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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF MEEKATHARRA

SCHEME NO.4

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF MEEKATHARRA****SCHEME NO.4****TABLE OF CONTENTS**

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- 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.
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PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF MEEKATHARRA****SCHEME NO.4****PART 1—PRELIMINARY****1. Citation**

This local planning scheme is the Shire of Meekatharra Scheme No 4.

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—

Name: Shire of Meekatharra Town Planning Scheme No. 3

Gazettal date: 5 February 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 Meekatharra 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(amended));
 - (b) the supplemental provisions to the deemed provisions contained in Schedule A; and
 - (c) the Scheme Map (sheets 1—2).
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to—

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

9. Aims of Scheme

The aims of this Scheme are—

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- 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 home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural and mining activities.

- To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the local government area.

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 Meekatharra 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 | <ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage. |
| Environmental conservation | <ul style="list-style-type: none"> • To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. • To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves. |
| Civic and Community | <ul style="list-style-type: none"> • To provide for a range of community facilities which are compatible with surrounding development. • To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit. |
| Public Purposes | <ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure. |
| Medical services | <ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential medical services. |
| Infrastructure services | <ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential infrastructure services. |
| Education | <ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential education facilities. |
| Primary Distributor Road | <ul style="list-style-type: none"> • To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy. |
| Local Distributor Road | <ul style="list-style-type: none"> • To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy. |
| Local Road | <ul style="list-style-type: none"> • To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy. |

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 | <ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development. |
| Rural | <ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses. |
| Light Industry | <ul style="list-style-type: none"> To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity. |
| General Industry | <ul style="list-style-type: none"> To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. To accommodate industry that would not otherwise comply with the performance standards of light industry. Seek to manage impacts such as noise, dust and odour within the zone. |
| Commercial | <ul style="list-style-type: none"> To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality. |
| Special Use | <ul style="list-style-type: none"> To facilitate special categories of land uses which do not sit comfortably within any other zone. To enable the local government to impose specific conditions associated with the special use. |

17. Zoning table

The zoning table for this Scheme is as follows—

Table 3—Zoning Table

| USE AND DEVELOPMENT CLASS | Residential | Commercial | Light Industry | General Industry | Rural |
|----------------------------------|--------------------|-------------------|-----------------------|-------------------------|--------------|
| abattoir | X | X | X | D | D |
| agriculture—extensive | X | X | X | D | P |
| agriculture—intensive | X | X | X | X | P |
| amusement parlour | X | P | D | X | X |
| animal establishment | X | X | D | D | D |

| USE AND DEVELOPMENT CLASS | Residential | Commercial | Light Industry | General Industry | Rural |
|--|-------------|------------|----------------|------------------|-------|
| animal husbandry—intensive | X | X | X | D | P |
| art gallery | X | P | X | X | D |
| betting agency | X | P | D | X | X |
| brewery | X | X | D | P | D |
| bulky goods showroom | X | P | P | X | X |
| caravan park | X | X | X | X | X |
| caretaker's dwelling | I | I | I | I | P |
| car park | I | P | P | P | I |
| child care premises | A | D | X | X | X |
| cinema/theatre | X | P | X | X | X |
| civic use | X | P | X | X | D |
| club premises | X | P | D | X | D |
| commercial vehicle parking | X | D | P | P | I |
| community purpose | A | P | D | X | D |
| consulting rooms | A | P | D | X | D |
| convenience store | X | P | D | D | X |
| corrective institution | X | X | X | X | X |
| educational establishment | A | A | X | X | X |
| exhibition centre | X | P | X | X | X |
| family day care | A | D | X | X | X |
| fast food outlet/lunch bar | X | A | X | X | X |
| freeway service centre | X | X | X | X | X |
| fuel depot | X | X | D | P | X |
| funeral parlour | X | A | D | X | X |
| garden centre | X | D | P | P | D |
| grouped dwelling | P | D | X | X | D |
| home business | I | I | I | X | I |
| home occupation | P | D | D | X | P |
| home office | I | I | I | X | I |
| home store | I | I | I | X | I |
| hospital | X | A | X | X | X |
| hosted short-term rental accommodation | P | P | X | X | P |
| hotel | X | D | X | X | X |
| independent living complex | D | X | X | X | X |
| industry | X | X | A | P | X |
| industry—extractive | X | X | X | X | D |
| industry—light | X | X | P | P | X |
| industry—rural | X | X | X | X | P |
| liquor store—large | X | P | D | X | X |
| liquor store—small | X | P | D | X | X |
| market | X | D | D | X | D |
| medical centre | X | P | X | X | X |
| mining operations | X | X | X | X | D |
| motor vehicle, boat or caravan sales | X | D | D | D | X |
| motor vehicle repair | X | D | P | P | X |
| motor vehicle wash | X | D | D | D | X |
| multiple dwelling | D | D | X | X | X |
| nightclub | X | D | D | X | X |
| office | I | P | I | I | I |
| park home park | X | D | X | X | X |

