

SHIRE OF UPPER GASCOYNE

Local Planning Scheme No. 1

As Gazetted on the 19th June 2018



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

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SHIRE OF UPPER GASCOYNE LOCAL PLANNING SCHEME NO. 1 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
New Scheme	19/06/18	28/06/18	MLD	New Scheme

SHIRE OF UPPER GASCOYNE LOCAL PLANNING SCHEME NO. 1

The Shire of Upper Gascoyne local government, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, (as amended), hereunder referred to as The Act, hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

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Part 2 Reserves - sets out the reserves which apply in the Scheme area and related provisions.

Part 3 Zones and the use of land - sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.

Part 4 General development requirements — sets out the general planning requirements which apply to land use and development within the Scheme area.

Part 5 Special control areas — sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.

Part 6 Terms referred to in Scheme — lists the general definitions and terms used in the Scheme and also lists the land use terms used in the Scheme.

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PART 1 – PRELIMINARY

1. Citation

This local planning scheme is the Shire of Upper Gascoyne Scheme No 1.

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. 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.

4. Responsibility for Scheme

The Shire of Upper Gascoyne 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.

5. Scheme area

This Scheme applies to the area shown on the Scheme Map which comprises scheme maps 1 and 2.

6. Contents of Scheme

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

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;
- (b) the Scheme Map (sheets 1 -2);

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

7. Purposes of Scheme

The purposes of this Scheme are to -

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

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

8. Aims of Scheme

The aims of this Scheme are –

- (a) to provide appropriate land use zones to recognise the importance of the pastoral industry;
- (b) to enable the growth and development of the tourism industry;
- (c) to ensure environmental conservation and enable the scheme to respond to the impacts of climate change;
- (d) to recognise land for the use of Aboriginal people;
- (e) to provide for urban expansion to facilitate the provision of housing and other community services;
- (f) to provide land use zones that allow for diversification of the local economy;
- (g) to provide appropriate controls to protect development against potential flood risks; and
- (h) to provide mechanisms to protect areas of heritage significance; and
- (i) to enhance the public health of the local community.

9. 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.

10. Relationship with other local planning schemes

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

11. Relationship with region planning scheme

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

PART 2 - RESERVES

12. Regional Reserves

There are no regional reserves in the Scheme area.

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

13. Local reserves

(1) In this clause -

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

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

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

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

Table 1 - Reserve objectives

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental conservation	<ul style="list-style-type: none"> • To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. • To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Public Purpose	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure.
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.
Cemetery	<ul style="list-style-type: none"> • To set land aside for a cemetery

14. Additional uses for local reserves

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

PART 3 - ZONES AND USE OF LAND

15. Zones

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

Table 2 - Zone objectives

Zone name	Objectives
Settlement	<ul style="list-style-type: none"> • To identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places by — <ol style="list-style-type: none"> (a) requiring preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2; and (b) ensuring that development accords with a layout plan.
Rural	<ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific local rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses. • To support diversification of pastoral activities.
Rural Enterprise	<ul style="list-style-type: none"> • Provide for a range of lots in a rural environment where people live and can also work on the same property. • Provide for a range of light industrial, cottage and rural industries and home business land uses that are of a scale compatible with maintaining the amenity of a rural environment. • Provide for lot sizes in the range of 1 ha to 4 ha. • Protect residential amenity and the operation of enterprise through careful lot layout and high quality building design
Rural townsite zone	<ul style="list-style-type: none"> • To provide for a range of land uses that would typically be found in a small country town.
Light Industry zone	<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.

