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# SHIRE OF CUE

## LOCAL PLANNING SCHEME NO. 2

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Updated to include AMD 1GG 31/05/2022

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage  
Original Local Planning Scheme Gazettal

23<sup>rd</sup> October 2015

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This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

Department of Planning,  
Lands and Heritage  
Gordon Stephenson  
House  
140 William Street  
Perth WA 6000

Locked Bag 2506  
Perth WA 6001

website: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)  
email: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)

tel: 08 6551 9000  
fax: 08 6551 9001

National Relay Service: 13 36 77  
infoline: 1800 626 477

## SHIRE OF CUE LPS 2 - TEXT AMENDMENTS

AMDT NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
New scheme	23/10/15	27/01/16	MLD	NEW SCHEME
1	31/5/2022	31/5/2022	MLD	<p>Rezoning the portions of Heydon Place that have been constructed on land zoned General Industry to the Local Road reserve;</p> <p>Rezone the portion of the General Industry zone required to realign the extension of Heydon Place through Lot 9000, including provision for a 42-metre-wide cul-de-sac head within Lot 9000, from General Industry zone to Local Road reserve; and</p> <p>Rezone the portions of Local Road reserve that have been included within existing lots 593, 594, 595, 596, 641 and 9000 and do not form part of the revised alignment, from Local Road reserve to General Industry zone;</p> <p>Amend the Scheme Map accordingly.</p>

## **SHIRE OF CUE LOCAL PLANNING SCHEME NO. 2**

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

Local Planning Scheme No. 2 sets out the specific provisions applicable to the Shire of Cue Scheme area whereas the deemed provisions required under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* apply state-wide.

This Scheme is informed by an endorsed Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.

# **Scheme details**

Shire of Cue

Local Planning Scheme No. 2

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

## Table of Contents

- [Part 1](#)     **Preliminary** — sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- [Part 2](#)     **Reserves** — sets out the reserves which apply in the Scheme area and related provisions.
- [Part 3](#)     **Zones and the use of land** — sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- [Part 4](#)     **General development requirements** — sets out the general planning requirements which apply to land use and development within the Scheme area.
- [Part 5](#)     **Special control areas** — sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- [Part 6](#)     **Terms referred to in Scheme** — lists the general definitions and terms used in the Scheme and also lists the land use terms used in the Scheme.

## Schedules

- [A](#) - Supplemental provisions to the deemed provisions
- [1](#) - Signage and advertisements for which development approval not required
- [2](#) - Minimum setbacks from boundaries
- [3](#) - Parking requirements

## Part 1 - Preliminary

### 1. Citation

This local planning scheme is the Shire of Cue Local Scheme No. 2.

### 2. Commencement

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

### 3. Scheme revoked

The following local planning scheme is revoked -

Shire of Cue Town Planning Scheme No. 1 District Scheme Gazetted 12 January 1993.

### 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 Cue is the local government responsible for the enforcement 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 which comprises sheets 1 - 7.

### 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); and

(b) the Scheme Map (sheets 1 - 7).

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

### 8. Purposes of Scheme

The purposes of this Scheme are to -

(a) set out the local government's planning aims and intentions for the Scheme area; and

(b) set aside land as local reserves for public purposes; and

(c) zone land within the Scheme area for the purposes defined in this Scheme; and

(d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and

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

## **9. Aims of Scheme**

The aims of this Scheme are -

- (a) to direct and control the development of the Scheme area in a manner that promotes and safeguards the health, safety, convenience, economic and general welfare of its inhabitants and amenities in every part of the Shire, through appropriate decision making;
- (b) provide sufficient land zoned for residential purposes which also promotes diversification in housing choice;
- (c) provide sufficient zoned land to support business growth and diversification within the District to promote a resilient economy;
- (d) to protect residential areas from non-residential uses that would disrupt desired residential character and amenity;
- (e) to encourage the development of short stay accommodation facilities in appropriate locations within the Shire;
- (f) support the development of tourism in the Shire including the showcasing of heritage assets;
- (g) reserve land for recreation, civic and cultural purposes to promote community facilities and provide improved community access to services;
- (h) preserve places and objects of natural beauty, cultural and indigenous heritage significance, or other scientific interest; and
- (i) to promote and safeguard the cultural heritage of the Shire by:
  - (i) identifying, protecting and conserving those places which are of significance to Cue's cultural heritage;
  - (ii) encouraging development that is in harmony with the cultural heritage value of an area; and
  - (iii) promoting public awareness of cultural heritage generally.

## **10. Relationship with local laws**

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

## **11. Relationship with other local planning schemes**

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

## **12. Relationship with region planning scheme**

There is no region planning schemes of the Shire of Cue 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.

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

(a) Civic and Community

- i. To provide for a range of community facilities which are compatible with surrounding development.
- ii. 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.

(b) Public Purposes

- i. To provide for a range of essential physical and community infrastructure.

(c) Public Open Space

- i. To set aside areas for public open space, particularly those established under the *Planning and Development 2005* s.152.
- ii. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated parking and drainage.

