car parking area shall have regard to traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.
- (c) Car parking is to be provided on-site in accordance with Schedule 2 and to Australian Standard A2890.1-2004 (as amended).
- (d) Car parking facilities shall generally be constructed to a sealed standard, unless to the local government is satisfied that an alternative construction standard is appropriate having regard to the frequency of use and traffic volumes using the facility.
- (e) Car parking bays, vehicle manoeuvring areas, access ways and crossovers shall be maintained to the satisfaction of the local government
- (f) Where a land use is not listed in Schedule 2, the number of car parking bays required is to be determined by the local government having due regard to the—
 - (i) nature of the proposed development;

- (ii) number of employees or others likely to be employed or engaged in the use of the land;
 - (iii) anticipated demand for visitor parking;
 - (iv) availability of on-street parking;
 - (v) method of transport that will be used to gain access to the development; and
 - (vi) availability of public transport.
- (g) Where the proposed development is adjacent to on-street parking, the local government may approve a reduced number of bays to a maximum number of on-street bays directly adjacent to the subject land and having due regard to (c) to (f) above.
- (h) The local government may permit car parking bays to be accommodated within the road reserve adjacent to the proposed development. In considering a proposal, the local government shall take into account the width and function of the road; the ability of the road to accommodate the parking; and the ability of the development site to accommodate on-site parking.
- (i) In instances where car parking areas accommodate 20 vehicles or more are developed, provision shall be made, to the satisfaction of the local government, for pedestrian movement systems through the parking areas concerned to connect with other pedestrian movement routes in the locality.
- (j) The local government may allow a reduction in the amount of car parking otherwise required by Schedule 2. When determining the number of car parks required the local government is to have due regard to the—
- (i) nature of the proposed development;
 - (ii) number of employees or others likely to be employed or engaged in the use of the land;
 - (iii) anticipated demand for visitor parking;
 - (iv) availability of on-street parking;
 - (v) method of transport that will be used to gain access to the development; and
 - (vi) availability of public transport.

32.4 Cash in lieu of parking

- (a) The local government may agree to a cash payment in lieu of all, or part, of the required car parking bays.
- (b) A cash payment in lieu of providing car parking bays shall only be considered in locations where the following has been demonstrated—
- (i) there is sufficient car parking in the locality; and
 - (ii) a public car park exists or is planned in the locality that adequately services the car parking requirements of both the general public and the proposed development; and
 - (iii) that a legally binding agreement has been made to enable the public car park to be used for the purpose of providing car parking for the proposed development on a permanent basis in accordance with subclause (b).
- (c) The cash-in-lieu payment shall not be less than the estimated cost of the following—
- (i) constructing the car parking bays and associated manoeuvring areas (including sealing, kerbing and draining); and
 - (ii) the value of the land on which the car parking bays and associated manoeuvring areas are to be located. The value of the land is to be determined by an appropriately qualified land valuer and to the satisfaction of the local government.
- (d) Cash-in-lieu payments shall be paid into a special purpose fund for the acquisition of land and construction of public car parking facilities within reasonable proximity to the subject land in respect of which a cash-in-lieu payment applied.

32.5. Reciprocal and shared parking

- (a) For the purposes of this clause, reciprocal car parking is private parking which is shared between private land owners. Shared car parking is public parking (i.e. owned or vested in the local government) which is shared with, and forms part of a private development's parking provision.
- (b) The local government may exercise its discretion to permit a proportion of the total number of car parking bays required to be provided jointly with any one or more other premises within a location. In considering reciprocal and/or shared car parking, the local government will need to be satisfied that the car parking will be adequate to service the proposed development.
- (c) Reciprocal and/or shared car parking shall only be permitted where—
- (i) car parking in the locality accommodates the deficit in required car parking bays; and
 - (ii) the peak hours of operation of land uses sharing the car parking are different and do not substantially overlap; and
 - (iii) a legally binding agreement has been made to enable the reciprocal or shared car parking to be used for that purpose.

Note: Where a reciprocal or shared car parking arrangement is proposed, the written consent of the property owner of the reciprocal or shared car parking facility must be in the form of a legally binding agreement between both parties that is prepared to the satisfaction of the local government, and at the applicant's/proponents' own cost.

32.6 Parking of commercial vehicles in the residential zone

- (a) No person shall park a commercial vehicle within the Residential zone without the development approval of the local government except for the purpose of delivery or loading normally associated with domestic uses. Where commercial vehicle parking is proposed it shall comply with the following—
- (i) only one commercial vehicle is to be parked on a lot;
 - (ii) the commercial vehicle is to be parked behind the front building line of the dwelling and effectively screened from view from outside the lot;
 - (iii) the commercial vehicle is required as an essential part of a resident's occupation;
 - (iv) servicing of the commercial vehicle shall not be undertaken on the lot;
 - (v) the commercial vehicle is not brought to or taken from the lot between the hours of 8pm and 7am; and
 - (vi) the commercial vehicle will not cause injury to or adversely affect the amenity of the neighbourhood.

32.7 Storage or Dismantling of goods, equipment, plant or materials

- (a) The local government will require an application for development approval for the storage and/or dismantling of vehicles, goods, equipment, plant or materials on a lot where, in the opinion of the local government, those activities are not associated and are inconsistent with the normal use and enjoyment of an existing permitted and approved use on the land.
- (b) In regard to Clause (1) above, the storage and/or dismantling of any derelict and disused vehicles, goods, equipment, plant or materials also requires an application for development approval.
- (c) The local government will consider the following in determining if a vehicles, good, equipment, plant or material is derelict or disused—
- (i) gives the lot an untidy appearance and which is not consistent with the general appearance of other land in the locality;
 - (ii) adversely affect the amenity of adjoining properties or the locality
 - (iii) adversely affect the health and enjoyment of inhabitants of adjoining properties or the locality; or
 - (iv) creates a nuisance.
- (d) In regard to land use permissibility—
- (i) the storage of vehicles, goods, equipment, plant or materials is a 'warehouse/storage' land use;
 - (ii) the dismantling of vehicles, goods, equipment, plant or materials is an 'industry' land use; and
 - (iii) the permissibility of these uses will be determined by Table 4—Zoning Table.

32.8 Holiday accommodation

- (a) Holiday accommodation in the Rural zone shall be—
- (i) Limited to a maximum of 2 holiday accommodation dwellings on a lot size smaller than 5ha;
 - (ii) Limited to a maximum of 4 holiday accommodation dwellings on a lot size of 5-20ha;
 - (iii) Limited to a maximum of 6 holiday accommodation dwellings on a lot size greater than 20ha;
 - (iv) Setback from property boundaries to ensure that existing, future and potential rural land uses are not adversely affected, to the satisfaction of the local government;
 - (v) Notwithstanding clause 8 (a) (iv), a minimum setback of 100 metres is required to ensure protection of the localities rural character and the amenity of the proposed holiday accommodation, unless the local government is satisfied that the development will not adversely affect the use of the adjoining land; and
 - (vi) The holiday accommodation is to ensure that it does not prejudice the ongoing or future agricultural use of the remaining land for primary production purposes, to the satisfaction of the local government.
- (b) Holiday accommodation in the Rural Residential zone shall be—
- (i) Limited to a maximum of 2 holiday accommodation dwellings on a lot size of 2ha or greater;
 - (ii) No holiday accommodation dwellings are permitted if the lot size is less than 2ha; and
 - (iii) Setback 30m from the property boundaries unless the local government is satisfied that the development will not adversely affect the use of the adjoining land.

32.9 Development adjoining a primary distributor road or railway

- (a) The minimum setback for noise-sensitive land uses from any primary distributor road or railway shall be 100 metres. The local government may consider a reduced setback where—
- (i) The development will not adversely affect the amenity of the locality, including character, landscape and environmental values.
 - (ii) The development will be compatible with its setting, including the relationship of the development to development on adjoining land, or on other land in the locality.

- (iii) The development does not adversely impact the functioning of the primary distributor road or railway, and is not subject to unreasonable levels of transport noise.
- (iv) The development is advertised in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (b) In considering an application for development approval for noise-sensitive land uses that are setback less than 100 metres from a railway, the local government shall refer the application to the applicable public authority responsible for the railway. The local government shall have due regard to any comments received the applicable public authority.
- (c) In considering an application for development approval for noise-sensitive land uses that is setback less than 100 metres from a primary distributor road, the local government shall refer the application to Main Roads WA for consideration and comment. The local government shall have due regard to any comments received from Main Roads WA.
- (d) Development of noise-sensitive land uses adjoining a primary distributor road or railway may require assessment against State Planning Policy 5.4—Road and Rail Noise to determine the likely impact of transport noise, and any required noise mitigation measures required.