| USE AND DEVELOPMENT CLASS | Residential | Commercial | Light Industry | General Industry | Rural |
|--|-------------|------------|----------------|------------------|-------|
| place of worship | X | A | X | X | X |
| reception centre | X | D | X | X | X |
| recreation—private | X | A | D | X | X |
| renewable energy facility | X | X | X | X | A |
| repurposed dwelling | D | D | I | X | D |
| residential aged care facility | D | X | X | X | X |
| residential building | D | X | X | X | X |
| resource recovery centre | X | X | X | D | D |
| restaurant/cafe | X | P | X | X | X |
| restricted premises | X | A | X | X | X |
| road house | X | X | D | D | X |
| rural home business | I | I | I | X | I |
| rural pursuit/hobby farm | X | X | D | D | D |
| service station | X | A | P | P | X |
| shop | X | P | I | I | X |
| small bar | X | P | X | X | X |
| single house | P | D | I | X | P |
| tavern | X | D | X | X | X |
| telecommunications infrastructure | D | D | D | D | D |
| tourist and visitor accommodation | A | D | X | X | D |
| trade display | X | D | P | P | D |
| trade supplies | X | P | P | P | D |
| transport depot | X | D | P | P | D |
| tree farm | X | X | X | X | D |
| unhosted short-term rental accommodation | A | D | X | X | D |
| veterinary centre | X | P | P | P | D |
| warehouse/storage | X | D | P | P | X |
| waste disposal facility | X | X | X | X | A |
| waste storage facility | X | X | X | A | D |
| winery | X | X | X | X | D |
| workforce accommodation | A | A | X | X | X |

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 all 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 all relevant development standards and requirements of this Scheme;
- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
- X means that the use is not permitted by this Scheme.

Notes for this clause—

- The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.
- Under clause 61 of the deemed provisions and Schedule A, certain works and uses are exempt from the requirement for development approval.

3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table—
- 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
 - determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - 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 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 structure plan;
 - a local development plan.

19. Additional uses

- (1) Table 4 sets out—
- 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
 - 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 | Lots 182 & 183 Darlot Street, Meekatharra Lots 97 & 98 Darlot Street, Meekatharra Lot 101 & 102 Darlot Street, Meekatharra | Place of Worship | Development as per standards for Residential zone. |

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

- (1) Table 5 sets out—
- special use zones for specified land that are in addition to the zones in the zoning table; and
 - the classes of special use that are permissible in that zone; and
 - 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 |
|-----|--|-----------------------|------------|
| SU1 | Lots 281-289 Cnr Regan and Connaughton Streets, Meekatharra | Caravan Park | |
| SU2 | Lot 1748 Main Street, Meekatharra | Roadhouse | |
| SU3 | Lot 821 Main Street, Meekatharra | Roadhouse | |
| SU4 | Portion Unallocated Crown Land (PIN 628640) Lot 0 Landor-Meekatharra Road, Meekatharra | Caravan Park | |
| SU5 | Southern Portion Lot 1017 High Street, Meekatharra | Workers Accommodation | |
| SU6 | Northern Portion Lot 1017 High Street, Meekatharra | Workers Accommodation | |

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

PART 4—GENERAL DEVELOPMENT REQUIREMENTS**25. R-Codes**

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

26. Modification of R-Codes

There are no modifications to the R-Codes.

27 Other planning codes to be read as part of Scheme

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

28 Modification of planning codes

There are no modifications to a planning code that, under clause 27 is to be read as part of the Scheme.

29 Environmental conditions

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

30 Additional site and development requirements

- (1) Table 6 sets out requirements relating to development that are additional to those set out in the R-Codes or other planning codes listed under clause 27, precinct structure plans, local development plans or State or local planning policies.

