

[GO TO CONTENTS PAGE](#)

SHIRE OF EAST PILBARA

LOCAL PLANNING SCHEME NO. 4

Updated to include AMD 27 GG 21/03/2023



Department of **Planning,**
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
13 December 2005

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

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

Locked Bag 2506
Perth WA 6001

website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au

tel: 08 6551 9000
fax: 08 6551 9001

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

SHIRE OF EAST PILBARA LPS 4 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				Gazetted 13 December 2005 Capture completed 8/12/05 by D Hepden
4	6/5/08	3/6/08	dh	Schedule 4 - amending by adding Special Use Zone No. 13 "Lot 2350 Gun Club Road, Newman" together with relevant special uses and conditions. Schedule 1 - adding definition "tourist accommodation".
6	6/5/08	3/6/08	dh	Schedule 4 - amending by adding Special Use Zone No. 14. together with description of land, special uses & conditions. Schedule 1 - adding definition "tourist accommodation". <i>Note: The adding of this definition was carried out in amd 4.</i>
8	6/5/08	3/6/08	dh	Schedule 4 - amending by adding Special Use Zone No. 15 "Lot 688 Newman Drive, Newman" together with relevant special uses & conditions. Schedule 1 - amending definition of "tourist accommodation".
13	24/06/11	05/06/11	NM	Inserted Clause 4.2 (j). Inserted a new column "Residential Development" into Table 1 – Zoning Table. Inserted Clause 5.8.
15	28/02/12	19/03/12	NM	Inserted Special Use No. 16 into Schedule 4 – Special Use Zones.
22	27/03/15	24/04/15	MLD	Added 'Settlement' to Part 4.2. Deleted the 'Aboriginal Settlement' land use from 'TABLE 1 - ZONING TABLE'. Added a 'Settlement' zone column to 'TABLE 1 - ZONING TABLE'. Deleted provision '(5.15) ABORIGINAL SETTLEMENTS'. Added provision 5.15 - SETTLEMENT ZONE. Deleted the words 'Aboriginal Settlement' and its accompanying definition from 'SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS'. Modified the existing Scheme Maps to include Settlement zones for the following communities: Kiwirrkurra, Jigalong, Warralong, Punmu, Parnngur and Kunawarritji. Added 'Settlement' Zone to the Scheme Legend.
25	22/2/19	22/2/19	HB	Modify the cover page to: <ul style="list-style-type: none"> • delete 'DISTRICT ZONING SCHEME'; • replace 'Town Planning Scheme' with 'Local Planning Scheme'; • replace the references to 'Department of Planning' with 'Department of Planning, Lands and Heritage'; and • in the 'DISCLAIMER' section, delete the word 'Authority' following the 'Local Government'. Replace all references to 'Council' with 'local government'. Replace all references to 'Town Planning Scheme' with 'Local Planning Scheme', and replace 'TPS' with 'LPS'. Replace all references to 'planning approval' with 'development approval'. Replace all references to 'an outline development plan approved by the Shire' with 'a local development plan approved by the local government'. Replace all references to 'Residential Design Codes' with 'R-Codes'. Replace all references to 'the Town Planning Act' with 'the Act' except for clause 1.5 (g). Replace all references to 'Dictionary of defined words and expressions' with 'Dictionary of Defined Words and Expressions'. Modify the "List of Contents" to: <ul style="list-style-type: none"> • remove all clauses and parts which will be removed from the Scheme by this Amendment; • delete Schedules 6-9 and renumber the other schedules accordingly; Insert Schedule A - Supplemental Provisions. Modify page 6 to:

			<ul style="list-style-type: none"> • replace 'Town Planning and Development Act 1928' with '<i>Planning and Development Act 2005</i>'; • delete 'hereinafter referred to as The Act'; and • replace 'laid down' with 'set out'. <p>Clause 1.2 - insert '(hereinafter referred to as the local government)' following 'East Pilbara'.</p> <p>Clause 1.4 - Modify the clause to include reference to relevant deemed provisions and supplemental provisions The Scheme is to be read in conjunction with local planning strategy for the Scheme area.</p> <p>Clause 1.5 (e) - delete 'planning' and add 'development approval' following 'applications for'.</p> <p>Clause 1.5 (g) - replace 'First Schedule to the Town Planning Act' with '<i>Planning and Development Act 2005</i> (hereinafter referred to as the Act)'.</p> <p>Clause 1.7 - modify subclause (b).</p> <p>Part 2 - to be deleted.</p> <p>Clause 3.1 and 3.3.1 (a) and (b) - replace 'Scheme area' with 'Scheme Area' and replace 'Local Reserve' with 'local reserve'.</p> <p>Clause 3.3.1 (b) - replace 'Part 10 of the Scheme' with 'Part 8 of the deemed provisions'.</p> <p>Clause 3.3.2 (a) - replace 'clause 10.2 ' with 'Part 9 of the deemed provisions'.</p> <p>Clause 4.2 (c) - replace 'Townsite Zone' with 'Townsite zone'.</p> <p>Clause 4.2 (d) - add 'the' following 'be accommodated within'.</p> <p>Clause 4.2 (j) - modify the first dot point.</p> <p>Clause 4.3.2 modify symbol A.</p> <p>Add symbol I.</p> <p>Clause 4.3.3 modify.</p> <ul style="list-style-type: none"> • move provisions (a), (b), (c) and (d) to proposed Schedule A - Supplemental Provisions; • delete note (3) and (4); and <p>modify notes 1- 3.</p> <p>Clause 4.4.2 (b) - replace 'clause 9.4' with 'clause 64 of the deemed provisions'.</p> <p>Zoning Table - modify the Zoning Table by changing 'Ancillary Accommodation' from 'D' use to 'P' use.</p> <p>Clause 4.8 (c) - replace 'clause 11.2.1' with 'the satisfaction of the local government'.</p> <p>Clause 4.9.1 - add ',without development approval' following 'must not', and delete 'without first having applied for and obtained planning approval under the Scheme' from provision (c).</p> <p>Clause 4.9.2 - replace 'clause 9.4' with 'clause 64 of the deemed provisions'.</p> <p>Clause 5.4.2 and 5.5.2 - replace 'clause 9.4' with 'clause 64 of the deemed provisions'.</p> <p>Clause 5.5.3 (a) - replace 'clause 10.2' with 'clause 67 of the deemed provisions'.</p> <p>Clause 5.7.1 (b) - replace 'Policy' with 'local planning policy'.</p> <p>Clause 5.8.2 - to be deleted.</p> <p>Clause 5.8.3 - to be deleted.</p> <p>Clause 5.8.4 - modify.</p> <p>Clause 5.9 - add 'the' before 'Council'.</p> <p>Clause 5.11 - replace 'Townsite Zone' with 'Townsite zone', and delete the sentence: "<i>In considering any application for subdivision or development, Council shall have regard to the impact of surrounding land use and development.</i>"</p> <p>Clause 5.12 - replace all references to 'At Council discretion' and 'At discretion of Council' with 'at the local government's discretion', and replace 'carparking table' with 'Car Parking Table'.</p> <p>Clause 5.12.2 (b) and (c) - add 'the' following 'not available'; and replace the references to '5.11.2 (b)' with '5.12.2 (b)', and '5.11.2 (c)' with '5.12.2 (c)'.</p> <p>Clause 5.12.3 - change '5.11.3.1' to '5.12.3.1' and '5.11.3.2' to '5.12.3.2', and add 'the' before 'Council'.</p> <p>Clause 5.13 - replace 'Residential Zone' with 'Residential zone', and add 'the' before 'Council'.</p> <p>Clause 5.16 -change the format of 'Strata Titles Act 1985' to italic.</p> <p>Clause 5.17 - delete the entire section.</p> <p>Clause 6.2.2 - replace 'Water and Rivers Commission' with 'Department of Water and Environmental Regulation'.</p> <p>Clause 6.2.3 - delete the following wording: In determining land uses and development proposals within Special Control Areas, the Council will have due regard to</p>
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			<p>relevant State Government policies and the most recent Department of Environment, Water Catchment and Protection (DEWCP), Land Use Compatibility Tables for PDWSPAs.</p> <p>In determining proposals, the Council is to have due regard to any comments or recommendations from DEWCP and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. Council should also have regard to the management direction provided by the priority classification of certain areas, noting that:</p> <p>(a) Priority 2 (P2) areas are defined to ensure there is no increased risk of pollution to the water source; and</p> <p>(b) Priority 3 (P3) areas – are defined to manage the risk of pollution to the water source.</p> <p>Part 7 - delete the entire Part 7.</p> <p>Part 8 - move clause 8.2 (f) to the proposed Schedule A – Supplemental Provisions and delete the rest of Part 8.</p> <p>Part 9 - delete the entire Part 9.</p> <p>Part 10 - delete the entire Part 10.</p> <p>Part 11 - delete the entire Part 11.</p> <p>Schedules - delete Schedules 6, 7, 8, and 9.</p> <p>Schedule 1 - modify the following definitions contained in this Schedule in the following manner:</p> <ul style="list-style-type: none"> • Delete all the definitions that are included in Schedule 2 of the Deemed Provisions. • Absolute Majority: replace 'Local Government Act 1960' with '<i>Local Government Act 1995</i>'. • Commission: replace 'Western Australian Planning Commission Act 1985' with '<i>Planning and Development Act 2005</i>'. • Floor Area: delete the wording of 'of Australia'. • Health Studio: add 'the' before 'Council'. • Home Based Business: replace 'effect' with 'affect'. • Hotel: change 'Hotel' to 'HOTEL'. • Minister: delete the wording of 'Town Planning and Development'. • Motel, Private Hotel and Wine House: replace 'Liquor Licensing Act 1988' with '<i>Liquor Control Act 1988</i>'. • Park Home: modify the definition to read as follows: Shall have the same meaning as given in the '<i>Caravan and Camping Ground Regulations 1997</i>'. • Piggery and Poultry Farm: replace 'Health Act 1911-1979' with '<i>Health (Miscellaneous provision) Act 1911</i>'. • Prison: replace 'Prison Act, 1981' with '<i>Prisons Act 1981</i>'. • Residential Hotel and Tavern: replace 'Liquor Act 1970' with '<i>Liquor Control Act 1988</i>'. • Restricted Premises: modify the definition to read as follows: means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of - <ul style="list-style-type: none"> (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); or (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. • Wine House: replace 'Wine House Licence' with 'Special Facility Licence'. <p>Schedule 4 - modify Schedule 4 in accordance with Attachment 1 - Modified Schedule 4 - Special Use Zones.</p> <p>Schedule 5 - move Schedule 5 to 61 (1) (r) of the proposed Schedule A – Supplemental Provisions.</p> <p>Schedule 6 - to be deleted.</p> <p>Schedule 7 - to be deleted.</p> <p>Schedule 8 - to be deleted.</p> <p>Schedule 9 - to be deleted.</p> <p>Insert Schedule A – Supplemental Provisions.</p> <p>Re-order, re-configure and renumber the remaining scheme provisions, including parts, clause and appendices sequentially and update any cross referencing to the new part, clause and appendix numbers as required.</p> <p>Insert Appendix 2: Schedule A - Supplemental Provisions.</p> <p>Insert Schedule 5 - Exempted Advertisements.</p> <p>Insert provision 61 (2) (g).</p> <p>Modify Schedule 4 - Special Use Zones.</p>
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26	10/09/2021	15/09/2021	HB	Rezone Lot 325 on Deposited Plan 403101 and portions of Lot 56 on Deposited Plan 240321. Lot 478 on Deposited Plan 416478, Lot 490 on Deposited Plan 415044, Lot 491 on Deposited Plan 415045 and Lot 1556 on Deposited Plan 70856 from 'Recreation' Local Scheme Reserve to 'Rural' Zone; and Amend the Scheme Maps accordingly.
27	21/03/2023	23/03/2023	GL	(i) Amending a portion of Crown Reservation R44775 from the 'Rural' zone to the 'Special Use' zone, and inserting into Schedule 4—Special Use Zone No. 17 (ii) Amending the Scheme Maps accordingly