32.10. Development abutting unconstructed roads or with no gazetted road access.

Development approval is required for all development abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve, pursuant to Supplemental Provision 61(1)(k)(vi). In considering such a proposal, the local government may—

- (a) refuse to grant development approval until the road has been constructed or direct access to a constructed road is provided; or
- (b) grant development approval subject to a condition requiring the applicant to contribute to the full or partial cost of constructing the road as determined by the local government; or
- (c) where dedicated road access is available, grant development approval subject to a condition requiring the applicant to pay a sum of money in whole or in part towards the cost of constructing the road or part thereof; or
- (d) where gazetted road access is not available, consider other legal arrangements to be made for permanent legal access to the satisfaction of the local government, addressing the following—
 - (i) permanent access being secured;
 - (ii) the location of the access;
 - (iii) access being constructed and maintained; and
 - (iv) a notification is to be placed on the certificate of title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

32.11. Landscaping

- (a) A landscaping area is to be provided on-site in accordance with Schedule 1;
- (b) Landscaping should be designed and located to improve the visual amenity of the development and should be generally located to the front of the development site to enhance the streetscape;
- (c) Landscaping should generally consist of vegetation species endemic to the locality;
- (d) Landscaping is to be installed and maintained to the satisfaction of the local government;
- (e) The landscaping requirement means an open area designed, developed and maintained as garden planting and areas for pedestrian use at the discretion of the local government;
- (f) Carparking, driveways, garbage collection and handling spaces, or other open storage areas, do not form part of the landscaping provision;
- (g) Where a proposed development uses less than 50% of the site area, the landscaping requirement may be reduced proportionate to the area being developed provided that the landscaping requirement is continued to be met proportionately as subsequent development occurs.

32.12. Mining operations

Whilst Mining Operations are exempt from the need for development approval under the *Mining Act 1978*, the local government may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy. In providing advice to the Minister for Mines on the suitability of Mining Operations, the local government will be guided by the permissibility of this use in the zoning table.

32.13. Outbuildings

The erection of an outbuilding on a Residential, Rural Residential or Urban Development zoned lot is not permitted unless approval of the local government has been issued for the erection of a single house, grouped dwelling or multiple dwelling on the lot.

32.14. Water supply and resource protection

- (a) Where a reticulated potable water supply network is available, all development requiring potable water is to connect to the supply.
- (b) Where a reticulated potable water supply network is not available—
 - (i) each dwelling shall be provided with a minimum 155,000 litre water storage tank in addition to any requirements of an approved bushfire management plan; and

- (ii) for all other uses, where applicable, potable water shall be provided to the satisfaction of the local government.
- (c) All water storage tanks are to be fitted with couplings for the purposes of firefighting, to the specifications of the Department of Fire and Emergency Services.
- (d) The local government may approve the use of fit-for-purpose water, wastewater recycling and reuse, and its availability of for public open space management.
- (e) The local government will require developers to hand over entitlement to any fit for purpose water supplies, used for the irrigation of green infrastructure for which the local government will have long term responsibility.
- (f) The local government may require development applications to identify control mechanisms required to regulate and manage land uses to minimise the risk of pollution to water resources.

32.15. Second-hand dwellings and re-purposed dwellings

- (a) The local government shall not grant development approval for a second-hand dwelling or re-purposed dwelling unless it is satisfied that the development will—
 - (i) be consistent with the character of the locality in which the development is proposed; and
 - (ii) maintain the amenity of the locality in which the development is proposed; and
 - (iii) comply with any development standards of this Scheme or any R-Code standards applicable to the development.
- (b) In considering the above, the local government will give particular consideration to the external appearance and materials used in the second-hand dwelling or repurposed dwelling including—
 - (i) any asbestos or materials containing asbestos being removed; and
 - (ii) the void area between the floor and natural ground levels being enclosed.
- (c) The local government may, if it considers it appropriate to do so, advertise an application for development of a second-hand dwelling or re-purposed dwelling pursuant to Clause 64 of the Deemed Provisions.

32.16. Service courts

One or more service court(s) as determined by the local government shall be provided in any commercial development for the storage and concealment of refuse disposal bins, crates, washing and other materials of trade. A service court shall be—

- (a) Accessible from the service access of the development;
- (b) No less than 10m² in area; and
- (c) Screened to the satisfaction of the local government.

32.17. Workforce accommodation

- (a) Applications for development approval for Workforce accommodation shall address the following, to the satisfaction of the local government—
 - (i) the demonstrated need for workers accommodation necessary for the continued operation of an industry;
 - (ii) the suitability of the site to be developed for the proposed use;
 - (iii) the suitable siting of the land use in the context of surrounding existing and proposed land uses to avoid landscape impacts and land use conflicts;
 - (iv) all services to the dwellings from the lot boundary (including access and egress by vehicles and pedestrians) are to be shared, where applicable;
 - (v) be located to minimise any amenity impacts from noise, dust, odour and light spill from the predominant land use;
 - (vi) maintain the amenity of the locality;
 - (vii) comply with the development standards of this Scheme or any R-code standards applicable;
 - (viii) appropriate facility design and use including provision and/or access to recreation, entertainment and community services; and
- (b) The preparation and implementation of a Workforce Management Plan outlining how the workforce will be managed on the site may be required to the satisfaction of the local government.

32.18. Design review panel

- (a) The local government may appoint a Design Review Panel for the purpose of considering, and advising the local government with respect to applications and/or planning documents
- (b) The local government shall prepare and adopt a Local Planning Policy in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015 that details the operation of the Design Review Panel and specifies the matters on which the Design Review Panel will be consulted.
- (c) When dealing with applications and/or planning documents on which a recommendation has been made by the Design Review Panel, the decision-maker shall have due regard for that recommendation.

32.19. Flood prone land

A minimum habitable floor level recommendation of 500mm above the 1% AEP flood level may be applied where—

- (a) Land is adjacent to land within SCA 4—flood prone land, and
- (b) There is less than 500mm vertical separation from the 1% Annual Exceedance Probability (AEP) flood level.

33. Zone Development Standards**33.1 General Zone Development Requirements**

Development and subdivision within all Zones shall comply with the requirements of Schedule 1 & 2, the zoning table (Table 4) and the objectives for the zone as outlined in this Scheme.

33.2 Rural Zone Requirements

- (a) In considering any rezoning or subdivision within the Rural zone the local government will have due regard to *State Planning Policy 2.5 Rural Planning* and whether the proposal may prejudice current or potential agricultural activities and production within the zone.
- (b) Subdivision will only be considered in accordance with the Western Australian Planning Commission's *Development Control Policy 3.4: Subdivision of rural land* and there is a general presumption against the further subdivision of land in the Rural zone.
- (c) The existence of a second dwelling on a rural lot is not considered a justification for subdivision.
- (d) The local government will not recognise the existing historic pattern of subdivision in a locality as justification to support further subdivision.
- (e) No more than one single house may be developed on a lot.
- (f) When considering a development application for the development and use of land for tourism related uses including tourist development reception centre, winery, brewery, camping ground, restaurant/cafe, shop and holiday accommodation, the Local Government may require a Local Development Plan to be prepared in accordance with Part 4 cl. 48 of the Deemed Provisions.

33.3 Rural Residential Zone RequirementsBuilding Envelopes

- (a) Where an approved building envelope exists, all dwellings and incidental development must be located within that envelope. No development is permitted outside of the designated building envelope, except for—
 - (i) Provision of a suitable access way to the building envelope;
 - (ii) Approved effluent disposal system;
 - (iii) Provision of suitable boundary fencing as approved by the local government; and
 - (iv) Implementation of an approved bushfire management plan or any other general bushfire requirements.
- (b) The local government may approve a variation to, or relocation of the building envelope, subject to advertising in accordance with clause 64 of the Deemed Provisions, provided in each case it is satisfied that—
 - (i) the objectives of the zone are not compromised;
 - (ii) the visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope to that which might have occurred within the building envelope as originally proposed;
 - (iii) development within the proposed new building envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope; and
 - (iv) the proposed size and location of the envelope can accommodate future development, including buildings and water supply tanks, and not have a detrimental effect on the environment.

Vegetation Protection

- (c) All vegetation clearing requires the prior development approval of the local government unless—
 - (i) it is within an approved building envelope;
 - (ii) it is associated with implementing approved development;
 - (iii) it is necessary for an approved access way;
 - (iv) it is the subject of an approved clearing permit;
 - (v) the vegetation is diseased or dangerous;
 - (vi) it is the removal of exotic species and/or declared weeds; or
 - (vii) it is to comply with a requirement of an approved fire management plan or the Local Government Fuel Hazard Reduction Notice.
- (d) The local government may liaise with the Department of Biodiversity, Conservation and Attractions and Department responsible for water and environmental regulation to determine the significance of any vegetation proposed to be cleared.