16. Zoning table

The zoning table for this Scheme is as follows -

Table 3 - Zoning Table

USE AND DEVELOPMENT CLASS	ZONES				
	Settlement	Rural	Rural Enterprise	Rural Townsite	Light Industry
Abattoir	LAND USE PERMISSIBILITY IS TO BE DETERMINED IN ACCORDANCE WITH THE APPROVED LAYOUT PLAN	A	X	X	A
Agriculture - extensive		P	X	X	X
Agriculture - intensive		D	D	X	X
Animal establishment		P	A	X	X
Animal husbandry – intensive		P	A	X	X
Bed and breakfast		D	D	D	X
Caravan park		A	X	A	X
Caretaker’s dwelling		P	D	D	I
Child care premises		I	X	A	X
Civic use		A	X	P	X
Club premises		A	D	D	A
Community purpose		D	A	D	X
Consulting rooms		X	X	A	X
Educational establishment		I	X	D	X
Family day care		I	X	A	X
Fuel depot		D	X	X	P
Holiday accommodation		A	A	D	X
Home business		P	P	D	X
Home occupation		P	P	D	X
Home office		P	P	P	X
Home store		D	D	A	X
Hotel		I	X	A	X
Industry		X	X	X	P
Industry – extractive		A	X	X	X
Industry – light		X	A	X	P
Industry – primary production		P	A	X	D
Liquor store – small		X	X	A	X
Market		A	X	D	X
Medical centre		X	X	A	X
Mining operations		D*	X	X	X
Motel		I	X	A	X
Motor vehicle repairs		X	A	X	P
Motor vehicle wash	X	A	X	P	
Office	X	X	P	I	

USE AND DEVELOPMENT CLASS	ZONES				
	Settlement	Rural	Rural Enterprise	Rural Townsite	Light Industry
Park home park	LAND USE PERMISSIBILITY IS TO BE DETERMINED IN ACCORDANCE WITH THE APPROVED LAYOUT PLAN	A	A	A	X
Place of worship		X	X	D	X
Reception centre		X	X	A	X
Recreation – private		D	X	A	X
Renewable energy facility		A	A	X	X
Residential – aged and/or dependent persons dwellings		X	X	A	X
Residential – ancillary		P	P	P	X
Residential building		D	D	D	X
Residential – grouped dwelling		X	A	P	X
Residential – multiple dwelling		X	X	D	X
Residential – single house		P	P	P	X
Resource recovery centre		X	X	X	A
Restaurant/cafe		I	X	D	X
Road house		D	D	D	D
Rural home business		P	D	D	X
Rural pursuit/hobby farm		P	D	X	X
Secondhand dwelling		D	D	D	D
Service station		A	A	D	D
Shop		I	A	P	X
Tavern		I	X	A	X
Telecommunications infrastructure		A	A	A	D
Tourist development		A	A	A	X
Trade display		X	X	X	P
Trade supplies		X	A	X	P
Transport depot		X	A	X	P
Veterinary centre		D	A	A	D
Warehouse/storage		I	D	D	P
Waste disposal facility	A	X	X	X	
Waste storage facility	A	X	X	X	
Workforce accommodation	I	A	A	X	

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

17. Interpreting zoning table

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

- P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
- I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
- X means that the use is not permitted by this Scheme.

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

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

- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless –
 - (a) the development approval application relates to land that is being used for a non-conforming use; and

- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –
 - (a) a structure plan;
 - (b) an activity centre plan;
 - (c) a local development plan;
 - (d) a layout plan.

18. Additional uses

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

19. Restricted uses

There are no restricted uses which apply to this Scheme.

20. Special use zones

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

21. 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.

22. 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.

23. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following –
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government –
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4 – GENERAL DEVELOPMENT REQUIREMENTS

24. R-Codes

- (1) The R-Codes, modified as set out in clause 25, are to be read as part of this Scheme.
- (2) The local government –
 - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

25. Modification of R-Codes

There are no modifications to the R-Codes.

26. 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 27, is to be read as part of this Scheme.
- (2) The local government –
 - (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

27. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6

28. 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.

29. Modification of State planning policies

There are no modifications to a State planning policy that, under clause 28 is to be read as part of the Scheme.

