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SHIRE OF MOUNT MAGNET

LOCAL PLANNING SCHEME NO. 2

Updated to include AMD 6 GG 11/09/2026



Department of Planning,
Lands and Heritage



Original Town Planning Scheme Gazettal

02 September 2013

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SHIRE OF MOUNT MAGNET LPS 2 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
NEW SCHEME	02/09/13	29/01/14	ML	GAZETTED 02/09/14
1	14/04/2022	10/05/2022	MLD	Aligned all parts of the Scheme text with the model provisions of Schedule 1 and deemed provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. Introduced model zones, reserves, definitions and model clauses from the Regulations. - replaced the word 'Council' with 'local government' in all parts. - Part 2 - - modified the clause 9(g) to include 'Shire's European and Aboriginal heritage, amenity and the natural environment.' after 'enhance the'. - Part 3 - - deleted the additional use for Caretaker's Dwelling on Lot 580 and Lot 581 Moses Street, Mount Magnet. - inserted Industry as an additional use on Lot 500 Great Northern Highway, Cooladar Hill. - inserted a special use zone for Fuel/Service Station on Lot 529 Richardson Street, Mount Magnet. - inserted abattoir, tourist development and transport depot land uses into the Zoning Table and definitions. - introduced additional site and development requirements for Repurposed and Second-hand dwellings. - Part 4 - - introduced car parking standard provisions related to Table 9. - modified the total floor area of a caretakers dwelling from 100m2 to be no greater than the predominant industrial use. - Schedule A - - introduced supplemental provisions for single houses where the R-Codes do not apply, carrying out of works in emergency situations and provisions for rural structures.
2	25/02/2025	13/03/2025	GL	Reclassify portions of Lot 301 Mt Magnet-Hill 50 Rd, Mt Magnet, from 'Public Open Space' and 'No zone' to 'Drainage / Waterway', 'General industry' and 'No zone'. Reclassify portion of Lot 593 Moses St, Mt Magnet, from 'Public Open Space' to 'General industry'. Reclassify portions of Lot 300 Great Northern Hwy, Mt Magnet, from 'Public Open Space' and 'No zone' to 'General industry' and 'Drainage / Waterway'. Reclassify Portion of Lot 354 (VCL), Laurie St, Mt Magnet, from 'Environmental Conservation' to 'Drainage / Waterway' and 'General industry'.

				Reclassify UCL (PIN 629484) Laurie St, Mt Magnet, from 'Environmental Conservation' to 'Drainage / Waterway'. Reclassify portions of road reserves from 'Public Open Space' and 'No zone' to 'General industry', 'Drainage / Waterway' and 'Public Open Space'. Rezone portion of Lot 555 (PIN 11915638) and UCL Lot 558 (PIN 11915639) from Public Open Space to Special Use zone (SU1). Classify all lot 501 on DP 72447 (PIN 11969411) as Light Industry zone. Rezone portion on UCL (PIN 1122608) from Public Open Space to Local Rd to reflect Richardson St. Rezone Lot 548 on DP 217012 (PIN 1122597) from Residential to Local Road to reflect Richardson St. Rezone portion Lot 347 on DP 41483 from Environmental Conservation reserve to Local Rd to reflect Mount Magnet-Sandstone Rd. Amending the Scheme Map accordingly. Modify Clause 1, by inserting model reserve Local Distributor Rd and Local Rd, and objectives into Table 1. Modify Clause 17, by inserting 'renewable energy facility' and 'road house' land use in Table 3 with permissibility. Modify Clause 30 (1)(c), by replacing the heading 'Industrial Development' with 'Industrial zones' and inserting two new subclauses to address potable water requirement for use and development of industrial land. Modify Clause 38, insert land use terms and definitions caravan park; place of worship, road house as per the model provisions. Delete non-model 'repurposed dwelling' land use term and definition. Amend the definition for animal-husbandary- intensive; park home park to be consistent with the model provisions; and insert 'renewable energy facility' land use term and definition as per the Western Australia Commission's Renewable Energy Facilities Position Statement. Modify Schedule A by inserting Table 9, additional works under No.23 'a Verandah' and 'a deck', and deleting No.26 and renumber accordingly.								
6	11/09/2026	14/09/2026	RW	Reclassify portion of Lot 556 Cemetery Road, Mount Magnet, from 'Public Open Space' to 'Special Use—Workers Accommodation' as more clearly shown on the Scheme Amendment Map, Delete the Special use 1 in Table 5—Special use zones in Scheme area and inserting the following— <table><tr><td>No</td><td>Description of Land</td><td>Special Use</td><td>Conditions</td></tr><tr><td>1</td><td>Lots 555, 301, 557, 558 and portion of Lot 556 Naughton and Cemetery Road, Mount Magnet</td><td>Workers' Accommodation</td><td>As determined by the local government</td></tr></table> Amend the Scheme Map accordingly.	No	Description of Land	Special Use	Conditions	1	Lots 555, 301, 557, 558 and portion of Lot 556 Naughton and Cemetery Road, Mount Magnet	Workers' Accommodation	As determined by the local government
No	Description of Land	Special Use	Conditions									
1	Lots 555, 301, 557, 558 and portion of Lot 556 Naughton and Cemetery Road, Mount Magnet	Workers' Accommodation	As determined by the local government									