- (e) The provisions listed within subclause (c) (i)—(vii) do not apply where vegetation is specifically protected by way of a landscape protection designation or similar by a Structure Plan or Local Development Plan.
- (f) The local government will, when presented with an application for vegetation clearing, have regard to the extent of clearing to be undertaken, the quality and type of vegetation to be removed and any re-vegetation carried out on the same land. The local government may impose conditions or make arrangements to retain some of the vegetation on the land, or refuse the application if the removal of the vegetation, in the opinion of the local government, would result in a deleterious environmental, amenity or landscape impact.

33.4 General, Strategic and Light Industry Zone Requirements

- (a) Land between the road reserve and setback distance prescribed in Schedule 1 shall not be developed except for one or more of the following—
 - (i) an access driveway;
 - (ii) a parking area;
 - (iii) loading and unloading of vehicles;
 - (iv) a trade display of goods manufactured on site or of goods incidental to the approved land use; or
 - (v) landscaping.
- (b) Land between the road reserve and setback distance prescribed in Schedule 1 shall not be used for—
 - (i) parking of vehicles which are being wrecked or repaired;
 - (ii) dumping of wastes;
 - (iii) storage of materials;
 - (iv) construction or assembly; or
 - (v) servicing or maintenance of equipment.
- (c) If a service access way is situated between buildings, or between a building and boundary of the lot, it shall not be less than 6m in width. If a service access way is situated between an open yard, or an open yard and a building on a side boundary, it shall not be less than 4.5m in width.
- (d) All loading and unloading of materials and the operation of all business associated with any industry shall take place within the boundaries of the site.
- (e) Service access shall be designed to segregate service vehicles from customer parking areas and access ways provided for customer parking.
- (g) In determining an application for development approval, the local government will have due regard to the Environmental Protection Authority's Separation Distances between Industrial and Sensitive Land Uses.
- (h) In determining an application for development approval, the local government may impose conditions to control emissions including, but not limited to, industrial liquid, solid or gaseous wastes in accordance with Environmental Protection Authority's guidelines, Department of Health Guidelines and advice from the Department responsible for water and environmental regulation.
- (i) All factory units shall—
 - (i) have a minimum floor area of 100m²;
 - (ii) have a storage yard appurtenant to it which shall be a minimum size of 50 percent of the unit floor area, separated from other storage yards by a fence, and screened from a public road;
 - (iii) together with the storage yard in (ii), have direct access onto a paved internal service road; and
 - (iv) provide onsite connecting vehicular access between each unit and between each unit and any common open area.

33.5 Commercial and Mixed Use Zone Requirements

- (a) Within the Commercial and Mixed Use Zones, there is a general presumption against subdivision. Amalgamation of lots to cater for bulky goods showrooms will generally be supported.
- (b) Residential development within the Commercial Zone is only permitted where—
 - (i) it is proposed in conjunction with a non-residential land use; or
 - (ii) It can be demonstrated that the development site could still accommodate a commercial based land use, to the satisfaction of the local government.
- (c) Where a mixed-use development incorporating commercial and residential development is proposed, the residential component should be confined to upper stories, however it may be considered behind a commercial development at ground level.
- (d) Where variations on setbacks, plot ratio and height are sought the proponent will need to clearly demonstrate how the design meets the design principles as contained within the R-codes.

- (e) Provision shall be made for onsite loading and unloading of service vehicles to the rear or side of the commercial building except where alternative access, as considered acceptable by the local government is provided.
- (f) Where a right of way or rear lane is to be used for service access, a paved area shall be provided on the lot so that when loading and unloading occurs, the vehicle does not obstruct the right of way.
- (g) The use of car parking areas, access driveways, landscaping areas and other open-air spaces shall not be used for storage.
- (h) Service access shall be located to—
 - (i) segregate service vehicles from pedestrians, customer parking areas and access ways; and
 - (ii) allow all entry and exit movements from and to the adjoining street, rear lane or right of way to be in a forward direction.
- (i) Buildings shall be designed to address the following—
 - (i) building facades—
 - (ii) provide articulated frontages;
 - (iii) use a variety of complementary colours, materials and design features;
 - (iv) maximise the use of glazing and minimise blank walls to ensure unobstructed views to the street and public realm;
 - (v) respect and complement the architectural character and style of the locality and streetscape including the heritage values and create a cohesive and consistency of design with adjacent development, where appropriate;
 - (vi) be of a human scale and form where the building interfaces with the street or public open space;
 - (vii) designed to provide for passive surveillance which minimises opportunities for concealment and entrapment and considers the design principles in the WAPC's Designing Out Crime Planning Guidelines
 - (viii) development located on corner sites should incorporate landmark design elements to ensure the building is visually prominent in the streetscape to provide a sense of place;
 - (ix) incorporates solar passive design principles;
 - (x) incorporates appropriate and attractive design features, such as verandahs or awnings, that provides protection from the weather, and are integrated with the architectural style of the proposed building and adjacent development;
 - (xi) plant and infrastructure located on rooftops are unobtrusive where viewed from the street or publicly accessible areas (e.g. public open space); and
 - (xii) integrates signage at an appropriate scale and design, which complements and enhances the character and amenity of the streetscape.
- (j) Ground floor development fronting the street must comprise commercial land uses which provide active street frontages as detailed in the design elements of the R-codes including; obvious and direct entrances from adjoining paths, minimal blank walls and reflective glass coatings, verandas and eaves for pedestrian shelter, and clear and open sightlines to the street for passive surveillance.
- (k) Fencing along the primary street frontage, including the type of fencing, is only permitted at the discretion of the local government.

33.6 Industrial Development Zone Requirements

Subdivision and development in the Industrial Development zone shall be in accordance with a structure plan prepared and approved in accordance with Part 4 of the Deemed Provisions, unless the proposed subdivision and development is approved by the decision-maker in accordance with Part 4, clause 27(2) of the Deemed Provisions.

33.7 Urban Development Zone Requirements

Subdivision and development in the Urban Development zone shall be in accordance with a structure plan prepared and approved in accordance with Part 4 of the Deemed Provisions, unless the proposed subdivision and development is approved by the decision-maker in accordance with Part 4, clause 27(2) of the Deemed Provisions.

34. Additional site and development requirements for areas covered by structure plan or local development plan

Table 7 sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015 and local development plans that apply in the Scheme area.

Table 7—Additional requirements that apply to land covered by structure plan or local development plan

No.	Description of land	Requirement
ASR1	Buckingham Way Estate Structure Plan—Lots* 501, 502, 2506 & 2507 Buckingham Way, Collie <i>* Lot numbers have changed since approval of the Buckingham Way Estate Structure Plan</i>	1. Local development plans are required for lots zoned R25 and greater and will need to address the requirements specified in the associated endorsed structure plan.

35. Additional Site and Development Requirements for specific lots.

(1) Table 8 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

Table 8—Additional requirements that apply to specific lots.

No.	Description of land	Requirement
ASR 2	Coolangatta Industrial Estate (CIE) Lots 1 and 2 Boys Home Road, Palmer	<p><u>Structure Planning</u></p> <ol style="list-style-type: none"> 1. Prior to any development on land zoned 'Industrial Development' a Structure Plan is to be prepared and approved, in accordance with Part 4 of the Deemed Provisions. 2. The Structure Plan is to contain such details as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning requirements for the proposed development, and shall include, but not be limited to, the following details— <ol style="list-style-type: none"> i. Any environmental impacts, including cumulative noise and sulphur dioxide emissions, resulting from the development can be contained within the CIE Buffer (SCA8); ii. Protection of the existing power station, including any envisaged power station expansions, from any external impacts associated with the proposed development; iii. Review of the adequacy of the CIE Buffer (SCA8) to provide appropriate buffers to any sensitive land uses; iv. Proximity to, and impacts upon, the Collie townsite; v. The apportionment of land suitable for general and strategic land uses, and typical lot sizes; vi. The indicative lot pattern and staging to accommodate future industrial uses; vii. The management and protection of environmentally sensitive locations, including identification of buffers, vegetation and habitat corridors; viii. The provision of major infrastructure, including main drainage, power, sewerage, water supply and other key infrastructure services; ix. The proposed major road network and other transport and movement systems; x. Bushfire protection, including consideration of hazard separation, water supply, and emergency access; xi. Proximity to adjacent mining, including appropriate remediation and/or sufficient separation from past mining activities. 3. The landowner/proponent is to prepare the following planning studies and procedures to accompany any Structure Plan, including, but not limited to— <ol style="list-style-type: none"> i. noise management; ii. air quality; iii. nutrient and drainage; iv. soil and water contamination; v. utility service supply; vi. traffic management; vii. bushfire management;