LIST OF CONTENTS

PART 1 - PRELIMINARY	9
1.1 Citation	9
1.2 Responsible Authority	9
1.3 Scheme Area	9
1.4 Contents of Scheme.....	9
1.5 Purposes of Scheme.....	9
1.6 The Aims of the Scheme.....	10
1.7 Definitions	10
1.8 Relationship with Local Laws	11
1.9 Relationship with Other Schemes.....	11
1.10 Relationship with the Region Scheme	11
PART 2 – RESERVES.....	12
2.1 Reserves	12
2.2 Local Reserves	12
2.3 Use and Development of Local Reserves.....	12
PART 3 – ZONES.....	13
3.1 Zones	13
3.2 Objectives of the Zones	13
3.3 Zoning Table	14
3.4 Interpretation of the Zoning Table.....	15
Zoning Table	16
3.5 Additional Uses	20
3.6 Restricted Uses.....	20
3.7 Special Use Zones	20
3.8 Non-conforming Uses	20
3.9 Extensions and Changes to a Non-conforming Use.....	20
3.10 Discontinuance of Non-conforming Use	21
3.11 Termination of a Non-conforming Use	21
3.12 Destruction of Non-conforming Use Buildings	21
PART 4 - GENERAL DEVELOPMENT REQUIREMENTS.....	22
4.1 Compliance with Development Standards and Requirements	22
4.2 R-Codes	22
4.3 Special Application of R-Codes	22
4.4 Restrictive Covenants	22
4.5 Variations to Site and Development Standards and Requirements	22
4.6 Environmental Conditions	23
4.7 Residential Zone	23
4.7.1 Dual Density Code	23
4.8 Residential Development Zone	23
4.9 Town Centre Zone	24
4.10 Industrial Zone	24
4.10.3 Unsewered Industrial Development	24
4.11 Nullagine Townsite Zone.....	24
4.12 Building And Car Parking Requirements	25
4.12.1 Building Setbacks.....	25
4.12.2 Car Parking	25
4.12.3 Landscaping.....	26
4.13 Parking of Commercial Vehicles	26
4.14 Home Occupations and Home Businesses	27
4.15 Settlement Zone – AMD 22 GG 27/3/15.....	27
4.16 Caretakers Dwellings	27

PART 5 - SPECIAL CONTROL AREAS	28
5.1 Operation of Special Control Areas	28
5.2 Public Drinking Water Source Protection Areas	28
5.2.1 Purpose and Intent.....	28
5.2.2 Referral of Applications.....	28
5.2.3 Relevant Considerations.....	28
SCHEDULES	29
Schedule 1 - Dictionary of Defined Words and Expressions	30
Schedule 2 - Additional Uses [cl. 3.5]	51
Schedule 3 - Restricted Uses [cl. 3.6]	52
Schedule 4 - Special use zones [cl. 3.7]	53
Schedule 5 - Environmental Conditions [cl 4.6]	57
Schedule A Supplemental Provisions	56
ADOPTION	62

SHIRE OF EAST PILBARA

LOCAL PLANNING SCHEME NO. 4

The Shire East Pilbara, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act, 2005* (as amended), hereby makes the following Local Planning Scheme for the purposes set out in The Act.

PART 1 - PRELIMINARY

1.1 CITATION

1.1.1 The Shire of East Pilbara Local Planning Scheme No. 4 comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked:

Shire of East Pilbara Town Planning Scheme No. 1 Gazetted: 8th April 1983

1.2 RESPONSIBLE AUTHORITY

The Shire of East Pilbara, (hereinafter referred to as the local government).

AMD 25 GG 22/2/19

1.3 SCHEME AREA

The Scheme applies to the Scheme area which covers all of the local government district of the Shire of East Pilbara as shown on the Scheme Map.

AMD 25 GG 22/2/19

1.4 CONTENTS OF SCHEME

AMD 25 GG 22/2/19

The Scheme comprises:

- (a) the Scheme Text;
- (b) the deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (hereinafter referred to as the deemed provisions);
- (c) the supplemental provisions contained in Schedule A (hereinafter referred to as supplemental provisions); and
- (d) the Scheme Maps (sheets 1 to 10).

The Scheme is to be read in conjunction with the local planning strategy for the Scheme area.

1.5 PURPOSES OF SCHEME

The purposes of the Scheme are to:

- (a) set out the local government planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of applications for development approval;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the *'Planning and Development Act 2005* (hereinafter referred to as the Act).

AMD 25 GG 22/2/19

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are:

- (a) to assist the effective implementation of the State Planning Strategy and any regional plans and policies which are relevant to the Shire;
- (b) to foster efficient, hospitable and aesthetic town centres to serve as residential, civic, cultural, recreational and commercial focal points for the surrounding region;
- (c) to assist commercial, industrial and business development in order to maximise business and employment opportunities and to sustain and broaden the economic base;
- (d) to accommodate infrastructure and townsite development for the beneficial exploration and mining of minerals within the Shire;
- (e) to assist the sustainable and economic operation of the pastoral industry in the region;
- (f) to support housing choice in townsites and neighbourhoods with community identity and high levels of amenity;
- (g) to support the conservation and wise use of natural resources including land, wetlands, flora, fauna and minerals;
- (h) to conserve objects and places of natural, historic and cultural significance; and
- (i) to protect routes and corridors for the effective transportation of people and goods within the region.

1.7 DEFINITIONS

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have:

- (a) in the Act; or
- (b) if they are not defined in that Act:
 - (i) in the Dictionary of Defined Words and Expressions in Schedule 1;
 - (ii) in the R-Codes; or
 - (iii) in the deemed provisions.

AMD 25 GG 22/2/19

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary of Defined Words and Expressions in Schedule 1 and the meaning of that word or expression in the R-Codes:

- (a) in the case of a residential development, the definition in the R-Codes prevails; and *AMD 25 GG 22/2/19*
- (b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes, and instructions printed in italics, are not part of the Scheme.

1.8 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9 RELATIONSHIP WITH OTHER SCHEMES

There are no other Schemes of the Shire of East Pilbara which apply to the Scheme Area.

1.10 RELATIONSHIP WITH THE REGION SCHEME

There is no statutory Region Scheme which applies to the Scheme Area.

PART 2 – RESERVES

AMD 25 GG 22/2/19

2.1 RESERVES

Certain lands within the Scheme Area are classified as local reserves.

2.2 LOCAL RESERVES

Local Reserves are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

2.3 USE AND DEVELOPMENT OF LOCAL RESERVES

2.3.1 A person must not:

- (a) use a local reserve; or
- (b) commence or carry out development on a local reserve

without first having obtained development approval under Part 8 of the deemed provisions.

2.3.2 In determining an application for development approval the local government is to have due regard to:

- (a) the matters set out in Part 9 of the deemed provisions.
- (b) the ultimate purpose intended for the Reserve.