Shire of Mount Magnet

Local Planning Scheme No. 2

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

Preamble

This Local Planning Scheme of the Shire of Mount Magnet consists of this Scheme Text, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*), the supplemental provisions contained in Schedule A and the Scheme Maps. The Scheme should be read in conjunction with the Local Planning Strategy for the Shire.

Part 2 of the deemed provisions sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies that set out the general policies of the local government on matters within 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. There are particular controls included for heritage and special control areas. The Scheme also sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses.

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

Schedule A - Supplemental provisions to the deemed provisions

Schedule 1 - Exempted advertisements

Part 1 - Preliminary

1. Citation

This local planning scheme is the Shire of Mount Magnet Scheme No. 2.

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked —

Shire of Mount Magnet Local Planning Scheme No 1 Gazetted 31 May 1991.

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

6. Scheme area

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

7. Contents of Scheme

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

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
- (b) the Scheme Map;
- (c) the Scheme Maps (Sheets 1 to 11).

(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 -

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

9. Aims of Scheme

The aims of this Scheme are -

- (i) To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- (ii) To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- (iii) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for homebased employment.
- (iv) To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- (v) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- (vi) To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development.
- (vii) To safeguard and enhance the Shire's European and Aboriginal heritage, amenity and the natural environment.

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 Mount Magnet which apply to the Scheme area.

12. Relationship with region planning scheme

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

Part 2 - Reserves

13. Regional Reserves

There are no regional reserves in the Scheme area.

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

14. Local reserves

(1) In this clause -

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

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

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

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

Table 1 - Reserve objectives

Reserve name	Objectives
Public Open Space	- To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 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	- To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. - To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Public Purposes	To provide for a range of essential physical and community infrastructure.
Medical Services	Public Purposes which specifically provide for a range of essential medical services.
Infrastructure Services	Public Purposes which specifically provide for a range of essential infrastructure services.
Education	Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	Public Purposes which specifically provide for a range of essential emergency services.
Government Services	Public Purposes which specifically provide for a range of government services.
Cemetery	To set aside land required for a cemetery.
Drainage / Waterway	To set aside land required for significant waterways and drainage.
Railways	To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	- To set aside land required for a primary distributor road being a road classified as a Regional Distributor or - Primary Distributor under the Western Australian Road Hierarchy.
Local Distributor Road AMD 2 GG 25/2/25	To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Hierarchy.
Local Road AMD 2 GG 25/2/25	To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Strategic infrastructure	To set aside land required for port or airport facilities.
Special Purpose Reserve	- To set aside land for a special purpose. - Purposes that do not comfortably fit in any other reserve classification.