No.	Description of land	Requirement
		<p>viii. landscaping plan</p> <p>4. Notwithstanding the consultation requirements for Structure Plans pursuant to Part 4 of the Deemed Provisions, detailed consideration of the structure plan will be required by Department responsible for water and environmental regulation, particularly in relation to environmental impacts, including cumulative noise and sulphur dioxide emissions, and also having regard to the relationship between the existing power station and proposed future development.</p> <p><u>Development—Ongoing</u></p> <p>5. The proponent will need to demonstrate to the satisfaction of the local government and Department of Water and Environment Regulation that an application for development approval will not jeopardise the existing and future operation of the Bluewaters Power Station.</p> <p>6. All applications for development approval shall be referred to the Department responsible for water and environmental regulation for assessment unless—</p> <ol style="list-style-type: none"> i. The Department responsible for water and environmental regulation has agreed that a specific class of industry will not have any additional environmental impacts in the area; or ii. The application is for minor or ancillary development with no significant environmental impacts.
ASR 3	Shotts Strategic Industrial Park Lots 557-563 Premier Road, Shotts	<ol style="list-style-type: none"> 1. Subdivision and development are to be in accordance with a Structure Plan prepared and approved, in accordance with Part 4 of the Deemed Provisions. 2. A Structure Plan is to contain such details as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning requirements for the proposed development, and shall include, but not be limited to, the following details— <ol style="list-style-type: none"> i. Identification and proposed management of any likely environmental impacts or emissions generated from the envisaged industrial development, including cumulative impacts, to ensure that these impacts are appropriately managed and contained within the Shotts Strategic Industrial Park Buffer (SCA5); ii. The identification and management of environmentally sensitive locations, including possible contaminated sites, underground mine workings, wetlands, and significant flora, vegetation, fauna habitat and habitat corridors; iii. Management measures to prevent the introduction and spread of <i>Phytophthora cinnamomi</i> (dieback) to adjacent State Forest which may occur as a result of development of the site. iv. Establishment of appropriate separation between strategic and general industrial land uses, if applicable. v. The apportionment of land suitable for general and strategic land uses, and typical lot sizes; vi. The indicative lot pattern and staging; vii. The provision of major infrastructure, including main drainage, power, sewerage, water supply (including fit for purpose) and other key infrastructure services. viii. The proposed major road network and other transport and movement systems. ix. Bushfire management, including consideration of hazard separation, water supply, and emergency access. 3. All applications for development approval shall be referred to the Department responsible for water and environmental regulation for comment unless— <ol style="list-style-type: none"> i. The Department responsible for water and environmental regulation has agreed that a specific class of industry will not have any additional environmental impacts in the area; or

No.	Description of land	Requirement
		ii. The application is for minor or ancillary development with no significant environmental impacts. 4. Development proposals within ASR3 shall be referred to the Environmental Protection Authority for consideration under Part IV of the <i>Environmental Protection Act 1986</i> , unless the development is for a minor or ancillary development which is not likely to have a significant effect on the environment.
ASR 4	Lot 3001, #296 Boys Home Road, Palmer	<u>Structure Planning</u> 1. Prior to any development on land zoned 'Industrial Development' a Structure Plan is to be prepared and approved, in accordance with Part 4 of the Deemed Provisions. 2. The landowner/proponent is to prepare the following planning studies and procedures to accompany any Structure Plan, including, but not limited to— i. noise management; ii. air quality; iii. nutrient and drainage; iv. soil and water contamination; v. utility service supply; vi. traffic management; vii. bushfire management. viii. landscaping plan <u>Development</u> 3. The proponent will need to demonstrate to the satisfaction of the local government and Department of Water and Environment Regulation that an application for development approval will not jeopardise the existing and future operation of the Synergy Power Station. 4. All applications for development approval shall be referred to the Department responsible for water and environmental regulation for assessment unless— i. The Department responsible for water and environmental regulation has agreed that a specific class of industry will not have any additional environmental impacts in the area; or ii. The application is for minor or ancillary development with no significant environmental impacts.

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

36. Variations to site and development requirements

(1) In this clause—

additional site and development requirements means requirements set out in Schedule 1 and clauses 32-35.

(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(4) 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(2) 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.

37. 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 advertises the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5—SPECIAL CONTROL AREAS

38. 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 9—Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
SCA1—Worsley Alumina Refinery (South 32)	To identify land which may be affected by emissions such as odour, dust, noise, vibration, light or any other off-site impacts from land on which the conveyor, refinery and power station are located.	<ul style="list-style-type: none"> (a) To ensure that the use and development of land within the SCA is compatible with the current and potential future industrial use and development of the land; and (b) To minimise impacts on residential and other sensitive uses from emissions such as odour, dust, noise, vibration and light from the conveyor, refinery and power station. 	<ul style="list-style-type: none"> 1. Development approval is required for all use and development within the SCA, except for— <ul style="list-style-type: none"> i. The land use of Agriculture—extensive; or ii. Land uses that are ancillary to the predominant land use; or iii. Development that is considered by the local government to be minor in nature and will not jeopardise the current operation of the Alumina Refinery. 2. The local government may refer an application for development to other authorities and/or the operator of the Alumina Refinery, pursuant to Clause 66 of the Deemed Provisions. 3. The local government shall recommend that notification(s) on title(s) shall be required where subdivision (including strata title) or development is approved within the SCA to advise prospective purchasers and successors in title of the potential for the land to be affected by industrial activity.

Name of area	Purpose	Objectives	Additional provisions
SCA2— Public Drinking Water Source Protection Areas— PDWSA	To identify the public drinking water source priority areas in accordance with any relevant state planning policy or regional land use and water management strategy or drinking water source protection plan.	<p>(a) To ensure land use and development within the PDWSA are compatible with the protection and long term management of water resources for public water supply.</p> <p>(b) To ensure that decisions on land use and development within the PDWSA's have due regard for and take into account the requirements of any relevant state or regional land use and water management strategy or drinking water source protection plan; and</p> <p>(c) To ensure the protection of groundwater resource quality and quantity within the PDWSA's in order to maintain the ecological integrity of wetlands hydraulically connected to that groundwater reserve.</p>	<ol style="list-style-type: none"> 1. Despite any other provision of the Scheme planning approval is required for all use and development within the SCA; 2. The local government shall not grant development approval to any development on land within this SCA, unless the proponent has provided an assessment by a suitably qualified person, to the satisfaction of the local government and DWER, which addresses the following criteria— <ol style="list-style-type: none"> i. the effect on water quality ii. the potential impact on water quality and any measures required to maintain and protect water quality iii. how the development will mitigate impacts on drinking water quality 3. The local government will consult with the Department responsible for water and environmental regulation (DWER) as required and have due regard to advice and recommendations on any application for development approval in PDWSA.
SCA3—Coal Basin	To identify land which may be affected by mining operations. To protect coal resources by avoiding encroachment from incompatible land uses and associated conflicts.	<p>(a) To ensure the separation of future urban development from existing and future mining.</p> <p>(b) To protect development from past underground mining activities (subsidence)</p>	<ol style="list-style-type: none"> 1. Development approval is required for all use and development on rural zoned land within the SCA, except for— <ol style="list-style-type: none"> i. the land use of Agriculture—extensive and Mining Operations; or ii. land uses that are ancillary to the predominant land use; or iii. development that is considered by the local government to be minor in nature and will not jeopardise the current or future mining activities. 2. Development approval for the use and development of land within other zones is not required. 3. All applications for development approval are to be referred to the Department of Mines, Industry Regulation and Safety for advice and comments; 4. The local government may refer an application for development approval to

Name of area	Purpose	Objectives	Additional provisions
			<p>other authorities pursuant to Clause 66 of the Deemed Provisions;</p> <p>5. The local government shall recommend that notification(s) on title(s) shall be required where subdivision (including strata title) or development is approved within the SCA to advise prospective purchasers and successors in title of the potential for the land to be affected by—</p> <ol style="list-style-type: none"> i. subsidence due to historic underground mining activities; and ii. mining operations on adjacent properties.
SCA4— Flood Prone Land	To identify flood prone land as a Special Control Area (SCA) and provide measures to ensure that land use and development within its boundaries are regulated and managed to minimise the risk of flood impacts.	To identify and delineate on the Scheme Map, the area of flood prone land where flood management and mitigation is required to ensure that development provides an acceptable level of flood protection for the health and safety of people, and prevention of damage to property and public infrastructure. Note: The definition of the SCA is based on a specific size (1 % AEP flood event). Flood events larger than this may occur, and it should not be interpreted that areas outside the SCA are free from risks associated with floods or extreme rainfall events.	<ol style="list-style-type: none"> 1. Development approval is required for all use or development within the SCA; 2. The local government shall not grant development approval on land, or portion(s) thereof, identified as flood prone unless— <ol style="list-style-type: none"> i. the floor of any dwelling or habitable room is, or will be, raised a minimum of 500 millimetres above the (1%) Annual Exceedance Probability (AEP) flood level; ii. an assessment has been made of— <ul style="list-style-type: none"> • the effect on the natural flood carrying capacity of floodplains (including the cumulative effect of individual developments) and ensuring the proposal maintains the free passage and temporary storage of floodwaters, • the potential impact on water quality and outline any measures required to maintain and protect water quality and waterways as natural resources, and • how flood risk will be managed to ensure future development provides an acceptable level of flood protection that meets the objectives of the SCA;

