

[GO TO CONTENTS PAGE](#)

SHIRE OF COOROW

LOCAL PLANNING SCHEME NO. 3

AS GAZETTED 27 OCTOBER 2015

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

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SHIRE OF COOROW LPS 3 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
New Scheme	27/10/15	07/01/16	MLD	New Scheme



SHIRE OF COOROW

LOCAL PLANNING SCHEME NO. 3

DISTRICT ZONING SCHEME

SCHEME TEXT

Preamble

This Local Planning Scheme of the Shire of Coorow consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies which set out the general policies of the local government on matters within the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

Scheme details

The Shire of Coorow

Local Planning Scheme No. 3

District Zoning Scheme

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

- Part 1 **Preliminary** - sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- Part 2 **Local Planning Policy Framework** - sets out the relationship between the Scheme and Local Planning Strategies and the procedures for preparing and adopting Local Planning Policies.
- Part 3 **Reserves** - sets out the reserves which apply in the Scheme area and related provisions.
- Part 4 **Zones and the Use of Land** - sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 5 **General Development Requirements** - sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 6 **Special Control Areas** - sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 7 **Heritage Protection** - sets out special provisions which apply to heritage places and areas.
- Part 8 **Development of land**—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
- Part 9 **Applications for Planning Approval**—sets out the procedures for applying for planning approval including both the use and development of land.
- Part 10 **Procedure for Dealing with Applications**—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.
- Part 11 **Enforcement and Administration**—sets out the general provisions for the administration and enforcement of the Scheme.

Tables

Schedules

Adoption

Maps

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
PART 2 — LOCAL PLANNING POLICY FRAMEWORK.....	12
2.1. SCHEME DETERMINATIONS TO CONFORM WITH LOCAL PLANNING STRATEGY.....	12
2.2. LOCAL PLANNING POLICIES.....	12
2.3. RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME	12
2.4. PROCEDURE FOR MAKING OR AMENDING A LOCAL PLANNING POLICY.....	12
2.5. REVOCATION OF LOCAL PLANNING POLICY	13
2.6. LOCAL PLANNING POLICIES MADE UNDER PREVIOUS SCHEME.....	13
PART 3 — RESERVES	14
3.1. RESERVES	14
3.2. LOCAL RESERVES.....	14
3.3. USE AND DEVELOPMENT OF LOCAL RESERVES.....	14
PART 4 — ZONES AND THE USE OF LAND.....	15
4.1. ZONES.....	15
4.2. OBJECTIVES OF THE ZONES	15
4.3. ZONING TABLE.....	16
4.4. INTERPRETATION OF THE ZONING TABLE	17
TABLE 1: ZONING TABLE.....	18
4.5. ADDITIONAL USES	21
4.6. RESTRICTED USES	21
4.7. SPECIAL USE ZONES	21
4.8. NON-CONFORMING USES	21
4.9. EXTENSIONS AND CHANGES TO A NON-CONFORMING USE	21
4.10. DISCONTINUANCE OF NON-CONFORMING USE	22
4.11. TERMINATION OF A NON-CONFORMING USE.....	22
4.12. DESTRUCTION OF NON-CONFORMING USE BUILDINGS	22

PART 5 — GENERAL DEVELOPMENT REQUIREMENTS	23
5.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS	23
5.2. RESIDENTIAL DESIGN CODES.....	23
5.3. SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES	23
5.4. RESTRICTIVE COVENANTS	24
5.5. VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS	24
5.6. ENVIRONMENTAL CONDITIONS	24
5.7 BUSHFIRE PRONE AREAS AND BUSHFIRE MANAGEMENT	25
5.8 INDIAN OCEAN DRIVE	25
5.9 SITE AND DEVELOPMENT REQUIREMENTS	26
5.10 RELOCATED RESIDENTIAL DWELLINGS AND TRANSPORTABLE RESIDENTIAL DWELLINGS	26
TABLE 2: DEVELOPMENT REQUIREMENTS.....	27
5.11 ACCESS	29
5.12 CAR PARKING AND LOADING BAYS.....	29
5.13 COMMERCIAL AREAS	31
5.14 INDUSTRIAL AREAS	31
5.15 APPEARANCE OF LAND AND BUILDINGS	32
5.16 BUILDING HEIGHT	32
PART 6 — SPECIAL CONTROL AREAS, STRUCTURE PLANS & LOCAL DEVELOPMENT PLANS	33
6.1. OPERATION OF SPECIAL CONTROL AREAS	33
6.2 RUDDUCK STREET PRECINCT (SCA 1).....	33
6.3 LEEMAN WASTEWATER TREATMENT PLANT (SCA 2)	33
6.4 STRUCTURE PLANS	34
6.5 LOCAL DEVELOPMENT PLANS	39
6.6 RIGHT OF REVIEW	41
PART 7 — HERITAGE PROTECTION	42
7.1. HERITAGE LIST	42
7.2. DESIGNATION OF A HERITAGE AREA.....	43
7.3. HERITAGE AGREEMENTS.....	44
7.4. HERITAGE ASSESSMENT.....	44
7.5. VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE OR HERITAGE AREA	44
PART 8 — DEVELOPMENT OF LAND	45
8.1. REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT	45
8.2. PERMITTED DEVELOPMENT	45
8.3. AMENDING OR REVOKING A PLANNING APPROVAL.....	46
8.4. UNAUTHORISED EXISTING DEVELOPMENTS	46