15. Additional uses for local reserves

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

Part 3 - Zones and use of land**16. Zones**

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

Table 2 - Zone objectives

Zone name	Objectives
Residential	• To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Rural	• 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.
Light Industry	• To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	• To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.
Commercial	• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

Special Use	- To facilitate special categories of land uses which do not sit comfortably within any other zone. - To enable the local government to impose specific conditions associated with the special use.
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17. Zoning table

The zoning table for this Scheme is as follows -

Table 3 - Zoning Table

USE AND DEVELOPMENT CLASS	ZONES				
	Residential	Commercial	Light Industry	General Industry	Rural
Abattoir	X	X	X	X	A
Agriculture - extensive	X	X	X	X	P
Agriculture - intensive	X	X	X	X	D
Amusement parlour	X	D	X	A	X
Animal establishment	X	X	X	A	A
Animal husbandry - intensive	X	X	X	A	A
Bed and breakfast	A	D	X	X	D
Betting agency	X	P	X	X	X
Bulky goods showroom	X	D	P	P	X
Caretaker's dwelling	X	D	D	X	X
Child care premises	X	D	X	X	X
Cinema/theatre	X	P	X	X	X
Civic use	D	D	X	D	X
Club premises	D	D	X	D	X
Community purpose	A	P	X	A	X
Consulting rooms	X	D	X	X	X
Convenience store	A	P	X	X	X
Educational establishment	X	P	X	A	X
Exhibition centre	X	D	D	X	X
Family day care	A	D	X	X	A
Fast food outlet/lunch bar	X	D	X	X	X
Fuel depot	X	X	X	A	X
Funeral parlour	X	A	X	P	X
Garden centre	X	X	D	D	A
Grouped dwelling	P	D	X	X	X
Home business	D	D	X	X	D
Home occupation	D	D	X	X	D
Home office	D	D	X	X	D

USE AND DEVELOPMENT CLASS	ZONES				
	Residential	Commercial	Light Industry	General Industry	Rural
Home store	A	D	X	X	A
Hotel	X	P	X	X	X
Industry	X	X	X	P	X
Industry - cottage	A	X	P	X	A
Industry - extractive	X	X	X	X	A
Industry - light	X	X	P	A	X
Industry - rural	X	X	X	X	P
Market	X	D	X	D	X
Medical centre	X	D	X	X	X
Mining operations	X	X	X	X	D
Motel	X	D	X	X	X
Motor vehicle, boat or caravan sales	X	D	X	D	X
Motor vehicle repair	X	D	P	P	X
Motor vehicle wash	X	D	X	P	X
Nightclub	X	D	X	X	X
Office	X	P	X	X	X
Park home park	X	A	X	X	X
Reception centre	X	P	X	X	X
Recreation - private	D	D	D	D	D
Renewable energy facility <i>AMD 2 GG 25/2/25</i>	X	X	X	A	A
Repurposed dwelling	D	D	X	X	D
Residential aged care facility	P	X	X	X	X
Residential building	A	X	X	X	X
Restaurant/cafe	X	P	X	X	A
Restricted premises	X	P	X	X	X
Road House <i>AMD 2 GG 25/2/25</i>	X	X	X	D	X
Rural home business	X	X	X	X	D
Rural pursuit/hobby farm	X	X	X	X	D
Second-hand dwelling	D	D	X	X	D
Service station	X	D	X	P	X
Shop	X	P	X	X	X
Short-term accommodation	X	D	X	X	A
Single house	P	A	X	X	P
Tavern	X	P	X	X	X
Telecommunications infrastructure	D	D	D	D	D
Tourist development	X	D	X	X	A
Trade display	X	D	P	P	X
Transport depot	X	A	D	P	D

USE AND DEVELOPMENT CLASS	ZONES				
	Residential	Commercial	Light Industry	General Industry	Rural
Tree Farm	X	X	X	X	A
Veterinary centre	X	A	D	P	A
Warehouse/storage	X	D	P	P	X
Winery	X	X	X	X	D
Workforce accommodation	X	X	X	X	A

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings -
 - P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

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

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

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

- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless -
- (a) the development approval application relates to land that is being used for a nonconforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the nonconforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
- (a) a structure plan;
 - (b) an activity centre plan;
 - (c) a local development plan.

19. Additional uses

- (1) Table 4 sets out -

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

Table 4 - Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 500 Great Northern Highway, Cooladar Hill, Mount Magnet	As a Class A use; Industry	The use and or development of the land is to be in accordance with a development approval issued by the responsible authority.