Table 6—Additional requirements that apply to land in Scheme area

| No. | Description of land | Requirement |
|-----|---|--|
| 1 | General and Light Industry zones | Caretakers dwellings— <ul style="list-style-type: none"> (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 100m² 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 100m² referred to in paragraph (b). |
| 2 | All zones | Setbacks and Landscaping— <ul style="list-style-type: none"> (a) The site and development requirements for land in various zones are to be as set out in Schedule 2—Minimum setbacks from boundaries. (b) In addition to Schedule 2 requirements, all service and loading areas shall be located behind the primary street setback and appropriately screened. |
| 3 | Scheme area | Parking Requirements— <ul style="list-style-type: none"> (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. (b) Where a development is not specified in Schedule 3, the local government shall determine parking requirements as having regard to the nature of development and the number of vehicles likely to be attracted to the development. (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. (d) In the Commercial zone, where a developer can satisfy the local government that the maximum car parking requirement cannot be provided on the site, the local government may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this clause— (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 <i>Valuation of Land Act 1978</i>, of the area of land which would have been occupied by the parking spaces. <ul style="list-style-type: none"> i. Before the local government agrees to accept a cash payment in lieu of the provision of parking spaces, the local government 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. ii. Payments made under this clause shall be paid into a special fund to be used to provide public car parks. |

| No. | Description of land | Requirement |
|-----|---------------------|--|
| 4 | Scheme area | <p>Home Business and Rural Home Business—</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> <ol style="list-style-type: none"> i. revoke the approval; or 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. |
| 5 | Scheme area | <p>Development on Land Subject to Dampness or Flooding—</p> <p>(a) Where, in the opinion of the local government, the dampness of the site on which a building is proposed to be constructed so warrants, the local government may require that one or all of the following measures shall be carried out;</p> <ol style="list-style-type: none"> i. the subsoil shall be effectively drained; 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; iii. the surface of the ground beneath the building shall be covered with an approved damp-resisting material. <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 Water and Environment Regulation, the local government will consult with the Department of Water and Environmental Regulation and take any advice given by that Department into account when determining the application.</p> |
| 6 | Scheme area | <p>Connection to Reticulated Potable Water Supply—</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> |
| 7 | Scheme area | <p>Requirement for consultation to commence mining—</p> <p>In considering proposals to commercially extract minerals, local government 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> |
| 8 | Rural zone | <p>Grouped dwellings in a Rural zone</p> <p>Notwithstanding the 'D' use of grouped dwellings in a 'Rural' zone the local government will only permit a maximum of two such dwellings on a lot.</p> |

- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes or other planning code listed under clause 27, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails. To the extent that a requirement referred to in clause (31) is inconsistent with clause (30), the requirement referred to in clause (31) prevails.

31 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.

32 Variations to site and development requirements

- (1) In this clause—
- additional site and development requirements** means requirements set out in clauses 30 and 31.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.

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

33 Restrictive covenants

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

PART 5—SPECIAL CONTROL AREAS

34 Special control areas

There are no special control areas which apply to this Scheme.

PART 6—TERMS REFERRED TO IN SCHEME

Division 1—General definitions used in Scheme

35 Terms used

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

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| 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 that— <ol style="list-style-type: none"> (a) is an individual unit other than a chalet; and (b) forms part of— <ol style="list-style-type: none"> (i) tourist and visitor accommodation; or (ii) a caravan park; <p>and</p> <ol style="list-style-type: none"> (c) if the unit forms part of a caravan park—is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period. |
| chalet | means a building that— <ol style="list-style-type: none"> (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) forms part of— <ol style="list-style-type: none"> (i) tourist and visitor accommodation; or (ii) a caravan park; <p>and</p> <ol style="list-style-type: none"> (c) if the unit forms part of a caravan park—is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period. |

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| 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 <i>Mining Act 1978</i> 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. |
| 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 <i>Planning and Development Act 2005</i> ; 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

36 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—

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| 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. |
| art gallery | means premises— (a) that are open to the public; and (b) where artworks are displayed for viewing or sale. |
| betting agency | means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> . |
| brewery | means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> . |