2.3.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

PART 3 – ZONES

AMD 25 GG 22/2/19

3.1 ZONES

3.1.1 The Scheme area is classified into the zones shown on the Scheme Map.

3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are:

- (a) Residential: The objective of the zone is to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the R-Codes at the density coding shown on the Scheme Map.
- (b) Town Centre: The objective of the zone is to provide for retail shopping, office and commercial development, and social, recreational and community activities serving the town as a whole.
- (c) Nullagine Townsite: The objective of the Nullagine Townsite zone is to allow for a wide range of land uses that may reasonably be expected to exist in a small remote townsite, having regard for the unique existing land use mixes within Nullagine, but subject to the consideration of the orderly and proper planning and the preservation of local amenity.
- (d) Mixed Business: The objective of the zone is to provide for a range of light and service industrial, wholesaling, showrooms, trade and professional services which, by reason of their scale, character and operational land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Centre zone or Industrial zone. Generally, this zone only applies in specialist locations where this type of development is either existing or strategically justifiable.
- (e) Industrial: The objective of the zone is to provide for manufacturing industry, the storage and distribution of goods and associated uses which by the nature of their operations should be separated from residential areas. The zone also provides for light and service industries and associated uses.
- (f) Community and Cultural Purposes:

The objective of the zone is to designate land in suitable locations for community purposes to meet the needs of the Shire in regard to the provision of cultural, educational, social, recreational and welfare facilities and services by organisations involved in activities for community benefit.
- (g) Rural: The objectives of the zone are:
 - to ensure the continuation of rural use encouraging, where appropriate, the retention and expansion of rural activities and associated pursuits that are compatible with the capability of the land and the amenity of the locality;

- to provide for the orderly and proper planning of Aboriginal communities through the preparation of approved Settlement Plans.
- (h) Rural Living: The objective of the zone is to provide for development of rural settlements on land suitable for such a purpose in a form that protects the rural character and environmental values of the area, and provides a high level of residential amenity.
- (i) Special Use: The objective of the zone is to provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality but by their nature require specific consideration.
- (j) Residential Development:
AMD 13 GG 24/06/11; AMD 25 GG 22/2/19

The objectives of the zone are to:

- provide for the coordinated development of future residential areas through the application of a Structure Plan prepared and approved in accordance with the deemed provisions;
 - provide for predominantly residential development, but also including a range of compatible services, consistent with the needs of an integrated neighbourhood, and planned so as to minimise adverse impacts on amenity;
 - avoid the development of land for any purposes or at a time when it is likely to compromise development elsewhere in the district or prejudice the future development of land zoned Residential Development for more appropriate purposes; and
 - take account of the need to protect the amenity and on-going use of adjacent and nearby land as well as to provide for the need of future residents.
- (k) Settlement: The objectives of the zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places by –
- i. requiring preparation and endorsement of a Layout Plan
 - ii. ensuring that development accords with the Layout Plan. - AMD 22 GG 27/3/15

3.3 ZONING TABLE

3.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses 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.

3.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings: *AMD 25 GG 22/2/19*

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the 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; *AMD 25 GG 22/2/19*

'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 a use that is not permitted by the Scheme.

3.4 INTERPRETATION OF THE ZONING TABLE

3.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may: *AMD 25 GG 22/2/19*

(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

(b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for planning approval; or

(c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Zoning Table

	Town Centre	Nullagine Townsite Zone	Mixed Business	Residential	Residential Development <small>AMD 13 GG 24/06/11</small>	Industry	Rural	Rural Living	Community & Cultural Purposes	Special Use	Settlement <small>- AMD 22 GG 27/3/15</small>
RESIDENTIAL USES											
Aboriginal Settlement <small>- DELETED BY AMD 22 GG 27/3/15</small>	X	D	X	X		X	D	X	X		
Aged/Dependent Person Dwelling	X	D	X	D		X	D	X	X		
Ancillary Accommodation <small>AMD 25 GG 22/2/19</small>	X	P	X	P		X	P	P	X		
Caretaker Dwelling	D	D	D	X		D	D	X	D		
Display Home Centre	X	D	X	D		D	X	X	X		
Grouped Dwelling	D	D	D	D		X	X	X	X		
Home Business	X	D	X	A		X	A	A	X		
Home Occupation	X	D	X	P		X	P	P	X		
Home Office	X	D	X	P		X	P	P	X		
Multiple Dwelling	D	D	D	D		X	X	X	X		
Residential Building	D	D	D	D		X	X	X	X		
Retirement Village	X	D	X	D		X	X	X	A		
Single House	X	P	X	P		X	P	P	X		
Single Persons Quarters	A	D	X	A		X	X	X	X		
TRAVELLING & VACATIONAL USES											
Camping Area	X	D	X	X		X	D	X	X		
Caravan Park	X	D	X	X		X	X	X	X		
Holiday Accommodation	X	D	X	X		X	A	X	X		
Motel	A	D	A	X		X	X	X	X		
Park Home Park	X	D	X	X		X	X	X	X		
Residential Building	A	D	X	A		X	A	X	X		
Residential Hotel	A	D	A	A		X	X	X	X		
Shared Dwelling	X	D	X	A		X	X	X	X		
Temporary Accommodation	X	D	X	X		X	D	X	X		
LICENSED PREMISES											
Drive-in Liquor Store	D	D	A	X		X	X	X	X		
Hotel	D	D	A	X		X	X	X	X		
Licensed Restaurant	D	D	D	X		A	X	X	X		
Liquor Store	D	D	A	X		X	X	X	X		
Night Club	A	D	A	X		X	X	X	X		
Private Hotel	P	D	A	A		X	X	X	X		
Tavern	D	D	A	X		X	X	X	X		
Wine House	D	D	A	X		X	X	X	X		
COMMERCIAL USES											
Amusement Facility	D	D	D	X		D	X	X	D		
Amusement Parlour	D	D	D	X		A	X	X	X		
Auction Mart	D	D	D	X		D	X	X	X		
Bank	P	D	P	X		X	X	X	X		
USES LIMITED TO THOSE LISTED IN SCHEDULE 4										LAND USE PERMISSIBILITY IS TO BE DETERMINED WITH REFERENCE TO THE ENDORSED LAYOUT PLAN	

	Town Centre	Nullagine Townsite Zone	Mixed Business	Residential	Residential Development <small>AMD 13 GG 24/06/14</small>	Industry	Rural	Rural Living	Community & Cultural Purposes	Special Use	Settlement <small>- AMD 22 GG 27/3/15</small>
Betting Agency	D	D	D	X		X	X	X	X		
Car Park	P	D	P	X		P	D	X	D		
Consulting Room	P	D	P	A		A	X	X	X		
Convenience Store	D	D	D	X		A	X	X	X		
Corner Shop	X	D	X	A		X	X	X	X		
Dry Cleaning Agency	D	D	D	X		D	X	X	X		
Fast Food Outlet	P	D	D	X		X	X	X	X		
Fish Shop	P	D	D	X		A	X	X	X		
Fuel Filling Station	D	D	D	X		D	D	X	X		
Funeral Parlour	P	D	P	X		D	X	X	X		
Health Studio	P	D	D	X		D	X	X	D		
Hire Service	D	D	D	X		P	X	X	X		
Laundromat	D	D	D	X		D	X	X	X		
Local Shop	P	D	D	A		D	A	X	X		
Lunch Bar	P	D	P	X		P	X	X	X		
Machinery Sales	D	D	D	X		P	X	X	X		
Market	D	D	D	X		D	D	X	D		
Medical Centre	P	D	P	X		X	X	X	X		
Milk Depot	X	D	D	X		D	X	X	X		
Motor Vehicle Hire	D	D	D	X		D	X	X	X		
Motor Vehicle Repair	A	D	A	X		P	X	X	X		
Motor Vehicle Wash	D	D	D	X		D	X	X	X		
Motor Vehicle/Boat/Caravan Sales	D	D	D	X		P	X	X	X		
Office	P	D	P	X		D	D	X	X		
Open Air Display	D	D	D	X		P	X	X	X		
Petrol Filling Station	A	D	A	X		A	X	X	X		
Professional Office	P	D	P	X		D	X	X	X		
Public Mall	P	D	P	X		X	X	X	X		
Restaurant/Cafe/Eating House	P	D	D	X		A	X	X	D		
Restricted Premises	A	D	A	X		A	X	X	X		
Roadhouse	A	D	A	X		A	A	X	X		
Service Station	A	D	A	X		A	X	X	X		
Shop	P	D	D	X		X	X	X	X		
Showroom	P	D	P	X		D	X	X	X		
Trade Display	D	D	D	X		P	X	X	X		
Video Sales and/or Hire	P	D	D	X		X	X	X	X		
Warehouse	D	D	D	X		P	X	X	X		
PUBLIC AND COMMUNITY USES											
Airfield	X	D	X	X		X	D	X	X		
Arts & Crafts Studio	P	D	D	X		D	D	X	X		
Child Day Care Centre	D	D	X	A		X	A	X	P		
Cinema/Theatre	D	D	D	X		X	X	X	A		
Civic Use	P	D	X	D		A	X	X	P		