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

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

- (1) Table 5 sets out -

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

Table 5 - Special use zones in Scheme area

No.	Description of land	Special use	Conditions
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1	Lots 555, 301, 557, 558 and portion of Lot 556 Naughton and Cemetery Road, Mount Magnet	Workers' Accommodation	As determined by the local government
2	Lot 550 Scott Close, Mount Magnet	Short Stay Accommodation	As determined by the local government
3	Lots 1, 4, 6 and 7 Scott Close, and Lots 3, 5, and 7 Thurkle Cove, and lot 2 Priestley St, Mount Magnet	Short Stay Accommodation	As determined by the local government
4	Lot 553 Priestley St, Mount Magnet	Short Stay Accommodation	As determined by the local government
5	Lot 554 Priestley St, Mount Magnet	Short Stay Accommodation	As determined by the local government
6	Lot 400 Watson St, Mount Magnet	Short Stay Accommodation	As determined by the local government
7	Lot 595 off heavy haulage route, Mount Magnet	Structure Plan	Preparation of a structure plan in accordance with clause 5.10 of the scheme is required prior to subdivision and/or development of the land.
8	Lot 555 Priestley St, Mount Magnet	Structure Plan	Preparation of a structure plan in accordance with clause 5.10 of the scheme is required prior to subdivision and/or development of the land.
9	Lots 89, 397, 470, 502, 508 and 621 Hepburn St, Mount Magnet	Caravan Park	As determined by the local government
10	Lot 186 Attwood St, Mount Magnet	Place of Worship	As determined by the local government
11	Lots 67 and 68 Attwood St, Mount Magnet	Place of Worship	As determined by the local government
12	Ptn Lots 51 and 52, Attwood St, Mount Magnet	Place of Worship	As determined by the local government
13	Lot 141 Great Northern Highway, Mount Magnet	Airfield	As determined by the local government
14	Lot 599 Hepburn St, Mount Magnet	Roadhouse	As determined by the local government
15	No. 15, Lot 529 Richardson Street, Mount Magnet	Fuel/Service Station	As determined by the local government

- (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. Nonconforming 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 nonconforming 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 nonconforming use.
- (3) Subclause (1) does not apply in respect of a nonconforming 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 nonconforming use.

23. Changes to nonconforming use

- (1) A person must not, without development approval-
- (a) alter or extend a nonconforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a nonconforming use; or
 - (c) repair, rebuild, alter or extend a building used for a nonconforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a nonconforming 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 nonconforming 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 nonconforming 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 nonconforming use;
 - (b) a description of any building on the land;
 - (c) a description of the nonconforming use;
 - (d) the date on which any discontinuance of the nonconforming 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 nonconforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 - General development requirements

25. R-Codes

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

26. Modification of R-Codes

- (a) The Residential Design Code for land zoned Residential and Commercial shall be R10/25 unless otherwise indicated on the Scheme Maps.
- (b) Residential development with the R10/25 code shall be permitted at the R10 density, however the local government may approve developments up to the R25 density as an 'D' use.
- (c) The local government shall not approve a residential development with a density exceeding R10 unless the local government is satisfied that an alternative sewerage disposal system can be installed and managed or is otherwise in accordance with the provisions of any Government Sewerage Policy.

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

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

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

1. The State planning policies set out in Table 6, modified as set out in clause 30, are to be read as part of this Scheme.

Table 6 - State planning policies to be read as part of Scheme

State planning policies to be read as part of Scheme
<i>State Planning Policy 2.5 – Rural Planning</i>

2. The local government -
 - (a) must make a copy of each State planning policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of each of those State planning policies on the website of the local government.

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. This subclause 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.
 - (a) General site and development requirements
 - (i) Any development that is permitted under the provisions of Part 3 of this Scheme shall conform to the requirements for that use as specified in Table 7 - Development Table, or in the Residential Design Codes for residential development.