8.5	REQUIREMENT FOR CONSULTATION TO COMMENCE MINING	46
PART 9 — APPLICATIONS FOR PLANNING APPROVAL		47
9.1.	FORM OF APPLICATION	47
9.2.	ACCOMPANYING MATERIAL	47
9.3.	ADDITIONAL MATERIAL FOR HERITAGE MATTERS	48
9.4.	ADVERTISING OF APPLICATIONS.....	48
PART 10 — PROCEDURE FOR DEALING WITH APPLICATIONS		50
10.1.	CONSULTATION WITH OTHER AUTHORITIES.....	50
10.2.	MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT.....	50
10.3.	DETERMINATION OF APPLICATIONS	51
10.4.	FORM AND DATE OF DETERMINATION	51
10.5.	TERM OF PLANNING APPROVAL	51
10.6.	TEMPORARY PLANNING APPROVAL	52
10.7.	SCOPE OF PLANNING APPROVAL	52
10.8.	DEEMED REFUSAL.....	52
10.9.	APPEALS	52
PART 11 — ENFORCEMENT AND ADMINISTRATION.....		53
11.1.	POWERS OF THE LOCAL GOVERNMENT	53
11.2.	REMOVAL AND REPAIR OF EXISTING ADVERTISEMENTS.....	53
11.3.	DELEGATION OF FUNCTIONS	53
11.4.	PERSON MUST COMPLY WITH PROVISIONS OF SCHEME	54
11.5.	COMPENSATION.....	54
11.6.	PURCHASE OR TAKING OF LAND.....	55
11.7.	NOTICE FOR REMOVAL OF CERTAIN BUILDINGS	55
SCHEDULES		56
SCHEDULE 1 — DICTIONARY OF DEFINED WORDS AND EXPRESSIONS		57
SCHEDULE 2 — ADDITIONAL USES		69
SCHEDULE 3 — RESTRICTED USES		70
SCHEDULE 4 — SPECIAL USE ZONES		71
SCHEDULE 5 — EXEMPTED ADVERTISEMENTS		72
SCHEDULE 6 - FORM OF APPLICATION FOR PLANNING APPROVAL		75
SCHEDULE 7 - ADDITIONAL INFORMATION FOR ADVERTISEMENTS		77
SCHEDULE 8 - NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL.....		78
SCHEDULE 9 - NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL		79
SCHEDULE 10 - ENVIRONMENTAL CONDITIONS		80
ADOPTION		81

Part 1 — Preliminary

1.1. Citation

1.1.1. The Shire of Coorow Scheme No. 3 (*the Scheme*) comes into operation on its Gazettal date.

1.1.2. The following Scheme is revoked —

Name	Gazettal date
Town Planning Scheme No. 2	27 July 2001

1.2. Responsible authority

The Shire of Coorow is the responsible authority for implementing the Scheme.

1.3. Scheme area

The Scheme applies to the Scheme area which covers (all or that part) of the local government district of the Shire as shown on the Scheme Map.

1.4. Contents of Scheme

The Scheme comprises —

- (a) the Scheme Text.
- (b) the Scheme Map (sheets 1 – 8).

The Scheme is to be read in conjunction with the Local Planning Strategy.

1.5. Purposes of Scheme

The purposes of the Scheme are to —

- (a) set out the local government's 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 planning applications.
- (f) make provision for the administration and enforcement of the Scheme.
- (g) address other matters set out in the Seventh Schedule to the *Planning and Development Act 2005*.

1.6. The aims of the Scheme

The aims of the Scheme are —

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- To assist in the effective implementation of the Shire's Local Planning Strategy and townsite expansion strategies.
- To facilitate the protection, enhancement and consolidation of townsites within the Shire in an orderly and proper manner.
- To assist employment and economic growth by facilitating the timely provision of suitably located land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home based employment.
- To ensure there are sufficient opportunities for housing, employment, commercial activities, community facilities, recreation and open space to meet the needs of the local community.
- To provide for housing choice and variety with a local community identity and high levels of amenity.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other compatible and complementary uses (modified) to support a diverse economic base for the Shire.
- To protect and enhance the environmental values, scenic values and natural resources of the Scheme area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.

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 *Planning and Development Act 2005*; or
- (b) if they are not defined in that Act —
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.

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 Residential Design Codes —

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (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

By way of information, the following other Schemes of the Shire of Coorow are, at the Gazettal date of the Scheme, complementary to the Scheme:

Scheme No.	Gazettal Date.
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There are no other Schemes of the Shire of Coorow which apply to the Scheme area.

Part 2 — Local Planning Policy Framework

2.1. Scheme determinations to conform with Local Planning Strategy

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

(A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.)