Name of area	Purpose	Objectives	Additional provisions
			<ol style="list-style-type: none"> 3. The local government may require the assessment in Condition 2. to be undertaken at the proponent's cost; 4. The local government will consult with the Department responsible for water and environmental regulation (DWER) as required and have due regard to advice and recommendations on any application for development approval in flood prone land; 5. The local government shall recommend that notification(s) on title(s) shall be required where subdivision (including strata title) or development is approved within the SCA to advise prospective purchasers and successors in title of the potential for the land to be affected by flooding.
SCA5— Shotts Strategic Industrial Park Buffer (SSIPB)	<p>To avoid land use conflict by separating sensitive and incompatible land uses from off-site impacts resulting from the Shotts Strategic Industrial Park.</p> <p>To designate land surrounding the Shotts Strategic Industrial Park where sensitive land uses will not be permitted.</p> <p>To identify land which may be affected by emissions such as odour, dust, noise, vibration, light or any other off-site impacts from the Industrial Park.</p>	<ol style="list-style-type: none"> (a) To ensure that the use and development of land within the SCA is compatible with any existing or proposed future use or development within the Industrial Park; and (b) To minimise impacts on residential and other sensitive uses from emissions such as odour, dust, noise, vibration and light from the Industrial Park (c) To protect the Shotts Strategic Industrial Park from encroachment by incompatible land uses that would adversely impact on the operations of the industrial estate. 	<ol style="list-style-type: none"> 1. Development approval is required for all use and development within the SCA, except for— <ol style="list-style-type: none"> i. the land use of Agriculture—extensive; or ii. land uses that are ancillary to the predominant land use; or iii. development that is considered by the local government to be minor in nature and will not jeopardise the future use and development within the Industrial Park. 2. No residential or other sensitive uses (as defined by EPA Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses, June 2005) are to be located on land nominated within this Special Control Area. 3. In considering applications for development approval within the Shotts Strategic Industrial Park Buffer, the local government is to have regard to— <ol style="list-style-type: none"> i. the possible impact of the operation of the industrial park on the proposed use; ii. whether the proposed use will jeopardise the on-going operation of the industrial park; iii. the compatibility of the proposed development or

Name of area	Purpose	Objectives	Additional provisions
			<p>use with the industrial park;</p> <p>iv. the possible impact of the proposed use on coal mining and related activities.</p> <p>4. The local government may refer an application for development approval to other authorities pursuant to Clause 66 of the Deemed Provisions;</p> <p>5. The local government shall recommend that notification(s) on title(s) shall be required where subdivision (including strata title) or development is approved within the SCA to advise prospective purchasers and successors in title of the potential for the land to be affected by industrial activity.</p>
SCA6— Collie Power Station Buffer	<p>To avoid land use conflict by separating sensitive and incompatible land uses from off-site impacts resulting from the Collie Power Station.</p> <p>To designate land surrounding the Collie Power Station where sensitive land uses will not be permitted.</p> <p>To identify land which may be affected by emissions such as odour, dust, noise, vibration, light or any other off-site impacts from the Industrial use and development of Lot 3001 Boys Home Road.</p>	<p>(a) To ensure that the use and development of land within the SCA is compatible with the Power Station and any proposed future industrial use or development of the Lot 3001 Boys Home Road; and</p> <p>(b) To minimise impacts on residential and other sensitive uses from emissions such as odour, dust, noise, vibration and light from the Power Station or other future industrial uses and/or development on Lot 3001 Boys Home Road.</p> <p>(c) To protect the Collie Power Station from encroachment by incompatible land uses that would adversely impact on the operations of the industrial estate</p>	<p>1. Development approval is required for all use and development within the SCA, except for—</p> <p>i. the land use of Agriculture—extensive; or</p> <p>ii. land uses that are ancillary to the predominant land use; or</p> <p>iii. development that is considered by the local government to be minor in nature and will not jeopardise the future use and development of Lot 3001 Boys Home Road.</p> <p>2. No residential or other sensitive land uses (as defined by EPA Guidance Statement No. 3— Separation Distances Between Industrial and Sensitive Land Uses, June 2005) are to be located on land nominated within this Special Control Area.</p> <p>3. In considering applications for development approval within the Collie Power Station Buffer, the local government is to have regard to—</p> <p>i. the possible impact of the operation of the power station on the proposed use;</p> <p>ii. whether the proposed use will jeopardise the on-going operation of the power station;</p> <p>iii. the compatibility of the proposed development or</p>

Name of area	Purpose	Objectives	Additional provisions
			<p>use with the power station;</p> <p>iv. the possible impact of the proposed use on coal mining and related activities.</p> <p>4. The local government may refer an application for development approval to other authorities pursuant to Clause 66 of the Deemed Provisions.</p> <p>5. The local government shall recommend that notification(s) on title(s) shall be required where subdivision (including strata title) or development is approved within the SCA to advise prospective purchasers and successors in title of the potential for the land to be affected by industrial activity.</p>
SCA7—Waste Water Treatment Plant Odour Buffer	To identify land within the 500 metre water treatment buffer area located around wastewater treatment plants in accordance with the Environmental Protection Authority (EPA) Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses (June 2005).	<p>(a) To ensure that adequate separation distances are maintained between wastewater treatment plants and residential or other sensitive land uses.</p> <p>(b) To ensure that decisions regarding land use and development within the 500m wastewater treatment buffer area minimise the potential for land use conflict and have due regard for and do not impinge upon the operation of the wastewater treatment plant.</p>	<p>1. Development approval is required for all use and development within the SCA, except for—</p> <p>i. the land use of Agriculture—extensive; or</p> <p>ii. land uses that are ancillary to the predominant land use; or</p> <p>iii. development that is considered by the local government to be minor in nature and will not impinge on the operation of the wastewater treatment plant.</p> <p>2. In considering an application for development approval for a residential or other sensitive land use within the 500 metre wastewater treatment buffer area, the application must be accompanied by a risk management assessment of the final chlorine storage area, which is to be prepared by a suitably qualified person to the specifications and satisfaction of the local government in consultation with the relevant public authority;</p> <p><i>Note: Reference should be made to EPA Guidance Statement No. 2—Risk Assessment and Management: Off-site Individual Risk from Hazardous Industrial Plant (July 2000).</i></p> <p>3. The local government will consult with the Department of Health and Water Corporation as required and</p>

Name of area	Purpose	Objectives	Additional provisions
			<p>have due regard to advice and recommendations on any application for development approval within the SCA;</p> <p>4. The local government may refer an application for development approval to other authorities pursuant to Clause 66 of the Deemed Provisions;</p> <p>5. The local government shall recommend that notification(s) on title(s) shall be required where subdivision (including strata title) or development is approved within the SCA to advise prospective purchasers and successors in title of the potential for the land to be affected by industrial activity.</p>
SCA8—Coolangatta Industrial Estate Buffer	<p>To avoid land use conflict by separating sensitive and incompatible land uses from off-site impacts resulting from the CIE.</p> <p>To designate land surrounding the CIE where sensitive land uses will not be permitted.</p> <p>To identify land which may be affected by emissions such as odour, dust, noise, vibration, light or any other off-site impacts from the CIE.</p>	<p>(a) To ensure that the use and development of land within the SCA is compatible with Bluewaters Power Station and any proposed future use or development within the Industrial Estate; and</p> <p>(b) To minimise impacts on residential and other sensitive uses from emissions such as odour, dust, noise, vibration and light from the Industrial Estate.</p> <p>(c) To protect the Coolangatta Strategic Industrial Park from encroachment by incompatible land uses that would adversely impact on the operations of the industrial estate.</p>	<p>1. Development approval is required for all use and development within the SCA, except for—</p> <ol style="list-style-type: none"> i. the land use of Agriculture—extensive; or ii. land uses that are ancillary to the predominant land use; or iii. development that is considered by the local government to be minor in nature and will not jeopardise the future use and development within the Industrial Park. <p>2. No residential or other sensitive land uses (as defined by EPA Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses, June 2005) are to be located on land nominated within this Special Control Area.</p> <p>3. In considering applications for development approval within the CIE Buffer, the local government is to have regard to—</p> <ol style="list-style-type: none"> i. the possible impact of the operation of the power station on the proposed use; ii. whether the proposed use will jeopardise the on-going operation of the power station; iii. the compatibility of the proposed development or use with the power station;