30. Environmental conditions

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

31. Additional site and development requirements

- (1) Table 4 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

Table 4 – Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
1.	Scheme area	(a) Car parking for all non-residential uses is as determined by the local government in each particular case.
2.	Rural Zone	(b) 'Motel', 'Hotel' and/or 'Tavern' land uses can only be considered in the rural zone where they are incidental to a 'Tourist Development'.
3.	Rural Townsite Zone	(a) All residential development in Rural Townsite Zone is to comply with the R12.5 requirements of the Residential Design Codes of Western Australia. (b) For non-residential development, development requirements are as determined by the local government in each particular case.
4.	Rural Enterprise Zone	(a) All development (i) Maximum building heights of two (2) storeys plus a loft, or as approved by the local government. (ii) A minimum front setback of 20 metres, or as approved by the local government. (b) Residential Development Requirements (i) Development of a single dwelling shall be in accordance with the R2 density provisions of the Residential Design Code, with the exception of the minimum site area, which is not applicable. (c) Non-residential Development Requirements (i) No business and industrial activities shall be developed unless a single dwelling exists on the lot or a dwelling is to be constructed within the first stage of a development proposal. (ii) All business and industrial activities shall preserve the amenity of the residential area including visual, noise and dust impacts. (iii) All business and industrial activities shall operate within reasonable hours as prescribed by the local government.
5.	Light Industry	(a) Development standards in the Light Industry Zone are as determined by the local government in each particular case.

No.	Description of land	Requirement
6.	Scheme Area	<p>Requirement for consultation to commence mining-</p> <p>In considering proposals to commercially extract minerals, Council may exercise its discretion to inform the Minister for Mines and Petroleum, the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.</p>
7.	Scheme Area	<p>(a) Notwithstanding any other requirement of the Scheme, all secondhand dwellings require the development approval of the local government.</p> <p>(b) Where a secondhand dwelling is proposed it shall comply with the following in addition to any other relevant provision of the Scheme:</p> <ul style="list-style-type: none"> (i) A building that has a roof or wall sheeting or any other material such as sound proofing or insulation, that contains asbestos, is not permitted to be relocated until those materials containing asbestos are removed and disposed of in the appropriate manner, prior to transportation. (ii) The void area between the floor and natural ground levels is to be enclosed with brickwork, battens or other suitable materials as approved by the local government. (iii) Dwellings shall comply in all respects with the Building Code of Australia. <p>(c) When considering an application for planning approval for a secondhand dwelling, the local government may impose conditions concerning:</p> <ul style="list-style-type: none"> (i) The external appearance and material finishes, the screening of the sub-floor spaces, the addition to or modification to the existing dwelling and the time frame imposed to complete specific work and connect the dwelling or building to lot services. (ii) The provision of landscaping and/or screening of the building and/or site. (iii) The time period in which any upgrades to the secondhand dwelling shall be completed to the satisfaction of the local government; and (iv) The provision of a bond or bank guarantee in favour of the local government as surety for the completion of the building to a standard of presentation acceptable to the local government within a specified time. <p>(d) Where the provision or a bond or bank guarantee is required, the local government shall refund the payment upon satisfactory completion of the necessary works.</p>

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

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

There are no additional requirements that apply to this Scheme.

33. Variations to site and development requirements

- (1) In this clause -

additional site and development requirements means requirements set out in clauses 31 and 32.

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

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

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

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

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

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

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

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

34. Restrictive covenants

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

- (2) If subclause (1) operates to extinguish or vary a restrictive covenant
- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5 - SPECIAL CONTROL AREAS

35. 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 are set out in Table 5.

Table 5 - Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
SCA1 – Gascoyne River Floodplain	To identify the area within the Gascoyne Junction townsite that is within a flood prone area.	(a) To minimise the impacts of potential flooding on new development within the Gascoyne Junction Townsite.	<p>(a) Development located within the December 2010 floodplain will be assessed on its merit. Factors to be considered include:</p> <ul style="list-style-type: none"> • Depth of flooding • Velocity of flow • Obstructive effects on flow • Possible structural and potential flood damage; • Impacts on evacuation during major floods; and • The regional benefit of the proposed development. <p>(b) Any development proposed within the Gascoyne River Floodplain is to be referred to the Department of Water and Environmental Regulation for comment prior to being commenced.</p>

Name of area	Purpose	Objectives	Additional provisions
SCA2 - Drinking Water Protection Area	To identify areas to be protected for drinking water.	(a) To minimise adverse impacts on Gascoyne Junction's drinking water source.	<p>(a) Any development proposed within the Drinking Water Protection Area is to be referred to the Department of Water and Environmental Regulation for comment prior to being commenced.</p> <p>(b) Development is to be assessed on its merits in accordance with 'Land Use Compatibility in Public Drinking Water Source Areas' (Department of Environment, 2004).</p>
SCA3 - Gascoyne Junction townsite chemical storage buffer	To identify the chemical storage buffer area associated with the water treatment plant.	To minimise adverse impacts caused by the water treatment plant chemical storage.	Any development proposed within the Gascoyne Junction townsite chemical storage buffer is to be referred to the Water Corporation for comment prior to being commenced.