USES LIMITED TO THOSE LISTED IN SCHEDULE 4

LAND USE PERMISSIBILITY IS TO BE DETERMINED WITH REFERENCE TO THE ENDORSED LAYOUT PLAN

	Town Centre	Nullagine Townsite Zone	Mixed Business	Residential	Residential Development <small>AMD 13 GG 24/06/14</small>	Industry	Rural	Rural Living	Community & Cultural Purposes	Special Use	Settlement <small>- AMD 22 GG 27/3/15</small>
Club Premises	D	D	X	X		A	D	X	D		
Community Service Depot	P	D	P	A		D	A	X	P		
Educational Establishment	D	D	D	A		D	A	X	D		
Family Care Centre	D	D	X	A		X	A	X	P		
Hospital	D	D	X	S		X	X	X	P		
Infant Health Clinic	D	D	X	A		X	A	X	P		
Institutional Building/Home	A	D	X	A		X	A	X	A		
Kindergarten	D	D	X	A		X	A	X	P		
Museum	P	D	P	X		A	D	X	A		
Nursing Home	D	D	X	A		X	X	X	P		
Place of Public Assembly	A	D	A	X		D	A	X	D		
Place of Public Worship	P	D	D	A		D	A	X	D		
Prison	X	D	X	X		X	A	X	X		
Private Club	D	D	D	A		D	D	X	A		
Public Amusement	D	D	D	X		D	D	X	D		
Public Exhibition	P	D	P	X		D	D	X	P		
Public Utility	P	D	P	P		P	P	P	P		
Radio/TV Installation	D	D	D	A		D	D	X	X		
Reception Centre	P	D	D	X		D	D	X	D		
Recreation – Private	D	D	D	X		A	D	X	D		
Recreation – Public	P	D	D	D		P	P	X	P		
Reformatory	A	D	X	X		X	A	X	X		
Sports Ground	A	D	X	A		D	D	X	P		
Zoological Garden	X	D	X	X		A	D	X	A		
INDUSTRIAL USES											
Light Industry	X	D	X	X		P	D	X	X		
Service Industry	S	D	A	X		P	X	X	X		
General Industry	X	D	X	X		D	X	X	X		
Hazardous Industry	X	D	X	X		A	X	X	X		
Noxious Industry	X	D	X	X		X	A	X	X		
Extractive Industry	X	D	X	X		X	D	X	X		
Rural Industry	X	D	X	X		X	D	X	X		
Motor Vehicle Wrecking	X	D	X	X		D	X	X	X		
Fuel Depot	A	D	A	X		D	A	X	X		
Marine Dealer	X	D	X	X		D	X	X	X		
Marine Collectors Yard	X	D	X	X		D	X	X	X		
Transport Depot	X	D	X	X		P	A	X	X		
Storage Yard	X	D	X	X		P	X	X	X		
Building Storage Yard	X	D	X	X		P	X	X	X		
Contractors Yard	X	D	X	X		P	X	X	X		
Salvage Yard	X	D	X	X		D	X	X	X		
Factory Unit	X	D	X	X		P	X	X	X		
Sawmill	X	D	X	X		D	D	X	X		
Machinery Sales	D	D	D	X		D	X	X	X		

USES LIMITED TO THOSE LISTED IN SCHEDULE 4

LAND USE PERMISSIBILITY IS TO BE DETERMINED WITH REFERENCE TO THE ENDORSED LAYOUT PLAN

	Town Centre	Nullagine Townsite Zone	Mixed Business	Residential	Residential Development <small>AMD 13 GG 24/06/14</small>	Industry	Rural	Rural Living	Community & Cultural Purposes	Special Use	Settlement <small>- AMD 22 GG 27/3/15</small>
RURAL USES											
Cattery	X	D	X	X		A	A	X	X		
Kennels	X	D	X	X		A	A	X	X		
Stock Yards	X	D	X	X		X	P	X	X		
Veterinary Centre	A	D	A	X		D	D	A	X		
Sables	X	D	X	X		X	D	D	X		
Equestrian Centre	X	D	X	X		X	P	X	X		
Rural Pursuit	X	D	X	X		X	P	D	X		
Piggery	X	D	X	X		X	D	X	X		
Intensive Agriculture	X	D	X	X		X	P	X	X		
Poultry Farm	X	D	X	X		X	D	X	X		
Wayside Stall	X	D	X	X		X	D	D	X		
Abattoir	X	D	X	X		X	D	X	X		
Aquaculture	X	D	X	X		A	D	D	X		
Farm Supply Centre	X	D	D	X		D	D	X	X		
Produce Store	X	D	D	X		D	D	X	X		
Garden Centre	D	D	D	X		D	D	X	X		
Nursery	D	D	D	X		D	D	A	X		

3.5 ADDITIONAL USES

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed, in addition to any uses permissible in the zone in which the land is situated, subject to the conditions set out in Schedule 2 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

3.6 RESTRICTED USES

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed, and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

3.7 SPECIAL USE ZONES

3.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

3.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone, except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

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

3.8 NON-CONFORMING USES

AMD 25 GG 22/2/19

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent:

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to the satisfaction of the local government, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: 'Land' has the same meaning as in the Act and includes houses, buildings and other works and structures.

3.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

AMD 25 GG 22/2/19

3.9.1 A person must not, without development approval:

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or

- (c) change the use of land from a non-conforming use to another non-conforming use.

3.9.2 An application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions.

3.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

AMD 25 GG 22/2/19

3.10 DISCONTINUANCE OF NON-CONFORMING USE

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

3.11 TERMINATION OF A NON-CONFORMING USE

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 13 of the Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a local planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

AMD 25 GG 22/2/19

3.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the local government.

AMD 25 GG 22/2/19

PART 4 - GENERAL DEVELOPMENT REQUIREMENTS

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with the provisions of the Scheme.

4.2 R-CODES

AMD 25 GG 22/2/19

- 4.2.1 A copy of the R-Codes is to be kept and made available for public inspection at the offices of the local government.
- 4.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the R-Codes is to conform with the provisions of those Codes.
- 4.2.3 The R-Codes density applicable to land within the Scheme area is to be determined by reference to the R-Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map, or where such an area abuts another area having a Residential Planning Code density, as being contained within the area defined by the centre-line of those borders.

4.3 SPECIAL APPLICATION OF R-CODES

AMD 25 GG 22/2/19

- 4.3.1 Notwithstanding Table 1 of the R-Codes, a single house may have a minimum area of open space of 40% of site area where 10% of the site area is covered by verandahs, patios or similar covered area open to the air.

4.4 RESTRICTIVE COVENANTS

AMD 25 GG 22/2/19

- 4.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the R-Codes which apply under the Scheme.
- 4.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant development approval to the development of the land which would, but for the operation of subclause 5.4.1 have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 64 of the deemed provisions.

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

AMD 25 GG 22/2/19

- 4.5.1 Except for development in respect of which the R-Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 4.5.2 In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to:
 - (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and

- (b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.6 ENVIRONMENTAL CONDITIONS

AMD 25 GG 22/2/19

4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

4.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

4.6.3 The local government is to:

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
- (b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*.

4.7 RESIDENTIAL ZONE

AMD 25 GG 22/2/19

4.7.1 Dual Density Code

Where land has a dual density coding, the lower code shall prevail as the maximum permissible residential density for the land unless:

- (a) reticulated sewerage is or becomes available to the land or, where exemption from the requirement for deep sewerage is granted by the local government pursuant to the provisions of any Government Sewerage Policy; and
- (b) development of the land in a manner consistent with the higher density code is in accordance with the local government's Residential Development local planning policy.

4.8 RESIDENTIAL DEVELOPMENT ZONE

AMD 13 GG 24/06/11 AMD 25 GG 22/2/19

4.8.1 Development in the Residential Development zone shall comply with the objectives of that zone as outlined in Part 4 of the Scheme.

4.8.2 For development applications and subdivisions of land zoned Residential Development, the local government shall have due regard to the Structure Plan applicable to the land that has been prepared and approved in accordance with the requirements of Part 4 of the deemed provisions.

4.9 TOWN CENTRE ZONE

Uses permitted by the Scheme will be subject to conformity with a Town Centre Strategy adopted by the local government from time to time and with other provisions of the Scheme.

AMD 25 GG 22/2/19

4.10 INDUSTRIAL ZONE

4.10.1 Within the Industrial Zone the following shall apply:

Minimum lot size	:	1,500m ²
Minimum lot frontage:		30 metres

4.10.2 Between the frontage of a lot and the building line, land shall not be used for any purpose other than;

- (a) vehicle parking;
- (b) landscaping;
- (c) with the approval of the local government, Trade Display. *AMD 25 GG 22/2/19*

4.10.3 Unsewered Industrial Development

4.9.3.1 Unsewered industrial development or land use shall be restricted to low wastewater producing type of industries, that is, industries predicted to produce a daily wastewater volume of less than 540 litres per 200 m² of lot area intended for disposal on site.

4.9.3.2 Regard shall be given to the capacity for infrastructure to accommodate additional loads (particularly where development involves the expansion of existing operations).

4.9.3.3 Suitable arrangements shall be required to prevent soil and groundwater contamination.

4.9.3.4 Suitable arrangements shall be required to ensure separation of stormwater and process liquids and the onsite containment of process liquids.

4.11 NULLAGINE TOWNSITE ZONE

AMD 25 GG 22/2/19

The objective of the Nullagine Townsite zone is to allow for a wide range of land uses that may reasonably be expected to exist in a small remote townsite, having regard for the unique existing land use mixes within Nullagine, but subject to the consideration of the orderly and proper planning and the preservation of local amenity.

Residential development within the Nullagine Townsite zone shall conform to the provisions of the R-Codes in accordance with the R15 Density Code.

In considering any application for subdivision or development, the local government shall have regard to the potential impact of any land contamination or flooding in Nullagine, based on the best information available.

4.12 BUILDING AND CAR PARKING REQUIREMENTS

4.12.1 Building Setbacks

Within the Scheme Area, building setbacks shall be in accordance with the following provisions:

BUILDING SETBACKS

AMD 25 GG 22/2/19

Zone	Building Line
Residential	In accordance with the provisions of the R-Codes.
Town Centre	In accordance with the Town Centre Strategy adopted by the local government.
Nullagine Townsite (residential development)	In accordance with the provisions of the R-Codes.
Nullagine Townsite (non-residential development)	At the local government's discretion
Mixed Business	Nil
Industrial	9 metres
Rural Living:	Front: 15 metres Sides: 10 metres Rear: 15 metres
Community and Cultural	9 metres
Other Zones	At the local government's discretion

4.12.2 Car Parking

- (a) Development of land for any of the uses listed in the car parking table shall make provision for on-site car parking spaces constructed in accordance with the requirements of the Car Parking Table and carparking layouts diagram.

CAR PARKING TABLE

Use	Minimum Number of Car Parking Spaces
Residential	In accordance with the provisions of the R-Codes.
Shop	8 bays for each 100m ² of gross leasable floor area.
Office	1 for each 40m ² of leasable floor area.
Other Commercial Use	At the local government's discretion, taking into account not listed herein the type of use and estimated requirements. <i>AMD 25 GG 22/2/19</i>
Industrial	1 for each 50m ² of gross floor area.
Hotel	1 space for each bedroom plus 1 space for each 3 m ² of bar and public area.
Tavern	1 space for each 3m ² of public area.