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| bulky goods showroom | <p>means premises—</p> <p>(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes—</p> <ul style="list-style-type: none"> (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. <p>or</p> <p>(b) used to sell goods and accessories by retail if—</p> <ul style="list-style-type: none"> (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods. |
| caravan park | means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1). |
| caretaker's dwelling | means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant. |
| car park | means premises used primarily for parking vehicles whether open to the public or not but does not include— |
| | <ul style="list-style-type: none"> (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale. |
| child care premises | means premises where— |
| | <ul style="list-style-type: none"> (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> Section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided. |
| cinema/theatre | means premises where the public may view a motion picture or theatrical production. |
| civic use | means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes. |
| club premises | means premises used by a legally constituted club or association or other body of persons united by a common interest. |
| commercial vehicle parking | means premises used for parking of one or 2 commercial vehicles but does not include— |
| | <ul style="list-style-type: none"> (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land. |
| community purpose | means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit. |
| consulting rooms | means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care. |
| convenience store | means premises— |
| | <ul style="list-style-type: none"> (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m² net lettable area. |
| corrective institution | means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility. |

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| educational establishment | means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution. |
| exhibition centre | means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum. |
| family day care | means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> 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— <ol style="list-style-type: none">without further preparation; andprimarily off the premises. |
| freeway service centre | means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services— <ol style="list-style-type: none">service station facilities;emergency breakdown repair for vehicles;charging points for electric vehicles;facilities for cyclists;restaurant, cafe or fast food services;take-away food retailing;public ablution facilities, including provision for disabled access and infant changing rooms;parking for passenger and freight vehicles;outdoor rest stop facilities such as picnic tables and shade areas. |
| 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— <ol style="list-style-type: none">as a service station; orfor the sale of fuel by retail into a vehicle for use by the vehicle. |
| funeral parlour | means premises used <ol style="list-style-type: none">to prepare and store bodies for burial or cremation;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. |
| grouped dwelling | means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property. |
| 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— <ol style="list-style-type: none">does not involve employing more than 2 people who are not members of the occupier's household; andwill not cause injury to or adversely affect the amenity of the neighbourhood; anddoes not occupy an area greater than 50 m²; anddoes 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; anddoes not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; anddoes not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; anddoes 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. |

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| home occupation | <p>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—</p> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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 | <p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation—</p> <ul style="list-style-type: none"> (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 | <p>means a shop attached to a dwelling that—</p> <ul style="list-style-type: none"> (a) has a net lettable area not exceeding 100 m²; and (b) is operated by a person residing in the dwelling. |
| hospital | <p>means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 2016</i> section 8(4).</p> |
| hotel | <p>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.</p> |
| independent living complex | <p>means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.</p> |
| industry | <p>means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes—</p> <ul style="list-style-type: none"> (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes. |
| industry—extractive | <p>means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes—</p> <ul style="list-style-type: none"> (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 | <p>means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.</p> |

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| industry—rural | means premises used for industry that— <ol style="list-style-type: none"> (a) supports and/or is associated with primary production; or (b) services plant or equipment used in primary production. |
| liquor store—large | means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300 m ² . |
| liquor store—small | means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m ² . |
| market | means premises used for the display and sale of goods from stalls by independent vendors. |
| medical centre | means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care. |
| mining operations | means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1), is carried out. |
| 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— <ol style="list-style-type: none"> (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres. |
| motor vehicle wash | means premises primarily used to wash motor vehicles. |
| multiple dwelling | means a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but— <ul style="list-style-type: none"> • does not include a grouped dwelling; and • includes any dwellings above the ground floor in a mixed use development. |
| nightclub | means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> . |
| office | means premises used for administration, clerical, technical, professional or similar business activities. |
| park home park | means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8. |
| place of worship | means premises used for religious activities such as a chapel, church, mosque, synagogue or temple. |
| reception centre | means premises used for hosted functions on formal or ceremonial occasions. |
| recreation—private | means premises that are— <ol style="list-style-type: none"> (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 predominantly 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. |
| repurposed dwelling | means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling. |
| residential aged care facility | means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes; <ol style="list-style-type: none"> (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. |

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| residential building | means a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation— <ul style="list-style-type: none"> • temporarily by two or more persons; or • permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school. |
| resource recovery centre | means premises other than a waste disposal facility used for the recovery of resources from waste. |
| restaurant/cafe | means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> . |
| restricted premises | means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of— <ol style="list-style-type: none"> (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); and (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements. |
| road house | means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services— <ol style="list-style-type: none"> (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) 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— <ol style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 200 m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight. |
| rural pursuit/hobby farm | means any premises, other than premises used for agriculture—extensive or agriculture—intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household— <ol style="list-style-type: none"> (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises. |
| service station | means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for— <ol style="list-style-type: none"> (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles. |