PART 6 - TERMS REFERRED TO IN SCHEME

Division 1 - General definitions used in Scheme

36. Terms used

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

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

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

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

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

Division 2 - Land use terms used in Scheme

37. 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.
animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.
animal husbandry – intensive	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.
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.
caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
caretaker’s dwelling	means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
car park	means premises used primarily for parking vehicles whether open to the public or not but does not include - (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale.
child care premises	means premises where - (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> Section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.

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.
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.
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.
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided.
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.
holiday accommodation	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
holiday house	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
home business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession - (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50 m ² ; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
home 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 m ² ; and (d) does not involve the display on the premises of a sign with an

	<p>area exceeding 0.2 m²; and</p> <p>(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</p> <p>(f) does not -</p> <p>(i) require a greater number of parking spaces than normally required for a single dwelling; or</p> <p>(ii) result in an increase in traffic volume in the neighbourhood; and</p> <p>(g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and</p> <p>(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and</p> <p>(i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.</p>
home office	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation -</p> <p>(a) is solely within the dwelling; and</p> <p>(b) does not entail clients or customers travelling to and from the dwelling; and</p> <p>(c) does not involve the display of a sign on the premises; and</p> <p>(d) does not require any change to the external appearance of the dwelling.</p>
home store	<p>means a shop attached to a dwelling that -</p> <p>(a) has a net lettable area not exceeding 100 m²; and</p> <p>(b) is operated by a person residing in the dwelling.</p>
hotel	<p>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.</p>
industry	<p>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 -</p> <p>(a) the storage of goods;</p> <p>(b) the work of administration or accounting;</p> <p>(c) the selling of goods by wholesale or retail;</p> <p>(d) the provision of amenities for employees;</p> <p>(e) incidental purposes.</p>
industry - extractive	<p>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 -</p> <p>(a) the processing of raw materials including crushing, screening, washing, blending or grading;</p> <p>(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.</p>
industry - light	<p>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.</p>

industry – primary production	means premises used - (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses.
liquor store - small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m ² .
market	means premises used for the display and sale of goods from stalls by independent vendors.
medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
mining operations	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1), is carried out.
motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.
motor vehicle 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 retreading of tyres.
motor vehicle wash	means premises primarily used to wash motor vehicles.
office	means premises used for administration, clerical, technical, professional or similar business activities.
park home park	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions.
Recreation – private	Means premises that are – (a) used for indoor or outdoor leisure, recreation or sport, and (b) not usually open to the public without charge.
Renewable energy facility	means premises used to generate energy from a renewable energy and includes any building or structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine farm located on a lot with a single house where the energy produced only supplies that house or a private rural use or anemometers.

residential – aged and/or dependent persons dwelling	means premises used as an aged and/or dependent persons dwelling as defined in the Residential Design Codes of Western Australia.
residential – ancillary residential building	means premises used as an ancillary dwelling as defined in the Residential Design Codes of Western Australia.
residential – grouped dwelling	means premises used as a residential building as defined in the Residential Design Codes of Western Australia.
residential – multiple dwelling	means premises used as a grouped dwelling as defined in the Residential Design Codes of Western Australia.
residential – single house	means premises used as a multiple dwelling as defined in the Residential Design Codes of Western Australia.
resource recovery centre	means premises used as a single house as defined in the Residential Design Codes of Western Australia.
restaurant/cafe	means premises other than a waste disposal facility used for the recovery of resources from waste.
road house	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
rural home business	means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services - <ul style="list-style-type: none"> (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies.
rural home business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation - <ul style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier’s household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 200 m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.