### 15. Additional uses for local reserves

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



## **Part 3 - Zones and use of land**

### **16. Zones**

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows -
  - (a) Residential Zone
    - i. To provide for a range of housing and a choice of residential densities to meet the needs of the community.
    - ii. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
    - iii. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
  - (b) Commercial Zone
    - i. To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
    - ii. 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.
    - iii. To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
  - (c) General Industry Zone
    - i. 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.
    - ii. To accommodate industry that would not otherwise comply with the performance standards of light industry.
    - iii. Seek to manage impacts such as noise, dust and odour within the zone.
  - (d) Light Industry Zone
    - i. To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.
    - ii. 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.
  - (e) Rural Townsite Zone
    - i. To provide for a range of land uses that would typically be found in a small country town.

(f) Mixed Use Zone

- i. 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.
- ii. 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.

(g) Rural Zone

- i. To provide for the maintenance or enhancement of specific local rural character.
- ii. 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.
- iii. 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.
- iv. 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.
- v. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

(h) Rural-Residential Zone

- i. To provide for lot sizes in the range of 1 ha to 4 ha.
- ii. 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.
- iii. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.

(i) Special Use Zone

- i. To facilitate special categories of land uses which do not sit comfortably within any other zone.
- ii. 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 1 - Zoning Table**

	Residential	Commercial	General Industry	Light Industry	Rural Townsite	Mixed Use	Rural	Rural-Residential
Abattoir	X	X	A	X	X	X	A	X
Agriculture - extensive	X	X	X	X	X	X	P	X
Agriculture - intensive	X	D	D	P	X	X	D	D
Animal establishment	X	X	X	X	X	X	P	D
Animal husbandry - intensive	X	X	X	X	X	X	A	X
Bed and breakfast	A	D	X	X	D	D	D	A
Bulky goods showroom	X	P	D	D	X	D	X	X
Caravan park	X	X	X	X	A	X	A	X
Caretaker's dwelling	X	D	I	I	D	D	D	X
Car park	D	P	P	P	D	P	D	D
Child care premises	A	A	X	X	X	X	X	X
Civic use	D	P	X	X	D	D	D	X
Club premises	X	D	D	D	X	D	X	X
Community purpose	X	D	X	X	D	X	X	X
Consulting rooms	A	P	X	X	X	D	X	X
Educational establishment	A	D	X	X	A	D	A	X
Exhibition centre	X	D	X	X	D	D	X	X
Family day care	A	D	X	X	X	D	X	X
Fuel depot	X	X	P	D	D	X	D	X
Guest house	A	D	X	X	D	D	D	D
Holiday accommodation	A	D	X	X	D	D	A	A
Home business	A	A	X	X	A	A	D	A
Home occupation	D	D	X	X	D	D	D	D
Home office	P	P	X	X	P	P	P	P
Home store	A	D	X	X	D	D	X	X
Hospital	X	A	X	X	X	X	X	X
Hotel	X	A	X	X	A	A	X	X
Industry	X	X	P	X	X	X	X	X
Industry – extractive	X	X	X	X	X	X	A	X
Industry – light	X	X	P	P	X	X	X	X
Industry – primary production	X	X	D	X	X	X	P	X
Lunch bar	X	D	D	D	X	X	X	X
Market	X	D	X	X	X	X	X	X
Medical centre	X	P	X	X	X	D	X	X
Mining operations	X	X	X	X	X	X	D*	X

	Residential	Commercial	General Industry	Light Industry	Rural Townsite	Mixed Use	Rural	Rural-Residential
Motel	X	A	X	X	A	A	X	X
Motor vehicle, boat or caravan sales	X	D	P	P	X	X	X	X
Motor vehicle repair	X	X	P	D	X	X	X	X
Motor vehicle wash	X	A	P	D	X	X	X	X
Office	X	P	X	D	X	P	X	X
Park home park	X	X	X	X	A	X	A	X
Place of worship	A	D	X	X	D	D	X	X
Reception centre	X	D	X	X	A	D	X	X
Recreation – private	X	D	X	D	X	D	X	X
Residential – aged or dependent persons	P	D	X	X	X	P	D	D
Residential – ancillary	P	D	X	X	X	P	D	D
Residential – single house	P	D	X	X	X	P	P	D
Residential – grouped dwelling	D	D	X	X	X	D	X	X
Residential – multiple dwelling	A	A	X	X	X	A	X	X
Residential building	D	X	X	X	X	D	X	X
Restaurant/café	X	P	X	X	X	P	X	X
Restricted premises	X	A	D	D	A	A	X	X
Road house	X	A	D	D	D	X	A	X
Rural home business	X	X	X	X	D	X	D	X
Rural pursuit/hobby farm	X	X	X	X	X	X	P	P
Service station	X	A	D	D	D	X	A	X
Shop	X	P	X	X	X	P	X	X
Tavern	X	A	X	X	X	D	A	X
Telecommunications infrastructure	A	A	D	A	A	A	A	A
Trade display	X	D	P	D	X	X	X	X
Trade supplies	X	D	P	D	X	X	X	X
Transport depot	X	X	P	X	X	X	A	X
Veterinary centre	X	A	P	D	X	X	D	X
Warehouse/storage	X	X	P	P	X	X	X	X
Waste disposal facility	X	X	X	X	X	X	A	X
Waste storage facility	X	X	X	X	X	X	A	X
Wind farm or solar energy facility	X	X	A	A	A	X	A	X
Workforce accommodation	A	A	X	X	X	X	X	X

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

## 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 or 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 special 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.