Table 7 - Development Table

CONTROLS USE	MINIMUM BOUNDARY SETBACK (metres)			MAXIMUM PLOT RATIO	MINIMUM LANDSCAP ED AREA (%)	MINIMUM NUMBER OF ON- SITE CAR PARKING BAYS
	FRONT	REAR (average)	SIDES			
Child Care Centre	7.5	7.5	*	*	*	1 for each employee.
Club Premises	*	*	*	0.5	*	1 for every 45m ² of net lettable area area.
	*	*	*	*	10	

Community Purpose						1 for every 4 persons whom the building is designed to accommodate.
Consulting Rooms	*	*	*		30 in Res Zone	1 for every 30m ² of net lettable area, plus 1 for each person employed.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the local government.
Funeral Parlour	*	*	*	*	10	As determined by the local government, (minimum 6).
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 2m ² of bar and lounge area.
Industrial - Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial	7.5	7.5	*	*	15	1 per 2 employees.
Motel	9.0	7.5	3.0 per storey	1.0	30	1 per unit, plus 1 space per 25m ² of service area.
Motor Vehicle, Boat or Caravan Sales	*	*	*	*	5	1 for every 250m ² of sales area, plus 1 for every person employed on site.
Office	*	*	*	*	*	1 for every 30m ² plot ratio area.
Restaurant/cafe	*	*	*	*	*	1 for every 10m ² of net lettable area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15m ² of net lettable area .
Showroom	*	*	*	*	10	1 for every 100m ² of net lettable area .

NOTES: i) * means 'to be determined by the local government in each particular case.

ii) Landscaping to be generally at the street frontage.

- (ii) Where development standards for a Class A use or Class D use are not set out in this Scheme, the development standards applicable shall be determined by the local government.

(b) Combined Uses

Where two or more uses are combined in a single development, and the uses are not incidental to the predominant development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the local government shall determine.

(c) Industrial zones

- (i) Unsewered industrial development will be restricted to 'dry industry' type (ie. industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1000m²).
- (ii) Where a reticulated water supply of sufficient capacity is available in the locality, lots are to be serviced by a reticulated water supply by a licensed

service provider.

- (iii) Where it is demonstrated that a connection to a reticulated water supply cannot be provided under subclause (ii), the local government may consider a suitable fit-for-purpose potable water supply that is commensurate with the intended use (including for firefighting purposes). The supply must be demonstrated to be secure and consistent with the standards for water and health.

(d) Rural Zone

Notwithstanding the right to develop a single house on an existing lot, residential development in the 'Rural/Mining' Zone shall comply with the specific requirements of the local government however these shall not be lesser than those specified for the Residential Design Code 'R2'.

(e) Car parking standards

- (i) In considering an application for development approval for the development or use of land for a purpose specified in Table 9, the local government shall require arrangements for the provision of car parking spaces not less than the number specified in Table 9.
- (ii) Where a calculation made in accordance with Table 9 results in a number which is not a whole number, the number of parking spaces required shall be the next highest whole number.
- (iii) Where a development application is made in respect to the development or use of land referred to in Table 3 - Zoning Table for which no provision is made in respect of Table 9, the car parking spaces required for the use shall be as determined by the local government

(f) Caretaker's Dwelling

The following applies to all caretaker's dwellings in the 'General Industry' or 'Light Industry' zone:

- (i) A caretaker's dwelling should be incidental to the predominant industrial use of the site.
- (ii) Only one caretaker's dwelling is permitted on a lot and that dwelling should be on the same lot as the associated industrial use.
- (iii) A caretaker's dwelling is to have a total floor area that does not exceed 100m² measured from the external face of walls.
- (iv) Open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within 100m².

- (v) A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation.
- (vi) The local government will not support the subdivision and/or development of land in an industrial zone that will allow the dwelling to be sold separately from the industrial use of the land, or restrict the use of the land for industrial purposes.
- (g) Repurposed and Second-hand dwellings
 - (a) Where the local government determines an application for development approval for a moveable building within the Shire, it may impose a condition requiring the lodgement of a bond. The value of the bond may be calculated on either on the cost of completing the building so moved to its satisfaction, or the removal of the building where it is not satisfied that the building can be satisfactorily completed.
 - (b) Where a second-hand and repurposed dwelling use is proposed it shall comply with the following in addition to any other relevant provisions of the Scheme:
 - (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.
 - (c) When considering an application for development approval for a second-hand or repurposed dwelling, the local government may impose conditions concerning:
 - (i) The external appearance and material finishes, the screening of sub-floor spaces, the addition to or modification to the existing dwelling and the timeframe imposed to complete specified work and connect the dwelling or building to lot services;
 - (ii) The provision of landscaping and/or screening of the building and/or site; and
 - (iii) 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.
 - (d) Where the provision of a bond or bank guarantee is required, the local government shall refund the payment upon satisfactory completion of the necessary works.