Motel	1.5 spaces for each unit.
Recreational	At the local government's discretion.
Other uses not listed above	At the local government's discretion.

AMD 25 GG 22/2/19

(b) Notwithstanding the provisions of the Car Parking Table, the local government may waive requirements for onsite car parking if it is satisfied that adequate constructed car parking has been provided in close proximity to the proposed development. Where constructed car parking is not available the local government may accept a cash payment in lieu of provision of parking for a development subject to clause 4.12.2(c) below.

(c) Any payments made in terms of clause 4.12.2(b) above shall:

- i) not be less than the estimated cost of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by the Chief Valuer of the Department of State Taxation, of the area of land which might have been occupied by the parking spaces;
- ii) be paid solely to the provision, construction and maintenance of further car parking facilities in reasonable proximity to the premises from which the monies were derived.

AMD 25 GG 22/2/19

4.12.3 Landscaping *AMD 25 GG 22/2/19*

4.12.3.1 In addition to the landscaping requirements for residential development specified in the R-Codes, all non-residential development shall provide landscaped areas to be designed, developed and maintained to the local governments satisfaction.

4.12.3.2 The Local government shall require the submission of a landscape plan for its approval prior to commencement of development, indicating the type and location of plants and any other information considered relevant by the local government.

4.13 PARKING OF COMMERCIAL VEHICLES

AMD 25 GG 22/2/19

4.13.1 A person shall not park a commercial vehicle in excess of 3 tonnes combined tare weight within the Residential zone except for delivery or loading purposes normally associated with a residential use.

4.13.2 A person may park on a lot in the Residential Zone not more than one commercial vehicle in excess of 3 tonnes combined tare weight with the approval of the local government, provided that:

- a) on-site provision for housing the vehicle in a garage or parking behind the front building setback line is made in a manner satisfactory to the local government;
- b) the vehicle and its load does not exceed 3m in height;
- c) the amenity of the neighbourhood is not prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust from the vehicle;
- d) if, in the opinion of the local government, a nuisance or annoyance to the owners of land in the neighbourhood is caused, the local government may revoke or refuse to renew its approval;

- e) the approval is valid for 12 months only but may be renewed annually at the discretion of the local government;
- f) any other conditions the local government thinks necessary or desirable are satisfied.

4.14 HOME OCCUPATIONS AND HOME BUSINESSES

AMD 25 GG 22/2/19

Subject to the provisions of the Scheme, where the local government grants approval to carry on a Home Occupation or Home Business, the following provisions shall apply:

- (a) The approval shall be personal to the applicant and shall not be transferred or assigned to any other person;
- (b) The approval shall not run with the land in respect of which it was granted.

When considering and determining applications for Home Occupations and Home Businesses, the local government shall have regard to its Policy related to 'Home Based Businesses'.

4.15 SETTLEMENT ZONE – AMD 22 GG 27/3/15

4.15.1 In the Settlement zone, the use and development of land is to be in accordance with an endorsed Layout Plan prepared in accordance with State Planning Policy No. 3.2 - Aboriginal Settlements.

4.15.2 In the event that an approved Layout Plan has not been prepared in accordance with State Planning Policy No. 3.2 - Aboriginal Settlements, assessment and consideration is to be carried out based upon the objectives and intentions of this Scheme.

4.16 CARETAKERS DWELLINGS

AMD 25 GG 22/2/19

The provisions of this clause are to apply for all caretakers' dwellings in the Industrial Zone:

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (b) only one caretaker's dwelling is permitted on a lot; for the purposes of this clause 'lot' excludes a strata lot or survey strata lot created under the *Strata Titles Act 1985*;
- (c) a caravan or park home is not permitted as a caretaker's dwelling for either permanent or temporary accommodation;
- (d) a caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot;
- (e) a caretaker's dwelling is to have a total floor area that does not exceed 100 m² measured from the external face of walls;
- (f) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 m² referred to in paragraph (e).

PART 5 - SPECIAL CONTROL AREAS

5.1 OPERATION OF SPECIAL CONTROL AREAS

5.1.1 The following Special Control Areas are shown on the Scheme Maps:

- (a) Public Drinking Water Source Protection Areas

5.1.2 In respect of a Special Control Area shown on the Scheme Map, the provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.2 PUBLIC DRINKING WATER SOURCE PROTECTION AREAS

All Priority 1, 2 and 3 Public Drinking Water Source Protection Areas (PDWSPAs) are indicated as Special Control Areas (SCA) on the Scheme Maps.

5.2.1 Purpose and Intent

The purpose of PDWSPA's is to:

- (a) identify the proclaimed Public Drinking Water Source Protection Areas; and
- (b) ensure that land use and development within PDWSPA's is compatible with the protection and long-term management of water resources for public water supply.

5.2.2 Referral of Applications

AMD 25 GG 22/2/19

The local government is required to refer any development application which involves the following activities to the Department of Water and Environmental Regulation for advice prior to determination of the application:

- (a) potential for increased nutrient loading, in particular point source for nutrients eg. poultry farm, piggery;
- (b) Application of fertilisers and pesticides;
- (c) Storage of chemicals, fuels and other potentially polluting substances;
- (d) Substantial increase in runoff;
- (e) Any other impact which the local government considers could have an impact on the quality of public drinking water.

5.2.3 Relevant Considerations

Notwithstanding the permissibility of land uses in The Zoning Table, the following uses are not permitted within the PDWSPA Special Control Areas: Abattoir, Piggery, Power Station, Fish Processing, Tannery, Woolscourer.

Schedules

AMD 25 GG 22/2/19

Schedule 1	Dictionary of Defined Words and Expressions
Schedule 2	Additional Uses
Schedule 3	Restricted Uses
Schedule 4	Special Use Zones
Schedule 5	Environmental Conditions
Schedule A	Supplemental Provisions

SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

ABATTOIR:

means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

ABSOLUTE MAJORITY:

shall have the same meaning as is given to it in and for the purposes of the *Local Government Act 1995*.

AMD 25 GG 22/2/19

AIRFIELD:

means land and buildings used in connection with the operation of aeroplanes, including a passenger terminal, offices, parking and servicing of aircraft, and car parking, but not including occasional or seasonal use of temporary facilities for purposes associated with agriculture.

AMENITY BUILDING:

means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment or leisure as distinct from the work of the industry or business.

AMUSEMENT FACILITY:

means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

AMUSEMENT MACHINE:

means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

AMUSEMENT PARLOUR:

means land and buildings, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

ANCILLARY USE:

means a use which is incidental to the predominant use of land and buildings.

AQUACULTURE:

means the farming of aquatic organisms including fish, molluscs, crustaceans and aquatic plants. It includes but is not limited to any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the *Fisheries Act 1905* (as amended) and the *Fisheries Regulations 1938* (as amended) is required.

ARTS AND CRAFTS STUDIO:

means a building or part of a building, not in a residential zone, where craft activities are carried out and includes the sale of products created on site.

AT THE TIME OF THE DEVELOPMENT:

means during the period when construction and/or site preparation works are in progress terminating immediately prior to the occupation of the land, including any buildings, for its approved purpose.

AUCTION MART:

means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.

AUTHORISED OFFICER:

means an officer of the local government, authorised by the local government to exercise all or some of the powers of the local government under this Scheme.

AMD 25 GG 22/2/19

BANK:

means premises used for offices but wherein special provision is made for access by the public for services in the areas of finance and banking.

BATTLE-AXE LOT:

means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

BETTING AGENCY:

means a building operated in accordance with the *Totalisator Agency Board Betting Act 1960* (as amended).

BUILDING STORAGE YARD:

means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

BUILDING:

shall have the same meaning as is given to it in and for the purposes of the R-Codes.

AMD 25 GG 22/2/19

BUILDING ENVELOPE:

means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.

BUILDING LINE:

means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.

CAMPING AREA:

means an area of land set aside for the purpose of camping involving the erection of tents and other forms of temporary shelter not involving trailers, caravans, chalets or mobile homes.

CARAVAN:

means a vehicle as defined under the *Road Traffic Act 1974 - 82* maintained in condition suitable for licence under that Act all times and being designed or fitted or capable of use as a habitation or for a dwelling or sleeping purposes.

CARAVAN PARK:

means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

CARETAKER'S DWELLING:

means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

CAR PARK:

means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

CAR PARKING:

means an area of land or building specifically set aside for parking of wheeled vehicles and treated and subsequently maintained in a manner satisfactory to the local government for the purpose.

AMD 25 GG 22/2/19

CAR SALES PREMISES:

means land and buildings used for the display and sale of cars, whether new or second-hand but does not include a workshop.

CATTERY:

means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One - General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months for reward or profit.

CHILD DAY CARE CENTRE:

means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre.

CINEMA/THEATRE:

means premises where the public may view a motion picture of theatrical production.

CHILD FAMILY CARE CENTRE:

means a Child Minding Centre conducted in a private dwelling where children are received for care but does not include a Child Day Care Centre.

CIVIC BUILDING:

means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the local government for administrative, recreational or other purpose.

AMD 25 GG 22/2/19

CIVIC USE:

means land and buildings used by a Government Department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purpose.

AMD 25 GG 22/2/19

CLUB PREMISES:

means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988* (as amended) or not and which building, or premises are not otherwise classified under the provisions of the Scheme.

COMMERCIAL VEHICLE:

means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self-propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended) a van, utility or light truck which is created by the manufacturer as being suitable to carry loads of up to 1.5 tonnes.

COMMISSION:

means the Western Australian Planning Commission constituted under the *Planning and Development Act 2005*.
AMD 25 GG 22/2/19

COMMUNITY PURPOSE:

means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.