**19. Additional uses**

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

**20. Restricted uses**

There are no restricted uses which apply to this Scheme.

**21. Special use zones**

- (1) Table 2 sets out -
- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
  - (b) the classes of special use that are permissible in that zone; and
  - (c) the conditions that apply in respect of the special uses.

**Table 2 - Special use zones in Scheme area**

No.	Description of land	Special use	Conditions
1.	Reserve 25665 and portion of closed road, corner Austin and Chesson Streets, Cue	Caravan Park and associated uses	As determined by Council
2.	Portion Reserve 38357 Wittenoom Street, Cue	Any use that is, in the opinion of the Council, not detrimental to the amenity of the area, and is consistent with the surrounding uses and will preserve the heritage value of the Old Station to the satisfaction of the Council.	As determined by Council

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

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

## **22. Non-conforming uses**

- (1) Unless specifically provided, this Scheme does not prevent -
  - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
  - (b) the carrying out of development on land if -
    - (i) before the commencement of this Scheme, the development was lawfully approved; and
    - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if -
  - (a) the non-conforming use of the land is discontinued; and
  - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
  - (a) purchases the land; or
  - (b) pays compensation to the owner of the land in relation to the non-conforming use.

## **23. Changes to non-conforming use**

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

## **24. Register of non-conforming uses**

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

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



## **Part 4 - General development requirements**

### **25. R-Codes**

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

### **26. Modification of R-Codes**

- (1) In areas coded R10/12.5, residential development shall be permitted at the R10 density, however, the Council may approve development up to the R12.5 density, if it can be proven that -
  - (a) an effective method of effluent disposal, satisfactory to the Health Department requirements can be provided; and
  - (b) consideration being given to the effect the proposal will have on the residential amenity of the locality by reason of streetscape, building form, servicing, privacy between buildings and traffic circulation both on and off the site.

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

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

### **28. Modification of State Planning Policy 3.6**

There are no modifications to State Planning Policy 3.6.

### **29. Other state planning policies to be read as part of Scheme**

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

### **30. Modification of state planning policies**

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

**31. Environmental conditions**

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

**32. Additional site and development requirements**

- (1) Table 3 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 3 Additional site and development requirements that apply to land in Scheme area**

No.	Description of Land	Requirement
1	General and Light Industry zones	<b>Caretakers dwellings -</b>  (a) only one caretakers' dwelling is permitted on a lot and that dwelling should be on the same lot as the associated industrial use;  (b) a caretakers' dwelling is to have a total floor area that does not exceed 100m <sup>2</sup> measured from the external face of walls; and  (c) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m <sup>2</sup> referred to in paragraph (b).
2	Rural Residential zone	<b>Rural Residential Scheme amendment proposal -</b>  (a) Each application for rezoning of land to Rural Residential is to be accompanied by a report which addresses the requirements of Section 5.6 of State Planning Policy 2.5 Land Use Planning in Rural Areas, to the satisfaction of the Council.  <b>Structure plan requirement -</b>  (b) A Structure Plan is to be prepared for Rural-Residential zoned land prior to subdivision proceeding in accordance with the Structure Plan requirements of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , Schedule 2, Part 4.  <b>Approval conditions -</b>  (c) In addition to the other provisions of the Scheme as may affect it, any land which is included as part of the Rural-Residential zone shall be subject to the following conditions:  i. Not more than one dwelling per lot shall be permitted but the local government may, at its discretion, permit an ancillary accommodation in addition to a single dwelling.

		<ul style="list-style-type: none"> <li>ii. No indigenous vegetation or trees shall be destroyed or cleared except, subject to the landowner obtaining the prior consent in writing of the local government, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence and/or driveway.</li> <li>iii. In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any development approval the planting of such trees and/or groups of trees and species as specified by the local government.</li> <li>iv. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the local government. The landowner shall be responsible to implement appropriate measures to prevent noise, odour, dust pollution or soil erosion to the satisfaction of the Council.</li> </ul>
<b>3</b>	<b>All zones</b>	<p><b>Setbacks and Landscaping -</b></p> <ul style="list-style-type: none"> <li>(a) The site and development requirements for land in various zones are to be as set out in Schedule 2 - Minimum setbacks from boundaries.</li> <li>(b) In addition to Schedule 2 requirements, all service and loading areas shall be located behind the primary street setback and appropriately screened.</li> </ul>
<b>4</b>	<b>Scheme area</b>	<p><b>Parking Requirements -</b></p> <ul style="list-style-type: none"> <li>(a) Unless otherwise provided by the Scheme, all non-residential development (other than a Residential Building) is required to provide on-site parking, in accordance with the requirements of Schedule 3 - Parking requirements.</li> <li>(b) Where a development is not specified in Schedule 3, the Council shall determine parking requirements as having regard to the nature of development and the number of vehicles likely to be attracted to the development.</li> <li>(c) Parking spaces are to be serviced with all necessary access-ways, and the parking area shall be surfaced to the satisfaction of the local government.</li> <li>(d) In the Commercial zone, where a developer can satisfy the Council that the maximum car parking requirement cannot be provided on the site, the Council may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this clause:</li> </ul>