Name of area	Purpose	Objectives	Additional provisions
			<ul style="list-style-type: none"> iv. the possible impact of the proposed use on coal mining and related activities. 4. The local government may refer an application for development approval to other authorities and/or the operator of the power station, pursuant to Clause 66 of the Deemed Provisions. 5. The local government shall recommend that notification(s) on title(s) shall be required where subdivision (Including strata title) or development is approved within the SCA to advise prospective purchasers and successors in title of the potential for the land to be affected by industrial activity.
SCA9— Muja Power Station Buffer	<p>To avoid land use conflict by separating sensitive and incompatible land uses from off-site impacts resulting from the Muja Power Station.</p> <p>To designate land surrounding the Muja Power Station where sensitive land uses will not be permitted.</p> <p>To identify land which may be affected by emissions such as odour, dust, noise, vibration, light or any other off-site impacts from Muja Power Station.</p>	<ul style="list-style-type: none"> (a) To ensure that the use and development of land within the SCA is compatible with the Power Station and any proposed future industrial use or development of Lots 4903 and 05912 Muja Power Station Road; and (b) To minimise impacts on residential and other sensitive uses from emissions such as odour, dust, noise, vibration and light from the Power Station or other future industrial uses and/or development on Lots 4903 and 05912 Muja Power Station Road (c) To protect the Collie Power Station from encroachment by incompatible land uses that would adversely impact on the operations of the industrial estate 	<ul style="list-style-type: none"> 1. Development approval is required for all use and development within the SCA, except for— <ul style="list-style-type: none"> i. the land use of Agriculture—extensive; or ii. land uses that are ancillary to the predominant land use; or iii. development that is considered by the local government to be minor in nature and will not jeopardise the future use and development of Lots 4903 and 05912 Muja Power Station Road. 2. No residential or other sensitive land uses (as defined by EPA Guidance Statement No. 3— Separation Distances Between Industrial and Sensitive Land Uses, June 2005) are to be located on land nominated within this Special Control Area. 3. In considering applications for development approval within the Muja Power Station Buffer, the local government is to have regard to— <ul style="list-style-type: none"> i. the possible impact of the operation of the power station on the proposed use; ii. whether the proposed use will jeopardise the on-going operation of the power station; iii. the compatibility of the proposed development or

Name of area	Purpose	Objectives	Additional provisions
			<p>use with the power station;</p> <p>iv. the possible impact of the proposed use on coal mining and related activities.</p> <p>4. The local government may refer an application for development approval to other authorities and/or the operator of the power station, pursuant to Clause 66 of the Deemed Provisions.</p> <p>5. The local government shall recommend that notification(s) on title(s) shall be required where subdivision (including strata title) or development is approved within the SCA to advise prospective purchasers and successors in title of the potential for the land to be affected by industrial activity.</p>
SCA10—Waste Management Facility buffer	To designate land surrounding the waste management facility where sensitive land uses will not be permitted and to protect the facility from encroachment.	<p>(a) To ensure that adequate separation distances are maintained between waste management facility and residential or other sensitive land uses;</p> <p>(b) To ensure that decisions regarding land use and development within the buffer area minimise the potential for land use conflict and have due regard for and do not impinge upon the operation of the waste management facility; and</p> <p>(c) To protect the waste management facility from encroachment by incompatible land uses that would adversely impact on the efficient operations of the waste management facility.</p>	<p>1. Development approval is required for all use and development within the SCA except for;</p> <p>i. the land use of Agriculture—extensive; or</p> <p>ii. land uses that are ancillary to the predominant land use; or</p> <p>iii. development that is considered by the local government to be minor in nature and will not impinge on the operation of the waste management facility.</p> <p>2. All applications for development approval are to be referred to the Department of Health and the Department responsible for water and environmental regulation;</p> <p>3. The local government may, if it considers it appropriate to do so, refer an application for development approval to other authorities pursuant to Clause 66 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>;</p> <p>4. Where land is proposed to be subdivided, the local government shall recommend that a Section 70A notification be placed on title advising prospective purchasers of the potential for the amenity of the land to be affected;</p>

Name of area	Purpose	Objectives	Additional provisions
SCA11— Collie Airfield	To designate land surrounding the waste management facility where sensitive land uses will not be permitted and to protect the airfield from encroachment.	<p>(a) To ensure that adequate separation distances are maintained between the airfield and residential or other sensitive land uses; and</p> <p>(b) To minimise impacts on residential and other sensitive uses from emissions such as noise, vibration and light from the airfield.</p> <p>(c) To protect the airfield from encroachment by incompatible land uses that would adversely impact on the efficient operations of the airfield.</p>	<p>1. Despite any other provision of the Scheme planning approval is required for all use and development Within the SCA except for—</p> <ul style="list-style-type: none"> i. the land use of Agriculture—extensive; or ii. land uses that are ancillary to the predominant land use; or iii. development that is considered by the local government to be minor in nature and will not impinge on the operation of the waste management facility. <p>2. In considering whether a proposed use is ‘compatible’ the local government may refer the application to the Civil Aviation Safety Authority.</p> <p>3. Where land is proposed to be subdivided, the local government shall recommend that a Section 70A notification be placed on title advising prospective purchasers of the potential for the land to be affected by noise due to the proximity to the airfield.</p>

PART 6—TERMS REFERRED TO IN SCHEME

Division 1—General definitions used in Scheme

39. Terms used

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

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

cabin means a dwelling forming part of a tourist development or caravan park that is—

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests;

chalet means a dwelling forming part of a tourist development or caravan park that is—

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests;

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including—

- (a) a utility, van, truck, tractor, bus or earthmoving equipment;
- and

- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

drive-through means premises designed, constructed and/or operated so that food, goods or services may be purchased, provided or exchanged with customers while remaining in their vehicle.

floor area has meaning given in the Building Code;

minerals has the meaning given in the *Mining Act 1978* section 8(1);

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;

Scheme commencement day means that day on which this Scheme comes into effect under section 87(4) of the Act;

sensitive land uses are land uses applied to places where people live or regularly spend time and which are therefore sensitive to emissions from industry. They include residences, hospitals and nursing homes, short-stay accommodation, schools, child care facilities, shopping centres, playgrounds, and some public buildings. Some commercial and institutional land uses which require high levels of amenity or are sensitive to particular emissions may also be considered sensitive land uses;

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;

wholesale means the sale of goods or materials to be sold by others.

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

(a) has the meaning it has in the *Planning and Development Act 2005*; or

(b) if it is not defined in that Act—has the same meaning as it has in the R-Codes

Division 2—Land use terms used in Scheme

40. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows—

abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

agriculture—extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture—intensive or animal husbandry—intensive;

agriculture—intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following—

(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;

airfield means any premises used for purposes relating to aircraft landing, take-off and maintenance and does not include a private airstrip incidental to farming operations;

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 alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;

art gallery means premises—

(a) that are open to the public; and

(b) where artworks are displayed for viewing or sale;

bed and breakfast means a dwelling—

(a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and

(b) containing not more than 2 guest bedrooms;

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

bulky goods showroom means premises—

(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes—

(i) automotive parts and accessories;

- (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and childrens' goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools; or
- (b) used to sell by retail 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.

camping ground means premises that are a camping ground as defined in the *Caravan Parks and Camping Grounds Act 1995*;

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, 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 *Education and Care Services National Law (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 *Child Care Services Act 2007* 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 m² net lettable area;

corrective institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

educational establishment means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

fast food outlet 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 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

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

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

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

home store means a shop attached to a dwelling that—

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

hospital means premises used as a hospital as defined in the *Health Services Act 2016* section 8(4);

hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes;

industry—cottage means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 m²; and
- (e) does not display a sign exceeding 0.2 m² in area;

industry—extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include 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 *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

industry—service means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.

liquor store—large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m²;

liquor store—small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m²;

lunch bar means premises within an industrial or commercial area used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation with a net lettable area of not more than 100m², but does not include a fast food outlet or restaurant/cafe.