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| 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. |
| single house | means a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property. |
| small bar | means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> . |
| tavern | means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> . |
| telecommunications infrastructure | means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network. |
| tourist and visitor accommodation | <p>(a) means a building, or a group of buildings forming a complex, that—</p> <ul style="list-style-type: none"> (i) is wholly managed by a single person or body; and (ii) is used to provide 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; and (iii) may include on-site services and facilities for use by guests; and (iv) in the case of a single building—contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; <p>and</p> <p>(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but</p> <p>(c) does not include any of the following—</p> <ul style="list-style-type: none"> (i) an aged care facility as defined in the <i>Land Tax Assessment Act 2002</i> section 38A(1); (ii) a caravan park; (iii) hosted short-term rental accommodation; (iv) lodging-house as defined in the <i>Health (Miscellaneous Provisions) Act 1911</i> section 3(1); (v) a park home park; (vi) a retirement village as defined in the <i>Retirement Villages Act 1992</i> section 3(1); (vii) a road house; (viii) workforce accommodation. |
| trade display | means premises used for the display of trade goods and equipment for the purpose of advertisement. |
| trade supplies | <p>means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises—</p> <ul style="list-style-type: none"> (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government. |
| transport depot | <p>means premises used primarily for the parking or garaging of 3 or more commercial vehicles including—</p> <ul style="list-style-type: none"> (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. |

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| 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 <i>Carbon Rights Act 2003</i> 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 <ol style="list-style-type: none"> (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods. |
| waste disposal facility | means premises used— <ol style="list-style-type: none"> (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste. |
| waste storage facility | means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale. |
| winery | means premises used for the production of viticultural produce and associated sale of the produce. |
| workforce accommodation | means premises, which may include modular or relocatable buildings, used— <ol style="list-style-type: none"> (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

Notes: 1. *These provisions are to be read in conjunction with the Deemed Provisions (Schedule 2) contained in the Planning and Development (Local Planning Schemes) Regulations 2015.*

2. *Development approval of the local government is not required for the following works.*

61. Development for which development approval not required

- (1) Development approval is not required for works if—
- (a) the works are of a class specified in Column 1 of an item in the Table; and
 - (b) if the conditions are set out in Column 2 of the Table opposite of that item—all of those conditions are satisfied in relation to the works.

| | Column 1 Works | Column 2 Conditions |
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| 22. | The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage or carport 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. | The works are not located— <ol style="list-style-type: none"> (a) on a lot which does not have access to a dedicated and/or constructed road; or (b) in a heritage-protected place. |
| 23. | The erection or installation of a sign or advertisement of a class specified in Schedule 1 of this Scheme that applies in respect of the sign. | The works are not located in a heritage-protected place or where adjoining a road designated as a Primary Distributor Road. |
| 24. | The erection of a boundary fence in a zone where the R- Codes do not apply and the development standards set out in the Scheme for that particular zone are satisfied. | The works are not located in a heritage protected place. |

SCHEDULES

Schedule 1—Exempted Advertisements

| Land Use and/or Development | Exempted Sign Type and Number | Maximum Area |
|---|---|--|
| Dwellings | One professional nameplate as appropriate | 0.2 m ² |
| Home business or home occupation | One advertisement describing the nature of the home business or home occupation | 0.2 m ² |
| Places of worship, meeting halls and places of public assembly | One advertisement detailing the function and/or the activities of the institution concerned. | 0.2 m ² |
| Shops, showrooms, office and other commercial uses appropriate within a 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. | Not applicable. |
| Industrial and warehouse premises | (a) 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. (b) A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level. | Total area of any such advertisements are not to exceed 15 m ² . Maximum permissible total area is not to exceed 10 m ² and individual advertisement signs are not to exceed 6 m ² . |
| Sporting clubs, ovals and sporting complexes | All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets. | Not applicable. |
| Public places and reserves | (a) Advertisement signs (illuminated and 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 (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 (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. | Not applicable. Not applicable. Not applicable. |
| 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 2 m 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. | 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. | 0.2 m ² |