		<p>(e) A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by the Valuer-General acting in accordance with the Valuation of Land Act 1978, of the area of land which would have been occupied by the parking spaces.</p> <p>i. Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have already provided a public car park nearby, or must have firm proposals for providing a public car park area nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment.</p> <p>ii. Payments made under this clause shall be paid into a special fund to be used to provide public car parks.</p>
5	Scheme area	<p><b>Home Business and Rural Home Business -</b></p> <p>(a) An approval to conduct a home business or rural home business is issued to a specific occupier of a particular parcel of land, it is not to be transferred or assigned to any other person, and is not to be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home business or rural home business approval is issued the approval is cancelled.</p> <p>(b) If, in the opinion of the local government, a home business or rural home business is causing a nuisance or annoyance to owners or occupiers of land in the locality the local government may:</p> <p>i. revoke the approval; or</p> <p>ii. require the occupier of the land in respect of which the home business or rural home business approval is issued to implement those measures specified by the local government and which in the opinion of the local government will remove the nuisance or annoyance.</p>

<b>6</b>	<b>Scheme area</b>	<p><b>Development on Land Subject to Dampness or Flooding -</b></p> <p>(a) Where, in the opinion of the Council, the dampness of the site on which a building is proposed to be constructed so warrants, the Council may require that one or all of the following measures shall be carried out;</p> <ul style="list-style-type: none"> <li>i. the subsoil shall be effectively drained;</li> <li>ii. the surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building;</li> <li>iii. the surface of the ground beneath the building shall be covered with an approved damp-resisting material.</li> </ul> <p>(b) The local government may refuse an application for development approval for any building or development located on land which is considered by the local government as being liable to flooding or inundation.</p> <p>(c) In considering any application for development approval on land within a flood plain as defined by the Department of Environment Regulation, the local government will consult with the Department of Environmental Regulation and take any advice given by that Department into account when determining the application.</p>
<b>7</b>	<b>Scheme area</b>	<p><b>Connection to Reticulated Potable Water Supply -</b></p> <p>All new development is required to be connected to any available Water Corporation potable water supply service unless otherwise approved by the local government.</p>
<b>8</b>	<b>Scheme area</b>	<p><b>Requirement for consultation to commence mining -</b></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>

- (2) To the extent that a requirement referred to in clause 32(1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a state planning policy the requirement referred to in subclause (1) prevail.

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

There are no additional requirements that apply to this Scheme.

### **34. Variations to site and development standards and requirements**

- (1) In this clause -

***additional site and development standards*** means requirements set out in clause 32 and 33.

- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development standard will mean that the development is likely to adversely affect any owners or occupiers in the general locality or adjoining the site of the development the local government must -
- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance with the additional site and development standard will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

### **35. Restrictive covenants and easements**

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant -
- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
  - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

## Part 5 - Special control areas

### 36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 4.

**Table 4 Special control areas in Scheme area**

Name of area	Purpose	Objectives	Additional Provisions
SCA 1 - Austin Street	To ensure development does not adversely affect or detract from the historic character of the area or the heritage buildings in the area.	<ul style="list-style-type: none"> <li>• Ensure the retention and conservation of the heritage buildings and the special historic character of the area through controlling development;</li> <li>• Ensure that development is designed and sited in a way that respects and complements the heritage buildings and the special historic character of the area in terms of architectural style, scale, form and materiality;</li> <li>• To achieve high quality and innovative architectural responses which complement the heritage buildings and the special historic character of the area.</li> </ul>	<ol style="list-style-type: none"> <li>a. Despite any other provision of the Scheme, development approval is required for all use and development of land in the area and shall be subject to the discretion of the local government, notwithstanding that the use may be designated as a 'P' use or the development listed as being exempted development pursuant to the deemed provisions outlined in cl.61, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> <li>b. The local government may refer applications for development approval to the Heritage Council of Western Australia, an independent heritage architect or heritage planner or any other agency or organisation it deems necessary and shall have due regard to any advice received.</li> </ol>