COMMUNITY SERVICE DEPOT:

means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like.

CONSERVATION:

means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:

- (a) enable the cultural heritage significance of that place or precinct to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

CONSULTING ROOMS:

means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

CONTRACTORS YARD:

means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.

CONVENIENCE STORE:

means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m² gross leasable area.

CORNER SHOP:

means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100m², attached to dwelling residential zones and which is operated as an additional use thereto by the permanent tenants of the building.

CULTURAL USE:

means any use aimed at the improvement or refinement of people by entertainment and/or education.

CURTILAGE:

in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the local government. The term shall have a like meaning in relation to land around buildings other than dwellings.

AMD 25 GG 22/2/19

DEVELOPMENT:

shall have the same meaning given it in and for the purposes of the Act.

DISPLAY HOME CENTRE:

means a group of two or more dwellings which are intended to be open for public inspection.

DISTRICT:

means the Municipal District of the Shire of East Pilbara.

DRIVE-IN LIQUOR STORE:

means land and buildings wherein specific provision is made for sales of liquor (as defined under *Liquor Act 1970* [as amended]) to persons within motor vehicles.

DRY CLEANING AGENCY:

means a building at which the public may lodge and receive articles for dry cleaning and where in some instances subject to the provisions of the Health Act a limited amount of dry cleaning may be carried out on the premises.

EATING HOUSE:

means any house, building or structure or any part thereof in which meals are served to the public for gain or reward and the expression includes a restaurant or cafe. The term does not include:

- a) any premises in respect of which an hotel licence, tavern licence, a restaurant licence or winehouse licence has been granted under the Liquor Act;
- b) any residential building;
- c) any building or structure used temporarily for serving meals to the public at any fair, show, military encampment, races or other sports, games or amusements.

EDUCATIONAL ESTABLISHMENT:

means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.

EFFECTIVE FRONTAGE:

means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows:

- a) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;

- b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
- c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the local government.

AMD 25 GG 22/2/19

EQUESTRIAN CENTRE:

means land and buildings used for the stabling and exercise of horses and includes facilities for events of a competitive nature.

EXISTING USE:

means use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme, in accordance with the conditions set out in Part 7 - Non-confirming Use of Land.

FACADE:

means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.

FACTORY UNIT:

means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

FAMILY CARE CENTRE:

means land and buildings used for the purpose of a Family Care Centre as defined in Child Welfare (Care Centres) Regulations, 1968 (as amended).

FARM SUPPLY CENTRE:

means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment

FAST FOOD OUTLET:

means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

FISH SHOP:

means a shop where the goods are kept, exposed or offered for sale including wet fish or fish fried on the premises for consumption off the premises.

FLOOR AREA:

shall have the same meaning given to it and for the purposes of the Building Code. AMD 25 GG 22/2/19

FRONTAGE:

means the boundary line or lines between a site and the street or streets upon which the site abuts.

FUEL DEPOT:

means land and buildings used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises.

FUEL FILLING STATION:

means land, buildings and equipment used for the storage and dispensing of liquid and gaseous fuels for the operation of the predominant use of the land.

FUNERAL PARLOUR:

means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

GARDEN CENTRE:

means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.

GAZETTAL DATE:

means the date on which this Scheme is published in the Government Gazette.

GROSS FLOOR AREA:

means the aggregate of the total floor area of each level of a building including the thickness of external walls but excluding the space set aside for the parking of wheeled vehicles and for the accommodation of service vehicles where such space is provided within the building.

GROSS LEASABLE AREA:

means in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

HEALTH STUDIO:

means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation if especially approved by the local government.

AMD 25 GG 22/2/19

HEIGHT:

when used in relation to a building that is used for:

- (a) residential purposes, has the same meaning given to it in and for the purpose of the R-Codes;
or
AMD 25 GG 22/2/19
- (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.

HEIGHT ABOVE NATURAL GROUND LEVEL:

means the distance measured vertically from the centre point of the smallest square or rectangle containing the whole of the proposed new building at the natural ground level, or the ground level created at the time of subdivision or earlier development, as the case may be, to the highest point of the proposed new building.

HIRE SERVICE:

means land and buildings used for the storage and hire of machinery and other bulky equipment.

HOLIDAY ACCOMMODATION:

means two or more attached or detached self-contained dwellings on one lot let for holiday purposes, none of which is occupied by the same tenant for continuous period of more than four months.

HOME BASED BUSINESS:

Means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- a) does not employ more than two people not members of the occupier's household;
- b) will not cause injury to or adversely affect the amenity of the neighbourhood; *AMD 25 GG 22/2/19*
- c) does not occupy an area greater than 50 m²;
- d) does not involve the retail sale, display or hire of goods of any nature;
- e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- f) does not involve the use of an essential service of greater capacity than normally required in the zone.

HOME OCCUPATION:

means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- a) does not employ any person not a member of the occupier's household;
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) does not occupy an area greater than 20 m²;
- d) does not display a sign exceeding 0.2 m²;
- e) does not involve the retail sale, display or hire of goods of any nature;
- f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- g) goes not involve the use of an essential service of greater capacity than normally required in the zone.

HOME OFFICE:

means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:

- a) entail clients or customers travelling to and from the dwelling;
- b) involve any advertising signs on the premises; or
- c) require any external change to the appearance of the dwelling

HOSPITAL:

means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

HOTEL:

AMD 25 GG 22/2/19

means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act 1988* and may include a betting agency operated in accordance with the *Totalisator Agency Betting Board Act 1960*, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.

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 premises on the same land used for:

- a) the storage of goods;
- b) the work of administration or accounting;
- c) the selling of goods by wholesale or retail; or
- d) the provision of amenities for employees, incidental to any of those industrial operations.

INDUSTRY EXTRACTIVE:

means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining.

INDUSTRY GENERAL:

means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

INDUSTRY HAZARDOUS:

means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

INDUSTRY LIGHT:

means an industry:

- a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products, and
- b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

INDUSTRY NOXIOUS:

means an industry which is subject to licensing as "Prescribed Premises" under the *Environmental Protection Act 1986* (as amended).

INDUSTRY RURAL:

means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

INDUSTRY SERVICE:

means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

INFANT HEALTH CLINIC:

means premises used for the purpose of an infant advisory service for mothers.

INSTITUTIONAL BUILDING:

means a building used or designed for use wholly or principally for the purpose:

- (a) a hospital or sanatorium for the treatment of infection of contagious disease,
- (b) a home or other institution for care of State Wards, orphans or persons who are physically or mentally handicapped,
- (c) a penal or reformatory institution,
- (d) a hospital for treatment or care of the mentally sick, or
- (e) any other similar use.

INSTITUTIONAL HOME:

means residential building for the care and maintenance of children, the aged or the infirm, and includes a benevolent institution, but does not include a hospital or mental institution.

INTENSIVE AGRICULTURE:

means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- (d) the development of land for the keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots;
- (e) dairy milking sheds;

(f) the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type;

(g) aquaculture.

KENNELS:

means land and buildings used for the purpose of keeping, breeding, and temporary care of dogs except that the expression shall not include the keeping of up to two dogs by a land owner for his own use and enjoyment. The maximum number of dogs which may be kept in kennels shall be determined in each case by the local government.

AMD 25 GG 22/2/19

KINDERGARTEN:

means land and buildings set aside for use for the care and teaching of pre-school children.

LAND:

shall have the same meaning given to it in and for the purposes of, the Act.

LAUNDROMAT:

means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use.

LICENSED RESTAURANT:

shall have the same meaning ascribed to it under the *Liquor Licensing Act 1988* (as amended).

LIQUOR STORE:

means any land or buildings the subject of a Store Licence granted under the provisions of the *Liquor Licensing Act 1988* (as amended).

LOCAL SHOP:

means a shop with or without an attached dwelling wherein the only goods offered for sale are foodstuffs, normally available from a delicatessen, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop.

LOT:

shall have the same meaning given to it in and for the purposes of, the Act and "allotment" has the same meaning.

LUNCH BAR:

Means premises or part of premises used for the sale of take-away food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

MACHINERY SALES:

means land or a building or buildings used for the display or sale of machinery and industrial implements whether new or second-hand and the workshop incidental to the servicing of that equipment.

MARINE COLLECTOR'S YARD:

means land and buildings used for the storage of marine stores under the provisions of the *Marine Stores Act, 1902* (as amended) and land Marine Dealer's Yard and Marine Store have the same meaning.

MARINE DEALER:

means land and buildings occupied for the purpose of storing, sorting, packing and sale of second-hand or waste materials, including metals, paper, rags, bottles and glass whether for waste disposal or recycling elsewhere, but does not include premises used for motor vehicle wrecking or a refuse disposal yard.

MARKET:

means land and buildings used for a fair, a farmers' or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

MEDICAL CENTRE:

Means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

MILK DEPOT:

means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

MINISTER:

means a Minister for Planning or such other member of Executive Council as is for the time being charged by the Governor with the administration.

MOTEL:

means land and buildings used or intended to be used to accommodate patrons in a manner similar to a Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles, and to which a licence under the *Liquor Control Act 1988* may have been granted.

AMD 25 GG 22/2/19

MOTOR VEHICLE, BOAT AND CARAVAN SALES PREMISES:

means land and buildings used for the display and sale of new or second-hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site.

MOTOR VEHICLE HIRE:

means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

MOTOR VEHICLE REPAIR:

means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

MOTOR VEHICLE WASH:

means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.

MOTOR VEHICLE WRECKING:

means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

MULTIPLE OCCUPANCY:

means the use and occupation of a rural holding at a residential density higher than normally associated with traditional rural living and which may be characterised by the following:

- a) an approved agreement for management of and for the whole or parts of the holding;
- b) more than one separate dwelling unit for use by families or unrelated groups of persons;
- c) a defined area for separate occupation for residential and ancillary uses.