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

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

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

1. In this clause -

general site and development requirements means requirements set out in clauses 32 and 33.

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

35. Restrictive covenants

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

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

Part 5 - Special control areas

36. Special control areas

1. Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
2. The purpose, objectives and additional provisions that apply to each special control area is set out in Table 8.

Table 8 - Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
Rubbish Tip (SCA1)	The purpose of Special Control Area 1 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 1.	a) identify land which may be affected by the Rubbish tip; b) ensure that the use and development of land is compatible; and c) minimise impacts on residential and other sensitive uses.	a) Despite any other provision of the Scheme planning approval is required for all use and development including a single house. b) All development shall be referred to the Environmental Protection Authority, and any other relevant agencies, for advice.
Mount Magnet Airfield (SCA2)	The purpose of Special Control Area 2 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 2.	a) identify land which may be affected by the Mount Magnet airfield; b) ensure that the use and development of land is compatible; c) minimise impacts on residential and other sensitive uses; and d) protect the operational airspace of the airfield.	
Wastewater Treatment Plant (SCA3)	The purpose of Special Control Areas 3 and 4 is to provide guidance for land use and development within the areas shown on the Scheme Maps as SCAs 3 and 4.	a) identify land which may be affected by the wastewater treatment plant; b) ensure that the use and development of land is compatible; and c) minimise impacts on residential and other sensitive uses.	
Wastewater Treatment Plant (SCA4)			
Quarry (SCA5)	The purpose of Special Control Areas 5 and 6 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCAs 5 and 6.	a) identify land which may be affected by a quarry; b) ensure that the use and development of land is compatible; and c) minimise impacts on residential and other sensitive uses.	
Quarry (SCA6)			

Priority 1 Water Protection Area (SCA7)	The purpose of Special Control Areas 7 and 8 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCAs 7 and 8.	a) identify land which may be affected by the Priority 1 source protection areas;	
Priority 1 Water Protection Area (SCA8)		b) ensure that the use and development of land is compatible; and c) minimise impacts of uses on the water sources.	

Part 6 - Terms referred to in Scheme

Division 1 - General definitions used in Scheme

37. Terms used

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

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

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

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

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

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

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

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

floor area has meaning given in the Building Code;

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

plot ratio means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

precinct means a definable area where particular planning policies, guidelines or standards apply;

predominant use means the primary use of premises to which all other uses carried out on the premises are incidental;

retail means the sale or hire of goods or services to the public;

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

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

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

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

Division 2 - Land use terms used in Scheme

38. Land use terms used AMD 2 GG 25/2/25

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.

amusement parlour means premises -

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines.

animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.

animal husbandry - intensive means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), or other livestock in feedlots, sheds or rotational pens.

bed and breakfast means a dwelling -

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms.

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

bulky goods showroom means premises —

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and children's goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;

or

- (b) used to sell by retail goods and accessories if —
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

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

caretaker's dwelling means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.

child care premises means premises where -

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* Section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

cinema/theatre means premises where the public may view a motion picture or theatrical production.

civic use means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.

club premises means premises used by a legally constituted club or association or other body of persons united by a common interest.

community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

consulting rooms means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

convenience store means premises -

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m² net lettable area.

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

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

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

fast food outlet/ lunch bar means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -

- (a) without further preparation; and
- (b) primarily off the premises.

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used -

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle.

funeral parlour means premises used

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services.

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.

home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession -

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

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

- (a) does not involve employing a person who is not a member of the occupier's household; and

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

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

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

home store means a shop attached to a dwelling that -

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

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

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

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

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

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

industry - extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes -

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.

industry - light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

industry - rural means premises used for an industry that -

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production.

market means premises used for the display and sale of goods from stalls by independent vendors.

medical centre means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

mining operations means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1), is carried out.