			<p>c. In addition to any other requirements or accompanying information required by or under the Scheme, the Shire may require applications for development approval in the SCA 1 to be accompanied by a statement or report demonstrating that the historic character of the area will not be adversely affected by the proposed development.</p> <p>d. In considering any application for subdivision or development in relation to land in the SCA 1 the Shire will have regard to:</p> <ul style="list-style-type: none"> <li>• State Planning Policy 3.5 – Historic Heritage Conservation;</li> <li>• Any adopted Local Planning Policy adopted for the area.</li> </ul>
SCA 2 – Public Drinking Water Source Protection Area	To provide guidance for land use or development for the protection of public drinking water areas.	<ul style="list-style-type: none"> <li>• Ensure protection of the Shire of Cue's Priority 1 Public Drinking Water Source Area; public drinking water resources through the control of land use or development, which has the potential to prejudice the quality of water supplied for public use;</li> <li>• Identify land that has been designated as groundwater reserves that supply public drinking water;</li> <li>• Ensure that any land use does not detrimentally impact on a public drinking water source;</li> </ul>	<p>a. Despite any other provision of the Scheme, development approval is required for all use and development including a single house, removal of vegetation, earthworks or the use of land for the keeping of or grazing animals, and shall be subject to the discretion of the local government. Notwithstanding that the use may be designated as a 'P' use or listed as being exempted development under schedule 2, cl.61 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>



		<ul style="list-style-type: none"> <li>• Implement Scheme controls that are designed to mitigate any adverse effects on a public drinking water source.</li> </ul>	<p>b. The local government may refer applications for development approval to the Department of Parks and Wildlife, the Department of Water or any other agency or organisation it deems necessary and shall have due regard to any advice received.</p> <p>c. The local government may refuse any application for development approval or impose conditions on any planning approval so as to –</p> <ul style="list-style-type: none"> <li>• protect the resource; and</li> <li>• require the registration of a notification under section 70A of the Transfer of Land Act 1893 on the title to the land giving notice of any limitations or constraints associated with the protection of resources at the applicant's cost.</li> </ul> <p><i>Note: There will be a general presumption against development or use of land, which is not compatible with Public Drinking Water Source Areas or which involves a significant risk to the resource. The onus will be on the proponent of development to demonstrate that the proposed activity will not prejudice the resource.</i></p> <p>d. In addition to any other provisions of the Scheme, in considering any application for rezoning, subdivision or development approval in SCA 2, the local government is to have due regard to –</p>
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			<ul style="list-style-type: none"> <li>• The Department of Water - Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas, and any advice received from the Department of Water;</li> <li>• The requirements of State Planning Policy 2.7 – Public Drinking Water Source Policy;</li> <li>• Cue Water Reserve Water Source Protection Plan (Water and Rivers Commission, 2001);</li> <li>• The potential impact of the proposal on the quality of the water resource;</li> <li>• The practicability and cost of any ameliorative measures proposed for the protection of the resource;</li> <li>• The existing level of protection of the resource provided, with reference to management of land and location of development;</li> <li>• The nature, location and performance of any existing or proposed effluent disposal system;</li> <li>• The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to manage run-off and drainage.</li> </ul>
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<p>SCA 3 – Square Kilometre Array Inner Zone – Australian Radio Quiet Zone WA</p>	<p>To provide guidance for land use and development within the 70km Square Kilometre Array Inner Zone – Australian Radio Quiet Zone WA</p>	<ul style="list-style-type: none"> <li>• To protect radio-astronomy observatory facilities, both existing and future, against radio frequency interference caused by radio transmissions and electrical interference.</li> <li>• To allow for the co-existence of radio-astronomy and traditional pastoral use of land within the 70km radio-quiet protection area.</li> </ul>	<ul style="list-style-type: none"> <li>a. An application for development approval is required for the following within the special control area: <ul style="list-style-type: none"> <li>• any dwellings and other buildings for and associated with the use of the land for pastoral purposes;</li> <li>• any other non-pastoral development or use.</li> </ul> </li> <li>b. Prior to making a determination the local government is to refer any application for development approval to the radio-astronomy managing entity/authority, and may refuse, approve or approve with conditions having regard for the recommendations of the managing entity/authority.</li> <li>c. Notwithstanding subclause b., an application for development approval is not required for the following development or use of the land within the special control area: <ul style="list-style-type: none"> <li>• Radio-astronomy activities including uses ancillary thereto.</li> </ul> </li> <li>d. Where there is a conflict between the zone or reserve or any other scheme provisions and the special control area provisions, the special control area provisions prevail.</li> </ul>
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## Part 6 - Terms referred to in Scheme

### Division 1 - General definitions used in Scheme

#### 37. Terms used

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

<b><i>building envelope</i></b>	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;
<b><i>building height</i></b>	<p>In relation to a building -</p> <p>(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or</p> <p>(b) if the building is used for the purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;</p>
<b><i>commencement day</i></b>	means the day this Scheme comes into effect under section 87(4) of the <i>Planning and Development Act 2005</i> ;
<b><i>floor area</i></b>	has meaning given in the Building Code;
<b><i>frontage</i></b>	<p>in relation to a building -</p> <p>(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or</p> <p>(b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;</p>
<b><i>incidental use</i></b>	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;
<b><i>Lot</i></b>	has the same meaning as in the <i>Planning and Development Act 2005</i> but does not include a strata or survey strata lot;
<b><i>minerals</i></b>	has the meaning given in the <i>Mining Act 1978</i> section 8(1);
<b><i>net lettable area or nla</i></b>	<p>means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas -</p> <p>(a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;</p> <p>(b) lobbies between lifts facing other lifts serving the same floor;</p> <p>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;</p> <p>(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;</p>