rural pursuit/hobby farm	means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household - <ul style="list-style-type: none"> (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises.
secondhand 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 dwelling.
service station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for - <ul style="list-style-type: none"> (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
shop	means premises other than a bulky goods showroom, a liquor store large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide - <ul style="list-style-type: none"> (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development;
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.
trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises - <ul style="list-style-type: none"> (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.

transport depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including - (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.
veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
warehouse/ storage	means premises including indoor or outdoor facilities used for (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods.
waste disposal facility	means premises used - (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste.
waste storage facility	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.
workforce accommodation	means premises, which may include modular or relocatable buildings, used - (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule A - Supplemental provisions to the deemed provisions

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

- Clause 61 (1)(k) development associated with a permitted (“P”) use in the Rural Zone where;
- (i) the use relates to pastoral activities and is in accordance with the pastoral lease; and
 - (ii) the development is not located within 100 metres of a ‘Primary Distributor Road’ or ‘Local Distributor Road’; and
 - (iii) a diversification permit is not required by the Department of Planning, Lands and Heritage to undertake the works.
- Clause 61(1)(l) the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone where the R Codes do not apply, in which that lot is located and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
- Clause 61(1)(m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone where the R Codes do not apply and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
- Clause 61(1)(n) The erection of a boundary fence in a zone where the R-Codes do not apply.

Clause 61(1)(o) The carrying out of works urgently necessary to ensure public safety, for the safety or security of plant or equipment or for the maintenance of essential services.)

Clause 61(1)(p) The signage and advertisements contained in Schedule 1 of this Scheme do not require development approval.

Schedule 1 – Signage and advertisement for which development approval is not required

Land Use and/or Development	Exempted Sign Type and Number	Maximum area
Dwellings	One professional nameplate as appropriate	0.2m ²
Home Business or Home Occupation	One advertisement describing the nature of the home business or home occupation	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	1.0 m ²
Shops, Showrooms, Office and other commercial uses appropriate within Town Centre	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Local Laws.	Not applicable
Industrial and Warehouse Premises	A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building. A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level	Total area of such advertisements are not to exceed 15m ² . Maximum permissible total area is not to exceed 10m ² and individual advertisement signs are not to exceed 6m ²
Sporting clubs, ovals and sporting complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and nonilluminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and nonilluminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government, and (c) Advertisement signs (illuminated or nonilluminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers	Not applicable Not applicable Not applicable

	contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station	No sign is to exceed 2m2 in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings.	Not applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m2
Temporary signs	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	Maximum area
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows: (a) Dwellings	One advertisement per street frontage details of the project and the contractors undertaking the construction work.	2m2
(b) Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above	5m2
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods (or livestock) upon any land within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m2
Property transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows: (a) Dwellings	One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign is not to exceed an area of 2m2
(b) Multiple Dwellings, shops, commercial and industrial properties	One sign as for (a) above.	Each sign is not to exceed an area of 5m2

(c) Large rural properties in excess of five (5) hectares	One sign as for (a) above.	Each sign not to exceed an area of 10m ²
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection	(a) One sign for each dwelling on display. (b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display	2m ² 5m ²

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

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the **SHIRE OF UPPER GASCOYNE** at the **Ordinary** Meeting of Council held on the **27 April 2016**

JOHN MC CLEARY
CHIEF EXECUTIVE OFFICER

DON HAMMARQUIST
PRESIDENT

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Shire of Upper Gascoyne at the Ordinary Meeting of Council held on the 28 June 2017

The Common Seal of the Shire of Upper Gascoyne was hereunto affixed by authority of a resolution of the Council in the presence of:

**JOHN MC CLEARY
CHIEF EXECUTIVE OFFICER**

**DON HAMMARQUIST
PRESIDENT**

WAPC Recommended for Approval

JOHAN GILDENHUYS

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

Date: 24/05/2018

Approval Granted

**RITA SAFFIOTI
MINISTER FOR PLANNING**

Date: 8 JUNE 2018