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 *Mining Act 1978* section 8(1) is carried out;

motel means premises, which may be licensed under the *Liquor Control Act 1988*—

- (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 *Liquor Control Act 1988*;

- 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 *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;
- place of worship** means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;
- reception centre** means premises used for hosted functions on formal or ceremonial occasions;
- recreation—private** means premises that are—
- used for indoor or outdoor leisure, recreation or sport; and
 - not usually open to the public without charge;
- renewable energy facility** means premises, buildings or structures used to generate energy from a renewable energy source. It does not include solar panels or a wind turbine principally used to supply energy for an individual lot's private domestic or rural supply;
- repurposed dwelling** means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;
- residential aged care facility** means a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. This may consist of multiple components that include a residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, 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 *Liquor Control Act 1988*;
- 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—
- publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or
 - 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
 - smoking-related implements;
- retirement village** means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and land uses incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.
- roadhouse** means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services—
- a full range of automotive repair services;
 - wrecking, panel beating and spray painting services;
 - transport depot facilities;
 - short-term accommodation for guests;
 - facilities for being a muster point in response to accidents, natural disasters and other emergencies;
 - dump points for the disposal of black and/or grey water from recreational vehicles.
- rural home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation—
- does not involve employing more than 2 people who are not members of the occupier's household; and
 - will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - does not occupy an area greater than 200m²; and
 - 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
 - does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;
- rural produce store** means a premise used by the occupier of the premise for carrying out a business where—
- It does not occupy an area greater than 25m²;
 - it is used for sale of produce associated with farming operations, but may include local souvenir products; and

(c) Will not adversely affect the amenity of the neighbourhood;

rural pursuit/hobby farm means any premises, other than premises used for agriculture—extensive or agriculture—intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household—

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises;

second-hand dwelling means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable building;

serviced apartment means a group of units or apartments providing—

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

shop means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;

telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide—

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement;

trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises—

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

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;

tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;

veterinary centre means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

warehouse/storage means premises including indoor or outdoor facilities used for—

- (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;

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

workforce accommodation means premises, which may include modular or relocatable buildings, used—

- (a) primarily for the 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 is not required for works if-

- (a) the works are of a class specified in Column 1 of an item in the Table; and
- (b) if conditions are set out in Column 2 of the Table opposite that item—all of those conditions are satisfied in relation to the works.

Table

	Column 1 Works	Column 2 Conditions
22.	The erection or extension of a single house on a lot if a single house.	Is a permitted (“P”) use in the zone where the R Codes do not apply, in which that lot is located and where the development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is— (i) entered in the Register of Heritage Places under the <i>Heritage Act 2018</i> ; or (ii) the subject of an order under the <i>Heritage Act 2018</i> Part 4; or (iii) included on a heritage list prepared in accordance with this Scheme; or (iv) within an area designated under the Scheme as a heritage area; or (v) the subject of a heritage agreement entered into under the <i>Heritage Act 2018</i> section 90; or (vi) a Special Control Area under Part 5 of this Scheme. (vii) abutting an unconstructed road reserve or a lot which does not have direct frontage to a gazetted road reserve; or (viii) within 100 metres of a primary distributor road or railway reserve.
23.	The erection or extension of an external fixture, boundary wall or fence, patio, pergola, veranda, outbuilding, garage, carport, water tank, or swimming pool.	On the same lot as a single house if a single house is a permitted use (“P”) in the zone where the R Codes do not apply and where the development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is— (i) entered in the Register of Heritage Places under the <i>Heritage Act 2018</i> ; or (ii) the subject of an order under the <i>Heritage Act 2018</i> Part 4; or (iii) included on a heritage list prepared in accordance with this Scheme; or (iv) within an area designated under the Scheme as a heritage area; or (v) the subject of a heritage agreement entered into under the <i>Heritage Act 2018</i> section 90.
24.	The erection of a windmill and the construction of water tanks, gully dams and soaks.	That are incidental and complementary to existing or approved agricultural use(s) being undertaken on land, within the Rural zone and where the applicable Rural zone development standards (including boundary setbacks) are satisfied.
25.	The carrying out of works by the local government.	That are wholly located on a reserve managed by the local government, except where the works involve the clearing of native vegetation.

	Column 1 Works	Column 2 Conditions
26.	The installation of solar panels on residential or commercial buildings that are flush against the roof line.	Unless the development is located in a place that is— (i) entered in the Register of Heritage Places under the <i>Heritage Act 2018</i> ; or (ii) the subject of an order under the Heritage Act 2018 Part 4; or (iii) included on a heritage list prepared in accordance with this Scheme; or (iv) within an area designated under the Scheme as a heritage area; or (v) the subject of a heritage agreement entered into under the Heritage Act 2018 section 90.

(2)(h) Pursuant to deemed provision clause 61(2)(h) development approval is not required for the following uses if—

- the use is of a class specified in Column 1 of an item in the Table;
- the zone is of a class set out in Column 2 of the Table opposite that item; and
- if conditions are set out in Column 3 of the Table opposite that item—all of those conditions are satisfied in relation to the use.

Table

	Column 1 Use	Column 2 Zones	Column 3 Conditions
1	The use of local reserve managed by the local government for the provision of a service to the community if the proposed use.	All reserves	(i) meets the reserve objectives; and (ii) complements the existing and predominant use of the reserve.

SCHEDULE 1—ZONE DEVELOPMENT REQUIREMENTS

ZONE	Min Lot Area (sq.m)	Min Effective Lot Frontage (m)	Max Plot Ratio	Minimum Setback			Minimum Landscaping	Building Height (m)	Other Requirements
				Front	Side	Rear			
RESIDENTIAL	In accordance with the Residential Design Codes.							Refer to Clause 26—Modification of R-Codes	
URBAN DEVELOPMENT	All subdivision in the Urban Development zone shall be in accordance with a Structure Plan prepared and adopted in accordance with the provisions of Part 4 of the Deemed Provisions.								
COMMERCIAL	500	5	2	Nil (A)	Nil (A)	<ul style="list-style-type: none"> Canopy shade trees (or shade sails) at the rate of 1 for every 4 open air parking bays in a grid formation. Canopy shade trees at the rate of 1 for every 2 open air parking bays when in a strip formation. 50% of front setback if front setback applies. 	12	(A) Where residential development is proposed, all setbacks are to be in accordance with the R-Codes.	

ZONE	Min Lot Area (sq.m)	Min Effective Lot Frontage (m)	Max Plot Ratio	Minimum Setback			Minimum Landscaping	Building Height (m)	Other Requirements
				Front	Side	Rear			
MIXED USE	500	10	1	Nil (A)	6 (A)		<ul style="list-style-type: none"> Minimum 10% of the site area is to be landscaped. Canopy shade trees or shade sails at the rate of 1 for every 4 open air parking bays in a grid formation. Canopy shade trees at the rate of 1 for every 2 open air parking bays when in a strip formation. 50% of front setback if front setback applies. 	12	(A) Where residential development is proposed, all setbacks are to be in accordance with the R-Codes.
STRATEGIC INDUSTRY	30000	80	1	20	10	20	10%	N/A	Where a lot has frontage to a main road or primary distributor road (as identified on the Scheme maps) the local government may require additional landscaping to ensure that the industry is suitably screened from the road to the satisfaction of the local government.
GENERAL INDUSTRY	2000	20	0.8	10	Nil (B)		<ul style="list-style-type: none"> On lots having an area of 4000m² or more, at least 10% of the site area is to be landscaped and at least 	15	(B) Subject to appropriate car parking, access and loading arrangements.

ZONE	Min Lot Area (sq.m)	Min Effective Lot Frontage (m)	Max Plot Ratio	Minimum Setback			Minimum Landscaping	Building Height (m)	Other Requirements
				Front	Side	Rear			
							<p>one half of this landscaped area is to be at the front and sides of the development.</p> <ul style="list-style-type: none"> On lots less than 4000m², a 3m landscape strip abutting all streets. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped. 		Where a lot has frontage to a main road or primary distributor road (as identified on the Scheme maps) the local government may require additional landscaping to ensure that the industry is suitably screened from the road to the satisfaction of the local government.
LIGHT INDUSTRY	1000	10	0.8	7.5	Nil (B)		<ul style="list-style-type: none"> On lots having an area of 4000m² or more, at least 10% of the site area is to be landscaped and at least one half of this landscaped area is to be at the front and sides of the development. On lots less than 4000m², a 3m landscape strip abutting all streets. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in 	15	(B) Subject to appropriate car parking, access and loading arrangements. Where a lot has frontage to a main road or primary distributor road (as identified on the Scheme maps) the local government may require additional landscaping to ensure that the industry is suitably screened from the road to the satisfaction of the

ZONE	Min Lot Area (sq.m)	Min Effective Lot Frontage (m)	Max Plot Ratio	Minimum Setback			Minimum Landscaping	Building Height (m)	Other Requirements
				Front	Side	Rear			
							which case the whole of the setback so reduced shall be landscaped.		local government.
INDUSTRIAL DEVELOPMENT	All subdivision and development in the Industrial Development zone shall be in accordance with a Structure Plan prepared and adopted in accordance with the provisions of Part 4 of the Deemed Provisions.								
RURAL RESIDENTIAL (where the lot is <2ha)	As per Schedule 3	30	N/A	15	5	5	N/A	9	
				Unless varied by Schedule 3					
RURAL RESIDENTIAL (where the lot is >2ha)	As per Schedule 3	50	N/A	20	10	10	20%	9	
				Unless varied by Schedule 3					
RURAL	N/A	100	N/A	30	15	30	N/A	N/A	
PRIVATE COMMUNITY PURPOSES	1000	20	0.5	10	5*	5*	<ul style="list-style-type: none"> To be consistent with adjoining zoned land. Canopy shade trees at the rate of 1 for every 4 open air parking bays when in a grid formation. Canopy shade trees at the rate of 1 for every 2 open air parking bays when in a strip formation. 50% of minimum front setback if front setback applies. 	9	*When adjoining residential zoned land otherwise setbacks are to be consistent with the adjoining zoned land.