<b>non-conforming use</b>	has the meaning given in the <i>Planning and Development Act 2005</i> section 172;
<b>Place</b>	in Part 7 (Heritage Protection) has the same meaning as it has in the <i>Heritage of Western Australia Act 1990</i> ;
<b>plot ratio</b>	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;
<b>precinct</b>	means a definable area where particular planning policies, guidelines or standards apply;
<b>predominant use</b>	means the primary use of premises to which all other uses carried out on the premises are incidental;
<b>Retail</b>	means the sale or hire of goods or services to the public;
<b>short-term accommodation</b>	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;
<b>wall height</b>	in relation to a wall of a building — <ul style="list-style-type: none"> <li>(a) if the building is used for residential purposes, has the meaning given in the R-Codes, or</li> <li>(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;</li> </ul>
<b>wholesale</b>	means the sale of goods or materials to be sold by others.

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

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

## Division 2 - Land use terms used in Scheme

### 38. Land use terms used

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

<b>abattoir</b>	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;
<b>agriculture - extensive</b>	means premises used for the raising of stock or crops, including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry – intensive;

<b><i>agriculture - intensive</i></b>	<p>means premises used for commercial production purposes including outbuildings and earthworks, associated with any of the following -</p> <ul style="list-style-type: none"> <li>(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;</li> <li>(b) the establishment and operation of plant or fruit nurseries;</li> <li>(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);</li> <li>(d) aquaculture;</li> </ul>
<b><i>animal establishment</i></b>	<p>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;</p>
<b><i>animal husbandry - intensive</i></b>	<p>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;</p>
<b><i>bed and breakfast</i></b>	<p>means a dwelling -</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) containing not more than 2 guest bedrooms.</li> </ul>
<b><i>bulky goods showroom</i></b>	<p>means premises -</p> <ul style="list-style-type: none"> <li>(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes - <ul style="list-style-type: none"> <li>(i) automotive parts and accessories;</li> <li>(ii) camping, outdoor and recreation goods;</li> <li>(iii) electric light fittings;</li> <li>(iv) animal supplies including equestrian and pet goods;</li> <li>(v) floor and window coverings;</li> <li>(vi) furniture, bedding, furnishings, fabrics, manchester and homewares;</li> <li>(vii) household appliances, electrical goods and home entertainment goods</li> <li>(viii) party supplies;</li> <li>(ix) office equipment and supplies;</li> <li>(x) babies' and childrens' goods, including play equipment and accessories;</li> <li>(xi) sporting, cycling, leisure, fitness goods and accessories;</li> <li>(xii) swimming pools</li> </ul> </li> <li>or</li> <li>(b) used to sell by retail goods and accessories by retail if - <ul style="list-style-type: none"> <li>(i) a large area is required for the handling, display or storage of the goods; or</li> <li>(ii) vehicular access is required to the premises for the purpose of collection of purchased goods;</li> </ul> </li> </ul>
<b><i>caravan park</i></b>	<p>means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1);</p>
<b><i>caretaker's dwelling</i></b>	<p>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;</p>

<b>car park</b>	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;
<b>child care premises</b>	means premises where - (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> , other than a family day care service as defined in that section, is provided; or (b) at which a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided;
<b>civic use</b>	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;
<b>club premises</b>	means premises used by a legally constituted club or association or other body of persons united by a common interest;
<b>commercial vehicle parking</b>	means premises used for parking of up to two commercial vehicles but does not include: (i) any part of a public road used for parking or loading or for a taxi rank; or (ii) parking of commercial vehicles that is incidental to the predominant use of the land.
<b>community purpose</b>	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;
<b>consulting rooms</b>	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;
<b>educational establishment</b>	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;
<b>exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
<b>family day care</b>	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided;
<b>fuel depot</b>	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;
<b>guest house</b>	means a dwelling or part of a dwelling occupied by a person but containing rooms used to provide short-term accommodation for guests for hire or reward.
<b>holiday accommodation</b>	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

**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<sup>2</sup>; 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<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods, unless the sale, display or hire is done only by means of the Internet; and
- (f) does not -
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood;and
- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