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

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles.

motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans.

motor vehicle repair means premises used for or in connection with -

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or retreading of tyres.

motor vehicle wash means premises primarily used to wash motor vehicles.

nightclub means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*.

office means premises used for administration, clerical, technical, professional or similar business activities.

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8.

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

reception centre means premises used for hosted functions on formal or ceremonial occasions.

recreation - private means premises that are -

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge.

renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

residential aged care facility means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- (a) appropriate staffing to meet the nursing and personal care needs of residents
- (b) meals and cleaning services
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*.

restricted premises

means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); and
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements.

road house means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period;
- (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 -

- (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 -

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

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

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

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

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

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

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

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

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

transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another;

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

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

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

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or the sale by wholesale of goods.

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

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

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule A - Supplemental provisions to the deemed provisions

(1) Development approval is not required for works if —

- (a) the works are of a class specified in Column 1 of an item in Table 9; and
- (b) if conditions are set out in Column 2 of the Table opposite that item — all of those conditions are satisfied in relation to the works.

Table 9 - Supplemental provisions to the deemed provisions

	Column 1 Works	Column 2 Conditions
22.	The erection of, or alterations or additions to, a single house on a lot	(a) where single house is a P use in the zone and the R-Codes don't apply; and (b) where the Scheme development standards and requirements for the zone are satisfied; and (c) the development is not located in a place that is (i) a heritage-protected place; or (ii) abutting an unconstructed road reserve, or a lot which does not have frontage to a constructed road.
23.	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house - (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a boundary wall or fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a deck	(a) where single house is a P use in the zone and the R-Codes don't apply; and (b) where the development standards set out in the Scheme for that zone are satisfied; and the development is not located in a place that is - (i) a heritage-protected place; or (ii) abutting an unconstructed road reserve, or a lot which does not have frontage to a constructed road.

	(i) a garage; (j) a carport. AMD 2 GG 25/2/25	
24.	The erection or installation of a sign or advertisement of a class specified in Schedule 2	(a) where the sign or advertisement complies with the relevant requirements specified in Schedule 2; and (b) the work is not located in a place is a heritage-protected place.
25.	The erection of a boundary fence	(a) In zones where the R-Codes do not apply. (b) the work is not located in a place is a heritage-protected place.
26.	The construction of farm outbuildings, water tanks and external fittings or undertaking works such as the construction of farm dams and soaks	(a) on any land classified as 'Rural' zone used for extensive agricultural purposes and where required as part of the farming operation. (b) which do not alter or affect existing waterways or water table or involve removal of remnant vegetation. (c) which does not direct runoff to areas other than a watercourse on site and/or impacts adjoining properties. (d) the structure or dam is not more than 3 metres in height.

Schedule 1 — Exempted advertisements

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN ¹	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the 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.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	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 Bylaws.	N/A
Industrial and Warehouse Premises	A maximum of 4 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	Total area of any such advertisements, shall not exceed 15m.

¹ Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

	projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and 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.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government, and c) Advertisement signs (illuminated and 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.	N/A N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
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 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 [INSERT LOCAL GOVERNMENT] at the [INSERT MEETING TYPE] Meeting of Council held on the [DATE]

CHIEF EXECUTIVE OFFICER

PRESIDENT/ MAYOR

COUNCIL RESOLUTION TO SUPPORT / NOT SUPPORT* SCHEME FOR APPROVAL

Council resolved to **support / not support*** approval of the draft Scheme of the [INSERT LOCAL GOVERNMENT] at the [INSERT MEETING TYPE] Meeting of Council held on the [DATE]

The Common Seal of the [INSERT LOCAL GOVERNMENT] was hereunto affixed by authority of a resolution of the Council in the presence of:

CHIEF EXECUTIVE OFFICER

PRESIDENT/ MAYOR

****delete whichever is not applicable***
WAPC Recommended for Approval

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

Date: _____

Approval Granted

MINISTER FOR PLANNING

Date: _____