MUSEUM:

means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

NET LETTABLE AREA (NLA):

means the area of all floors confined within the finished surfaces or permanent walls but excludes the following areas:

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

NIGHT CLUBS:

means a building or part of a building where entertainment and refreshments are provided to patrons and the normal hours of business are later at night to early in the morning.

NON-CONFORMING USE:

means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

NURSERY:

means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

NURSING HOME:

means any building, used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms.

OFFICE:

means a building or part of a building used for the conduct of administration, the practise of a professional, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

OPEN AIR DISPLAY:

means the use of land as a site for the display and/or sale of goods and equipment.

PARK HOME:

AMD 25 GG 22/2/19

shall have the same meaning as given in the *'Caravan and Camping Grounds Regulations 1997'*.

PARK HOME PARK:

means an area of land set aside exclusively for the parking of park homes occupied for residential purposes whether for short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land, including ablution blocks, recreation areas office and storage space and, as approved by the local government, a shop or kiosk and refuelling facilities, but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents.

AMD 25 GG 22/2/19

PETROL FILLING STATION:

means land and buildings used for the supply of petroleum products and motor vehicle accessories.

PIGGERY:

shall have the same meaning given to it in and for the purposes of the *'Health (Miscellaneous Provisions) Act 1911'*.

AMD 25 GG 22/2/19

PLACE:

means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- (a) an area of land situated below low water mark on the seashore or on the bank or tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

PLACE OF NATURAL BEAUTY:

means the natural beauties of the area including lakes and other inland water, banks of rivers, foreshores of harbours, frontal dunes, and other parts of the sea, hill slopes and summits and valleys.

PLANT NURSERY:

means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.

PLOT RATIO:

shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the R-Codes.

AMD 25 GG 22/2/19

POTABLE WATER:

means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water" published by the World Health Organisation.

POULTRY FARM:

means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *'Health (Miscellaneous Provisions) Act 1911'*.

AMD 25 GG 22/2/19

PRISON:

shall have the same meaning given to it in and for the purposes of the *Prisons Act 1981*.

AMD 25 GG 22/2/19

PRIVATE CLUB:

means land and/or buildings controlled exclusively by an organisation comprised of a restricted membership and to which the public is not normally admitted except by the express permission of the organisation concerned.

PRIVATE HOTEL:

means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the *Liquor Control Act 1988*.

AMD 25 GG 22/2/19

PRIVATE RECREATION:

means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

PRODUCE STORE:

means land and buildings wherein fertilisers and grain are displayed and offered for sale.

PROFESSIONAL OFFICE:

means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiroprapist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and Professional Person has a corresponding interpretation.

PUBLIC AMUSEMENT:

means land and buildings used for the amusement or entertainment of the public, with or without charge.

PUBLIC ASSEMBLY - PLACE OF:

means any land or buildings used as a special place of assembly including grounds for athletics, all sports grounds with spectator provision, race courses, trotting tracks, stadium or showgrounds.

PUBLIC AUTHORITY:

shall have the same meaning given to it in and for the purposes of the Act.

PUBLIC EXHIBITION:

means any building or land used for the display of materials, for promotion of artistic, cultural or educational purposes.

PUBLIC MALL:

means any public street or right-of-way designed especially for pedestrians who shall have the right of way and vehicle access shall be restricted to service vehicles at times specified by the local government.

AMD 25 GG 22/2/19

PUBLIC RECREATION:

means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.

PUBLIC UTILITY:

means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

AMD 25 GG 22/2/19

PUBLIC WORSHIP - PLACE OF:

means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education or a residential training institution.

RADIO AND TV INSTALLATION:

means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

RECEPTION CENTRE:

means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

REDEVELOPMENT:

means revision or replacement of an existing land use according to a controlled plan.

REFORMATORY:

means land and buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.

RESIDENTIAL BUILDING:

means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- 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.

RESIDENTIAL HOTEL:

means a building in which accommodation is provided for either permanent or temporary residents for hire or reward and the terms Boarding House and Guest House shall have the same interpretation, except that no such use shall include premises requiring a licence pursuant to the *Liquor Control Act 1988*.

AMD 25 GG 22/2/19

RESTAURANT:

means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

RESTORATION:

means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

RESTRICTED PREMISES:

AMD 25 GG 22/2/19

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); or
- (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.

RETAIL:

means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.

RETIREMENT VILLAGE:

means a development containing accommodation for aged persons together with ancillary facilities.

ROADHOUSE:

means land and a building or buildings used primarily as a service station but with a supplementary use as a restaurant, take-away food outlet or as a shop providing an approved limited range of day-to-day travel commodities and services.

RURAL PURSUIT:

means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- a) the growing of vegetables, fruit, cereals or food crops;
- b) the rearing or agistment of goats, sheep, cattle or beasts of burden;
- c) the stabling, agistment or training of horses;
- d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- e) the sale of produce grown solely on the lot;

but does not include the following except as approved by the local government:

AMD 25 GG 22/2/19

- i) the keeping of pigs;
- ii) poultry farming;
- iii) the processing, treatment or packing of produce;
- iv) the breeding, rearing or boarding of domestic pets.

SALVAGE YARD:

means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

SAWMILL:

means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works.

SCHEDULE:

means a schedule to the Scheme.

SERVICE STATION:

means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use, but does not include transport depot, panel beating, spray painting, major repairs or wrecking.

SETBACK LINE:

means a line fixed by means of horizontal measured distance from any lot boundary including a street alignment or new street alignment.

SHARED DWELLING:

means a building used primarily for living purposes by not more than five persons residing therein as a single household; the term also includes such outbuildings and recreational uses and gardens as are ordinarily used therewith, but does not include a private hotel, motel or boarding house.

SHIRE:

means the Shire of East Pilbara.

SINGLE PERSONS QUARTERS:

means buildings used for the accommodation of single persons including such ancillary uses as laundry facilities, toilet blocks, messing facilities, car parks and recreation.

SHOP:

means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.

SHOWROOM:

means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

SITE COVERAGE:

means the proportion of a lot which may be covered by buildings and is expressed in this Scheme as a percentage of the total lot area.

SPORTS GROUND:

means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.

STABLES:

means premises used for the keeping, breeding, and rearing of horses and ponies involving the erection of buildings, corrals, and compounds and their use for those purposes, except that the expression shall not include land used solely for agistment of horses.

STOCKYARDS:

means any land, building or other structure used for holding and/or sale of animal stock.

STORAGE YARD:

means any land used for the storage of goods.

STOREY:

means for other than residential development, that portion of a building which is situated between the top of the floor next above it: and if there is no floor above it, that portion between the top of the floor and the ceiling above it.

STREET ALIGNMENT:

means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment so prescribed.

STRUCTURE PLAN:

means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such subdivision and development.

TAVERN:

means land and buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Control Act 1988*.

TEMPORARY ACCOMMODATION:

means any habitable building not permanently affixed to the ground and includes any caravan, transportable dwelling, or any structure used for habitation for the purposes of accommodation for a period not exceeding six months.

TOURIST ACCOMMODATION:

means a building or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides for on-site facilities for the convenience of guests and management of the development, where occupation by any person is limited to a maximum of three months in any 12-month period and excludes those uses more specifically defined elsewhere. *AMD 4 GG 6/5/08; AMD 6 GG 6/5/08; AMD 8 GG 6/5/08*

TRADE DISPLAY:

means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

TRANSPORT DEPOT:

means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

TRANSPORTABLE HOME:

means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.

VEHICLE:

includes a tractor.

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.

VIDEO SALES AND /OR HIRE:

means premises used for the sale or hire of video equipment or tapes used in video recorders

WAREHOUSE:

means any building or enclosed land, or part of a building or enclosed land, used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.

WATERWAY:

means an artificial channel, lake, harbour or embayment, for the navigational, irrigational, ornamental, and recreation purposes, or for any of those purposes; and includes any addition to or alteration of a waterway as so defined.

WAYSIDE STALL:

means a stall located adjacent to a street, but not in the road reserve, in which only fruit, vegetables and artefacts grown, produced or made on the land upon which it is located are sold or offered for sale.

WHOLESALE:

means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the *Sales Tax Assessment Act No. 1 1930*, (as amended).

WINE HOUSE:

means any land or buildings the subject of a Special Facility Licence granted under the provisions of the *Liquor Control Act 1988*

AMD 25 GG 22/2/19

ZOOLOGICAL GARDENS:

means land, structures and buildings used for the keeping of animals and birds, and for the growing of plants for inspection and observation by the public at large, and where a charge may be made for submission.