**home office**

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

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



<b>home store</b>	means a shop attached to a dwelling that - <ul style="list-style-type: none"> <li>(a) has a net lettable area not exceeding 100 m<sup>2</sup>; and</li> <li>(b) is operated by a person residing in the dwelling.</li> </ul>
<b>hospital</b>	means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1);
<b>Hotel</b>	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;
<b>industry</b>	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes - <ul style="list-style-type: none"> <li>(a) the storage of goods;</li> <li>(b) the work of administration or accounting;</li> <li>(c) the selling of goods by wholesale or retail;</li> <li>(d) the provision of amenities for employees;</li> <li>(e) incidental purposes;</li> </ul>
<b>industry - extractive</b>	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 - <ul style="list-style-type: none"> <li>(a) the processing of raw materials including crushing, screening, washing, blending or grading; or</li> <li>(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;</li> </ul>
<b>industry - light</b>	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;
<b>industry - primary production</b>	means premises used - <ul style="list-style-type: none"> <li>(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</li> <li>(b) for a workshop servicing plant or equipment used in primary production businesses;</li> </ul>
<b>lunch bar/fast food outlet</b>	means premises or part of 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 - <ul style="list-style-type: none"> <li>(a) without further preparation; and</li> <li>(b) primarily off premises.</li> </ul>
<b>market</b>	means premises used for the display and sale of goods from stalls by independent vendors;
<b>medical centre</b>	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;
<b>mining operations</b>	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1) is carried out;

<b><i>Motel</i></b>	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;
<b><i>motor vehicle, boat or caravan sales</i></b>	means premises used to sell or hire motor vehicles, boats or caravans;
<b><i>motor vehicle repair</i></b>	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;
<b><i>motor vehicle wash</i></b>	means premises primarily used to wash motor vehicles;
<b><i>Office</i></b>	means premises used for administration, clerical, technical, professional or similar business activities;
<b><i>park home park</i></b>	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8;
<b><i>place of worship</i></b>	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;
<b><i>reception centre</i></b>	means premises used for hosted functions on formal or ceremonial occasions;
<b><i>recreation - private</i></b>	means premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge;
<b><i>residential – aged or dependent persons</i></b>	has the same meaning as defined in the Residential Design Codes.
<b><i>residential – ancillary</i></b>	has the same meaning as defined in the Residential Design Codes.
<b><i>residential – single</i></b>	has the same meaning as defined in the Residential Design Codes.
<b><i>residential – grouped</i></b>	has the same meaning as defined in the Residential Design Codes.
<b><i>residential – multiple</i></b>	has the same meaning as defined in the Residential Design Codes.
<b><i>residential building</i></b>	means a building or part of a building used to provide - (a) short-term accommodation for 2 or more persons; or (b) long-term accommodation for 7 or more persons who are not part of the same family.

<b>restaurant/cafe</b>	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> ;
<b>restricted premises</b>	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of - <ul style="list-style-type: none"> <li>(a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); and</li> <li>(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or</li> <li>(c) smoking-related implements;</li> </ul>
<b>roadhouse</b>	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"> <li>(a) a full range of automotive repair services;</li> <li>(b) wrecking, panel beating and spray painting services;</li> <li>(c) transport depot facilities;</li> <li>(d) short term accommodation for guests;</li> <li>(e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;</li> </ul>
<b>rural home business</b>	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 - <ul style="list-style-type: none"> <li>(a) does not involve employing more than 2 people who are not members of the occupier's household; and</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(c) does not occupy an area greater than 200 m<sup>2</sup>; and</li> <li>(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</li> <li>(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</li> <li>(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;</li> </ul>
<b>rural pursuit/hobby farm</b>	means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are for 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"> <li>(a) the rearing, agistment, stabling or training of animals;</li> <li>(b) the keeping of bees;</li> <li>(c) the sale of produce grown solely on the premises;</li> </ul>

<b>service station</b>	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; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
<b>Shop</b>	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;
<b>Tavern</b>	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> ;
<b>telecommunications infrastructure</b>	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;
<b>trade display</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement;
<b>trade supplies</b>	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 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;
<b>transport depot</b>	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;
<b>veterinary centre</b>	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
<b>warehouse/storage</b>	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;
<b>waste disposal facility</b>	means premises used - (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste;
<b>waste storage facility</b>	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;

**wind farm or solar  
energy facility**

means premises used to generate electricity by means of wind or solar force and any associated turbine, panel, building, or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use;

**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 2014*.

Clause 61(1)(k) - the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone where the R Codes do not apply, in which that lot is located and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

- (i) entered in the Register of Heritage Places under the *Heritage 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)(l) - the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone where the R Codes do not apply and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under the *Heritage of Western Australia Act 1990 Part 6*; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;

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

**Schedule 1 — Signage and advertisements for which development approval not required (Schedule 2, cl.56(h) *Planning and Development (Local Planning Schemes) Regulations 2015*)**

<b>Land Use and/or Development</b>	<b>Exempted Sign Type and Number</b>	<b>Maximum Area</b>
Dwellings	One professional nameplate as appropriate	0.2m <sup>2</sup>
Home Business or Home Occupation	One advertisement describing the nature of the home business or home occupation	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
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	<p>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.</p> <p>A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.</p>	<p>Total area of such advertisements are not to exceed 15m<sup>2</sup>.</p> <p>Maximum permissible total area is not to exceed 10m<sup>2</sup> and individual advertisement signs are not to exceed 6m<sup>2</sup>.</p>