| Temporary Signs | EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated) | Maximum Area |
|--|---|---|
| <p>Building construction sites (advertisement signs displayed only for the duration of the construction) as follows—</p> <p>Dwellings</p> <p>Multiple dwellings, shops, commercial and industrial properties</p> | <p>(a) One advertisement per street frontage details of the project and the contractors undertaking the construction work.</p> <p>(b) One sign as for (a) above.</p> | <p>2 m²</p> <p>5 m²</p> |
| <p>Sales of goods or livestock</p> | <p>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.</p> | <p>2 m²</p> |
| <p>Property transactions, advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows—</p> <p>Dwellings</p> <p>Multiple Dwellings, shops, commercial and industrial properties</p> <p>Large rural properties in excess of five (5) hectares.</p> | <p>(a) 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.</p> <p>(b) One sign as for (a) above.</p> <p>(c) One sign as for (a) above.</p> | <p>Each sign is not to exceed an area of 2 m²</p> <p>Each sign is not to exceed an area of 5 m²</p> <p>Each sign not to exceed an area of 10 m².</p> |
| <p>Display Homes</p> <p>Advertisement signs displayed for the period over which homes are on display for public inspection</p> | <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>2 m²</p> <p>5 m²</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 local government. | In accordance with the Building Code of Australia | In accordance with the Building Code of Australia | <ol style="list-style-type: none"> 1. Canopy shade trees at the rate of 1 tree for every 4 open air parking bays. 2. Screen landscaping as required by local government. 3. Additional landscaping as required by local government. |
| Residential | To be assessed in accordance with the R-Codes. | | | |
| General Industry | 7.5m | Subject to Building Code of Australia | | 3 metre landscape strip abutting all streets. |
| Light Industry | 7.5m | Subject to Building Code of Australia | | 3 metre landscape strip abutting all streets. |
| Rural | At the discretion of local government. | | | |

*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.*

Schedule 3—Parking requirements

| Uses | Car Parking Requirement (GLA—gross leasable area) |
|--|---|
| 1 caretaker's dwelling | 1 per dwelling. |
| 2 civic use club premises community purpose exhibition centre place of worship recreation—private | 1 per 4 m ² of eating, drinking or lounge area, plus 1 per 4 m ² of public assembly and/or seating area, with other uses as determined by the local government. |
| 3 consulting rooms | 4 spaces for per practitioner. |
| 4 education establishment primary school secondary school | 1.25 spaces per classroom 2 spaces per classroom |
| 5 fast food outlet | 1 space per 5 m ² GLA |
| 6 hotel | 1 space per bedroom plus 1 space per 2 m ² bar and lounge area |
| 7 industry— extractive industry industry—light industry—Primary production | As determined by local government 1 space per 50 m ² GLA 1 space per 50 m ² GLA 1 space per employee |
| 8 lunch bar | 1 space per 4 persons accommodated |
| 9 medical centre | 4 spaces per practitioner |
| 10 office | 1 space per 40 m ² GLA with a minimum of 2 spaces for each office unit |
| 11 restaurant | 1 space per 4 persons accommodated |
| 12 roadhouse | 1.5 spaces per service bay plus 1 space per employee plus 1 space per 2 m ² bar and lounge area |
| 13 service station | 1.5 spaces per service bay plus 1 space per employee |
| 14 shop | 1 space per 15 m ² GLA |
| 15 showroom | 1 space per 60 m ² GLA |
| 16 tavern | 1 space per 2 m ² bar and Lounge area |
| 17 transport depot | 1 space per employee |
| 18 veterinary centre | 6 spaces per practitioner |
| 19 warehouse | 1 space per 100 m ² GLA |
| 20 any other use | To be determined by the local government. |

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

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Shire of Meekatharra at the Special Meeting of Council held on the **24th April 2015**

N. CAIN, Chief Executive Officer.
H. NICHOLS, President.

COUNCIL RESOLUTION TO SUPPORT THE SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Shire of Meekatharra Local Planning Scheme No 4 at the Ordinary Meeting of the Council held on the **19th November 2022**

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

N. CAIN, Chief Executive Officer.
H. NICHOLS, President.

WAPC Recommended for Approval

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

Date: 20 May 2025.

Approval Granted

J. CAREY, Minister for Planning.

Date: 30 May 2025.