SCHEDULE 2 - ADDITIONAL USES [CL. 3.5]

No.	Description of land	Additional use	Conditions
A 1	Lot 12 Gunn Place	Service Industry, Office, Trade Display	Any non-residential uses permitted under this schedule to require development approval and to be accommodated within the existing building or immediate curtilage of the building. <i>AMD 25 GG 22/2/19</i>

SCHEDULE 4 - SPECIAL USE ZONES [CL. 3.7]

AMD 25 GG 22/2/19

No.	Description of Land	Special Use	Conditions
SU 1.	Loc 1655 Cowra Drive, Newman	Nursery and Botanic Gardens	As required by the local government
SU 2.	Loc 1656 Cowra Drive, Newman	Animal Sanctuary	As required by the local government
SU 3.	Loc 1148 Kalga Drive, Newman	Caravan Park, Single Persons Quarters, Holiday Accommodation	As required by the local government
SU 4.	Loc 1983 Cowra Drive, Newman	Caravan Park, Single Persons Quarters, Holiday Accommodation	As required by the local government
SU 5.	Lot 1 Cowra Drive, Newman	Service Station	As required by the local government
SU 6.	Reserve 27496 Gallop Road, Nullagine	Caravan Park	As required by the local government
SU 7.	Lot 170 Great Northern Hwy, Cnr Walker Street, Nullagine	Service Station/Roadhouse	As required by the local government
SU 8.	Lot 264 Contest Street, Marble Bar	Caravan Park	As required by the local government
SU 9.	Lot 232 Halse Road, Marble Bar	Service Station, Road House, Accommodations	As required by the local government
SU 10.	Lots 1 & 2 Francis Street, Marble Bar	Service Station/Road House	As required by the local government
SU 11.	Reserve 36587 McFie Street, Nullagine	Aboriginal Settlement	As required by the local government
SU 12.	Lot 1982 Intersection of Newman Drive & Cowra Drive, Newman	Caravan Park, Motel, Chalet Park, Tavern, Grouped Dwellings and Ancillary Uses thereto	As required by the local government
SU 13.	Lot 2350 Gun Club Road, Newman <i>AMD 4 GG 6/5/08</i>	Caravan Park, Single persons Quarters, Tourist Accommodation	All development is to be in accordance with a local development plan approved by the local government. <i>AMD 25 GG 22/2/19</i>

No.	Description of Land	Special Use	Conditions
SU 14.	Unallocated Crown Land bound: <ul style="list-style-type: none"> • To the west by Lot 688 on DP 183376; • To the south by Newman Drive; • To the north by Reserve 44556; and • To the east by Nicholls Place <i>AMD 6 GG 6/5/08</i>	Single Persons Quarters, Tourist Accommodation and Motel	i. All development is to be in accordance with a local development plan approved by the local development <i>AMD 25 GG 22/2/19</i> ii. Development is to have an appropriate interface with surrounding zones/land uses, particularly residential. iii. Landscaping, building materials and colours are to be sensitive to the site context and create an attractive urban landscape with due regard to the site's prominent location on an important entry road.
SU 15.	Lot 688 Newman Drive, Newman <i>AMD 8 GG 6/5/08</i>	Residential and Tourist Accommodation.	Conditions (1) All development to be in accordance with a local development plan approved by the local government. <i>AMD 25 GG 22/2/19</i> (2) All development shall: <ul style="list-style-type: none"> (a) Comply with provisions and performance criteria applications to the R60 density code of the R-Codes and shall be in accordance with the local government's Residential Development local planning policy. (b) include water sensitive and passive solar design principles; (c) suitably orientate living areas, major openings and outdoor areas for local conditions; and (d) use specified landscaping, building materials and colours sensitive to the site context and create an attractive urban landscape, given the site's prominent location on an important entry road

No.	Description of Land	Special Use	Conditions
SU 15.	Lot 688 Newman Drive, Newman (Cont'd) <i>AMD 8 GG 6/5/08</i>		(3) Car Parking to be provided in accordance with Clause 4.12 of the Scheme. (4) The permissibility of uses in the residential component shall be determined in accordance with the 'Residential' zone in the Zoning Table.
SU 16.	Lot 70 Yawerta Drive and portion of Reserve No. 39519 (Lot 71), Newman <i>AMD 15 GG 28/02/12</i>	'D'; - Pilot Plant (Rescreening Facility) - Outdoor Storage Area - Workshops & Laboratory - Workers Accommodation - Administration Office - Any other incidental use determined appropriate by the local government.	1. The purpose of this special use is to accommodate the various uses required by Fortescue Metals Group to operate its Newman Operations Centre. 2. All development to be in accordance with detailed plans and management requirements approved by the local government. 3. No extension or change of land use without local government approval. 4. Notwithstanding any other definition contained within Schedule 1, 'Pilot Plant', 'Rescreening Facility' or 'Wet Screening Plant' shall mean— "Facility for the loading, washing, screening and fines treatment of ore samples. Additionally, the facility may be used for the separation and/or recombination of ore or size or concentration products for testing either onsite or offsite or for the preparation of commercial samples using the same means."

No.	Description of Land	Special Use	Conditions
SU17	<p>Portion of Crown Land Reservation 44775 Lot 571 on DP71045.</p> <p><i>AMD 27 GG 17/03/2023</i></p>	<p>Commercial Uses Caretaker Dwelling (D) Car parl (P) Fuel Filling Station (D) Hire Service (P) Lunch Bar (D) Local Shop (D) Machinery Sales (P) Motor Vehicle Hire (D) Motor Vehicle Repair (P) Motor Vehicle Wah (D) Motor Vehicle/Boat/Caravan Sales (P) Office (D) Open Air Display (P) Petrol Filling Station (A) Roadhouse (A) Service Station (A) Showroom (D) Trade Display (P) Warehouse (P) Educational Establishment (D)</p> <p>Public and Community Uses Civic Use (A) Community Service Depot (D) Public Utility (P) Radio/TV Installation (D)</p> <p>Industrial Uses Light Industry (P) Service Industry (P) General Industry (D) Hazardous Industry (A) Motor Vehicle Wrecking (D) Fuel Depot (D) Marine Dealer (D) Transport Depot (P) Storage Yard (P) Building Storage Yard (P) Contractors Yard (P) Salvage Yard (D) Factory Yard (P) Sawmill (D) Machinery Sales (D)</p> <p>Rural Uses Cattery (A) Kennels(A) Farm Supply Centre (D) Produce Store (D)</p>	<ol style="list-style-type: none"> The local government shall prepare and maintain a local development plan which incorporates relevant development and building design and layout requirements, including, but not limited to those prescribed by the National Airports Safeguarding Framework relating to airport operations – <ol style="list-style-type: none"> Obstacle height limitations. Windshear; and Lighting intensity. All subdivision or leasehold design is to have due regards to an approved Local Development Plan. Land Use Permissibility s to have due regard to the Special Use Zone Provisions. All development is to have due regard to the approved local development plan. Any development plan. Any development that proposes to vary the requirements regarding obstacle height limitations, windshear considerations or lighting intensity must be approved by Civil Aviation Safety Authority (CASA)

SCHEDULE 5 - ENVIRONMENTAL CONDITIONS [CL 4.6]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions
<div data-bbox="240 479 1369 548" style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 80%;">There are currently no Environmental Conditions applying to the Scheme Area</div>		

SCHEDULE A - SUPPLEMENTAL PROVISIONS

AMD 25 GG 22/2/19

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

61(1) –

- (k) the carrying out of works urgently necessary for public safety, the safety or security of plant or equipment or the maintenance of essential services;
- (l) the erection of a boundary fence in areas not covered by the R-Codes, except as otherwise required by the Scheme;
- (m) the erection on a lot of a single house, including ancillary outbuildings, in a zone in which a single house is a permitted (P) use, and not covered by the R-Codes except as otherwise required by the Scheme;
- (n) the development of land in a rural settlement where the local government has resolved that an endorsed structure plan adequately addresses the local government requirements for development approval;
- (o) the parking of a movable dwelling where the local government has previously approved the use of the site for that purpose;
- (p) the operation of a mobile business or home office from a residence, in a zone in which it is a use that is a permitted (P) use, except as otherwise required by the Scheme.
- (q) Subject to the provisions of the Main Roads (Control of Advertisements) Regulations 1996, and notwithstanding the provisions of Part 7 of the deemed provisions, the local government's prior development approval is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule 5 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under the *Heritage of Western Australia Act 1990*.
- (r) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area.

Schedule 5 – Exempted Advertisements

Land Use and/or Development	Exempted Sign	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 the awning or, in the absence of an 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

Land Use and/or Development	Exempted Sign	Maximum Size
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves of the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements, shall not exceed 1.5m².</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m².</p>
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	<p>(a) Advertised signs (illuminated and non-illuminated) relating to the functions of government a public authority or the local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a municipality; and</p> <p>(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.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
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 management agent thereof.	0.2m 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>(a) Dwellings.</p> <p>(b) Multiple Dwellings, Shops, Commercial and Industrial projects.</p> <p>(c) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.</p>	<p>One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (a) above</p> <p>One sign as for (a) above</p> <p>One additional sign showing the name of the project builder.</p>	<p>2m²</p> <p>5m²</p> <p>10m²</p> <p>5m²</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 or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose</p>	<p>2m²</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>(a) Dwellings</p> <p>(b) Multiple Dwellings, Shops, Commercial and Industrial Properties</p> <p>(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.</p>	<p>One sign per street frontage for each property relating to the sale, leading or impending auction of the property at or upon which the sign is or the signs are displayed.</p> <p>One sign as for (a) above</p> <p>One sign as for (a) above</p>	<p>Each sign shall not exceed an area of 2m².</p> <p>Each sign shall not exceed an area of 5m².</p> <p>Each sign shall not exceed an area of 10m².</p>
<p>Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection.</p>	<p>(i) One sign for each dwelling on display</p> <p>(ii) In addition to (i) 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>2m²</p> <p>5m²</p>

61 (2) (g) A change in the use of land from one use to another –

- (1) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (2) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (3) the change is to an incidental use that does not change the predominant use of the land.

- 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 the land. In normal circumstances one application is made for both the carrying out 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. The local government will not refuse a 'P' use because of the unsuitability of the development for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

ADOPTION

Adopted by resolution of the **local government** of the **Shire of East Pilbara** at the April Meeting of the local government held on the 24th day of April 1998

AMD 25 GG 22/2/19

Shire President..... Date 9 November 2005

Chief Executive Officer Date 9 November 2005

FINAL APPROVAL

- 1) Adopted by Resolution of the local government of the **Shire of East Pilbara** at the October Meeting of the local government held on the 23rd day of October 2003.

AMD 25 GG 22/2/19

and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

Shire President..... Date ...9 November 2005

Chief Executive Officer Date 9 November 2005

- 2) Recommended/Submitted for final approval by the Western Australian Planning Commission. Delegated under S.20 of the WAPC Act 1985
Date.....

- 3) Final approval granted
Minister for Planning and Infrastructure
Date.....