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	<p>(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government, and</p> <p>(c) Advertisement signs (illuminated or non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>
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 2m <sup>2</sup> 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.	0.2m <sup>2</sup>
<b>Temporary Signs</b>	<b>EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)</b>	<b>Maximum Area</b>
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.	2m <sup>2</sup>
(b) Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above.	5m <sup>2</sup>
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.	2m <sup>2</sup>
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 2m <sup>2</sup>

(b) Multiple Dwellings, shops, commercial and industrial properties	One sign as for (a) above.	Each sign is not to exceed an area of 5m <sup>2</sup>
(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 <sup>2</sup> .
Display Homes  Advertisement signs displayed for the period over which homes are on display for public inspection	<p>(a) One sign for each dwelling on display.</p> <p>(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.</p>	<p>2m<sup>2</sup></p> <p>5m<sup>2</sup></p>

## Schedule 2 — Minimum setbacks from boundaries

ZONE	STREET	REAR	SIDE	MINIMUM LANDSCAPING REQUIREMENT
Commercial	Nil setback which may be varied at the discretion of Council.	In accordance with the Building Code of Australia	In accordance with the Building Code of Australia	1. Canopy shade trees at the rate of 1 tree for every 4 open air parking bays. 2. Screen landscaping as required by Council. 3. Additional landscaping as required by Council.
Mixed Use	Nil to 3 metres at the discretion of Council.	*	*	1. Canopy shade trees at the rate of 1 tree for every 4 open air parking bays. 2. Screen landscaping as required by Council. 3. Additional landscaping as required by Council.
Residential	To be assessed in accordance with the Residential Design Codes of Australia.			
General Industrial	7.5m	Subject to Building Code of Australia		3 metre landscape strip abutting all streets.
Light Industrial	7.5m	Subject to Building Code of Australia		3 metre landscape strip abutting all streets.
Townsite	At the discretion of Council.			
Rural	At the discretion of Council.			
Rural-Residential	10m	10m	5m	At the discretion of Council.

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

### Schedule 3 — Parking requirements

Uses		Car Parking Requirement
1	bed and breakfast	As per Residential Design Codes, plus 1 guest per bedroom.
2	caretaker's dwelling	1 per Dwelling.
3	civic use club premises community purpose exhibition centre place of worship recreation – private	1 per 4m <sup>2</sup> of eating, drinking or lounge area, plus 1 per 4m <sup>2</sup> of public assembly and/or seating area, with other uses as determined by the local government.
4	consulting rooms	4 spaces for per practitioner.
5	education establishment <ul style="list-style-type: none"> <li>• Primary School</li> <li>• Secondary School</li> </ul>	1.25 spaces per classroom 2 spaces per classroom
6	fast food outlet	1 space per 5 m <sup>2</sup> Gross Lessable Area
7	Hotel	1 space per bedroom plus 1 space per 2 square metres Bar and Lounge area
8	industry – cottage industry – extractive industry – general industry – hazardous industry – light industry – service industry – rural	1 space per 50 m <sup>2</sup> Gross Lessable Area As determined by Council 1 space per 50 m <sup>2</sup> Gross Lessable Area 1 space per 50 m <sup>2</sup> Gross Lessable Area 1 space per 50 m <sup>2</sup> Gross Lessable Area 1 space per 50 m <sup>2</sup> Gross Lessable Area 1 space per employee
9	lunch bar	1 space per 4 persons accommodated
10	medical centre	4 spaces per practitioner
11	Motel	1 space per unit plus 1 space per 10 square metres dining room area

12	Office	1 space per 40 m <sup>2</sup> Gross Lessable Area with a minimum of 2 spaces for each office unit
13	restaurant	1 space per 4 persons accommodated
14	roadhouse	1.5 spaces per service bay plus 1 space per employee plus 1 space per 2 m <sup>2</sup> Bar and Lounge area
15	service station	1.5 spaces per service bay plus 1 space per employee
16	Shop	1 space per 15 m <sup>2</sup> GLA
17	showroom	1 space per 60 m <sup>2</sup> GLA
18	Tavern	1 space per 2 m <sup>2</sup> Bar and Lounge area
19	transport depot	1 space per employee
20	veterinary centre	6 spaces per practitioner
21	warehouse	1 space per 100 m <sup>2</sup> GLA
22	Any other use	To be determined by the local government.

## **COUNCIL ADOPTION FOR ADVERTISING**

Adopted for advertising by resolution of the Council of the Shire of Cue at the Ordinary Meeting of the Council held on the 18th day of March 2014.

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

## **COUNCIL ADOPTION FOR APPROVAL**

Adopted for submission to the Minister for Planning for approval by resolution of the Shire of Cue at the Ordinary Meeting of the Council held on the 17th day of February 2015 and the Common Seal of the Shire of Cue was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

## **WAPC RECOMMENDED/SUBMITTED FOR APPROVAL**

.....  
DELEGATED UNDER S.16 OF  
THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

## **APPROVAL GRANTED**

.....  
MINISTER FOR PLANNING  
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....