Land Use	Car Parking Requirement
Agriculture—Intensive, Animal Establishment, Animal Husbandry—intensive	1 bay per employee.
Amusement Parlour, Art Gallery, Betting Agency	1 bay per 30m ² net lettable area.
Ancillary Dwelling, Grouped Dwelling, Multiple Dwelling and Single House	As per the Residential Design Codes.
Bed and Breakfast	1 bay per employee plus 1 bay per guest bedroom in addition to the residential requirement in accordance with the Residential Design Codes.
Brewery, Winery	1 bay per 40m ² gross floor area.
Bulky Goods Showroom	1 bay per 100m ² of net lettable area.

Land Use	Car Parking Requirement
Caravan Park, Camping Ground, Park Home Park	As per the Caravan and Camping Regulations.
Caretakers Dwelling	1 bay per dwelling.
Child Care Premises	1 bay for every 4 children plus 1 bay per employee.
Cinema/Theatre	1 bay per 4 seats plus 1 bay per cinema/theatre room.
Consulting Rooms, Medical Centre, Veterinary Centre	3 bays per consulting room.
Educational Establishment	1 bay per employee plus 3 bays per classroom.
Family Daycare	In addition to bays required by the R-Codes, 1 bay for every 4 children plus 1 bay per employee.
Fast Food Outlet, Lunch Bar	1 bay for every 10m ² of nett lettable area or 1 bay for every 4 seats provided whichever is greater plus queuing bays for 5 vehicles per drivethru.
Fuel Depot	1 bay per 30m ² of ancillary office nett lettable area (min of 2 bays) plus 1 bay per employee.
Funeral Parlour	6 bays plus 1 bay for every 4 persons able to be accommodated for memorial.
Garden Centre	1 bay per 50m gross floor area of display and sales area.
Holiday Accommodation, Holiday House, Serviced Apartments, Tourist Accommodation, Tourist Development, Retirement Village	1 bay per accommodation unit plus 1 visitor space for every 4 accommodation units plus 1 space per employee.
Home Business	In addition to bays required by the R-codes, 1 additional bay for each employee not resident in the dwelling plus one bay for clients.
Home Store	1 bay per 40m of nett lettable area.
Hotel, Motel, Tavern.	1 bay per accommodation unit plus 1 bay for every 25m ² of public area.
Industry	1 bay per 100m ² gross floor area.
Industry—Light, Industry Service, Trade Supplies	1 bay per 50m ² gross floor area.
Industry—Primary Production, Abattoir	1 bay per 100m ² gross floor area.
Industry Service	1 bay per employee plus 1 bay per
Liquor Store—Large, Liquor Store—Small	1 bay per 35m ² gross floor area plus 1 bay per employee.
Market	3 bays per stall or 1 bay per 10m ² gross floor area whichever is greater.
Motor Vehicle, Boat or Caravan Sales, Trade Display	1 bay per 200m ² of site area.
Motor Vehicle Repair	1 bay per 200m ² gross floor area plus one bay per service bay.
Motor Vehicle Wash	2 bays per wash bay.
Nightclub, Small Bar	1 bay per 10m ² gross floor area.
Office	1 bay per 40m ² of gross floor area with min 2 bays per office unit.
Place of Worship, Reception Centre, Exhibition Centre, Club Premises, Civic Use, Community Purpose and Recreation Private	1 bay per every 4 person that the building is designed to accommodate.
Residential Aged Care Facility, Hospital	1 bay per 4 beds plus 1 bay per employee.
Restaurant/Café	1 bay per 4 seats provided or 1 bay for every 20m ² of gross floor area, whichever is greater.
Residential Building	1 bay per bedroom plus 1 bay per employee plus 1 bay per bedroom visitor parking.
Resource Recovery Facility, Waste Disposal Facility, Waste Storage Facility, Renewable Energy Facility	1 bay per employee plus 2 bays visitor parking.
Service Station, Road House	2 bays for every service bay, plus 1 bay for every 25m ² gross floor area.
Shop, Convenience Store, Restricted Premises	1 bay per 20m ² of gross floor area.
Warehouse, Storage, Transport Depot	1 bay per 100m ² of gross floor area.

Land Use	Car Parking Requirement
Trade Display	1 bay per 50 m ² gross floor area of display and sales area.
Workforce Accommodation	1 bay per bedroom plus 1 space per employee.
Any use not listed in this table	In accordance with clause 32.3 (f).

SCHEDULE 3 SPECIAL PROVISIONS—RURAL RESIDENTIAL ZONE

Scheme Map Ref No.	Area Description	Special Conditions and Provisions.
RR1	Ewington East (Palmer Road)	No further subdivision is permitted that will create additional lots.
RR2	East Collie (Coote Street)	Subdivision in this area is permitted to a minimum lot size of 8,000m ²
RR3	Collie River (Rowe Street)	Subdivision in this area is permitted to a minimum lot size of 8,000m ²
RR4	Collie South (McVee Road)	No further subdivision is permitted that will create additional lots.
RR5	Allanson South (Buckle Street)	No further subdivision is permitted that will create additional lots.
RR6	Allanson West (McManus Road)	<ol style="list-style-type: none"> 1. Subdivision in this area is permitted to a minimum lot size of 8,000m² 2. For existing lots under 5000m², setbacks applicable to an R10 zone can be applied at the discretion of the Shire of Collie.
RR7	Preston (Collie Preston Road)	No further subdivision is permitted that will create additional lots.
RR8	Mungalup (Mungalup Road)	No further subdivision is permitted that will create additional lots.
RR9	Harris River Road North (Daly Drive)	No further subdivision is permitted that will create additional lots.
RR10	Harris River Road South (Rosel Road)	No further subdivision is permitted that will create additional lots.
RR11	Hull/Harris Road Areas 2 & 3	<ol style="list-style-type: none"> 1. Subdivision shall be generally in accordance with the endorsed Structure Plan. 2. Prior to subdivision the following plans and assessments are required— <ol style="list-style-type: none"> a. A geotechnical and drainage management plan; b. A detailed environmental assessment and management plan for lots 350 and 352; c. A site and soil evaluation report in accordance with the requirements of the Government Sewerage Policy; d. A bushfire management plan; and e. A spring floristic survey (only if vegetation clearing is proposed).
RR12	Booth Street and Steere Street North.	<ol style="list-style-type: none"> 1. Subdivision shall be generally in accordance with the endorsed Structure Plan. 2. Houses and outbuildings to be built in existing cleared areas. 3. Implementation of the land capability recommendations, as detailed in the structure plan report, is required at time of subdivision. 4. Clearing of native vegetation is prohibited.
RR13	Booth Street (Krakouer Street)	<ol style="list-style-type: none"> 1. The minimum lot size shall be 2 hectares. 2. The local government will only recommend support for the re-subdivision of lots 353 and 354 on DP222258 into additional lots 3. The following issues are to be investigated and methods of resolution/implementation are to be addressed through associated technical studies prior to any subdivision or development of a habitable building—

Scheme Map Ref No.	Area Description	Special Conditions and Provisions.
		a. Flooding b. Bushfire, including, but not limited to, the consideration of secondary vehicular access. c. Foreshore Impacts d. Effluent Disposal e. Drainage 4. The technical studies will be required at the time of lodgement of a subdivision application and may be referred to government authorities for advice and comment.
RR14	Lots 100-102 Annesley Drive and Lots 25-27 Booth Street, Collie	1. No further subdivision is permitted that will create additional lots 2. Clearing of native vegetation is prohibited except for— <ol style="list-style-type: none"> Vegetation located within the approved building envelope; The provision of a suitable access way to the building envelope The provision of suitable boundary fencing as approved by the local government; and Implementation of an approved bushfire management plan or other general bushfire requirements. Vegetation which the local government is satisfied is dead and/or dying and needs to be removed because it poses a safety risk to residents or buildings.

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the **Shire of Collie** at the **Ordinary Council Meeting** of Council held on the **01 October 2019**.

D BLURTON, Chief Executive Officer.
S STANLEY, President.

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to **support** approval of the draft Scheme of the **Shire of Collie** at the **Ordinary Meeting** of Council held on the **09 March 2021**

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

D BLURTON, Chief Executive Officer.
S STANLEY, President.

WAPC Recommended for Approval

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

C MEAGHAN
Date: 19-11-2021

Approval Granted

R SAFFIOTI, MINISTER FOR PLANNING.
Date: 30.11.2021