2.2. Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply —

- (a) generally or for a particular class or classes of matters; and
 - (b) throughout the Scheme area or in one or more parts of the Scheme area,
- and may amend or add to or rescind the Policy.

2.3. Relationship of Local Planning Policies to Scheme

2.3.1. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2. A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4. Procedure for making or amending a Local Planning Policy

2.4.1. If a local government resolves to prepare a Local Planning Policy, the local government —

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of —
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2. After the expiry of the period within which submissions may be made, the local government is to —

- (a) review the proposed Policy in the light of any submissions made; and
 - (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.
- 2.4.3. If the local government resolves to adopt the Policy, the local government is to —
- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
 - (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
- 2.4.4. A Policy has effect on publication of a notice under clause 2.4.3(a).
- 2.4.5. A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 2.4.6. Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5. Revocation of Local Planning Policy

A Local Planning Policy may be revoked by —

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

2.6 Local Planning Policies Made Under Previous Scheme

Where pursuant to the requirements of the former Shire of Coorow Town Planning Scheme No. 2, a Local Planning Policy had been adopted and was operative at the date of the gazettal of this Scheme, the Local Planning Policy shall continue to have effect and may be amended or revoked as if it were a Local Planning Policy under this Scheme

Part 3 — Reserves

3.1. Reserves

Certain lands within the Scheme area are classified as Local Reserves

3.2. Local Reserves

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

3.3. Use and development of Local Reserves

3.3.1. A person must not —

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

3.3.2. In determining an application for planning approval the local government is to have due regard to —

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

3.3.3. 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 planning approval.

Part 4 — Zones and the use of land

4.1. Zones

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

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

4.2. Objectives of the zones

The objectives of the zones are outlined below

4.2.1 Residential Zone

The objectives of the Residential 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 Residential Design Codes.

4.2.2 Commercial Zone

The objective of the Commercial Zone is to provide for retail shopping, office and other commercial development, and social, recreational and community activities servicing the town as a whole.

4.2.3 Mixed Use Zone

The objective of the Mixed Use Zone is to facilitate the establishment of a mix of residential development with small retail and small commercial businesses in a residential scale environment and to ensure that future buildings, facilities and uses are sympathetic with the urban character of the area.

4.2.4 Industrial Zone

The objective of the Industrial 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.

4.2.5 Public Assembly Zone

The objective of the Public Assembly Zone is to provide for places of worship such as churches or halls to serve the community.

4.2.6 Private Clubs and Institutions Zone

The objective of the Private Clubs and Institutions Zone is to provide for development or establishment of uses to satisfy the general cultural, religious, education, health and recreational and needs of the community.

4.2.7 Rural Zone

The objective of the Rural Zone is to provide for a range of rural pursuits such as broadacre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality.

4.2.8 Rural Residential Zone

The objective of the Rural Residential Zone is to provide for well managed residential uses in a rural setting so as to ensure landscape protection, conservation and small scale farming.

4.2.9 Tourist Accommodation Zone

The objective of the Tourism Accommodation Zone is to provide predominantly for tourism development and uses associated with tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.

4.2.10 Special Use Zone

To provide for special categories of land use which are not fully compatible with other zones in the Scheme.

4.2.11 Development Zone

To provide for future residential, industrial or commercial development in accordance with a comprehensive Local Structure Plan prepared under this scheme

4.3. Zoning Table

4.3.1. 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.

4.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings —

‘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;

‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

‘X’ means a use that is not permitted by the Scheme.

- 4.3.3. A change in the use of land from one use to another is permitted if —
- (a) the local government has exercised its discretion by granting planning approval;
 - (b) 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;
 - (c) 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
 - (d) the change is to an incidental use that does not change the predominant use of the land.

- Note:
- 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
 - 2. The local government will not refuse a 'P' use because of the unsuitability of the use 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.
 - 3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.
 - 4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

4.4. Interpretation of the Zoning Table

- 4.4.1. 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.
- 4.4.2. 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 —
- (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 9.4 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.

TABLE 1: Zoning Table

Use Classes	ZONES									Development
	Residential	Mixed Use	Commercial	Industrial	Tourist Accommodation	Rural	Rural Residential	Places Public Assembly	Private Clubs & Institutions	
Abattoir	X	X	X	X	X	A	X	X	X	Refer to clause 6.4.4.3
Aged or Dependent Persons Dwelling	D	X	X	X	A	D	D	D	X	
Aged Persons Village	A	A	X	X	X	X	X	X	X	
Agriculture - Extensive	X	X	X	X	X	P	D	X	X	
Agriculture - Intensive	X	X	X	X	X	A	X	X	X	
Agroforestry	X	X	X	X	X	D	A	X	X	
Amusement Parlour	X	X	A	X	X	X	X	X	X	
Animal Establishment	X	X	X	A	X	D	X	X	X	
Animal Husbandry – Intensive	X	X	X	A	X	A	X	X	X	
Aquaculture	A	X	X	D	D	P	A	X	X	
Bed & Breakfast	A	D	A	X	D	D	A	A	A	
Betting agency	X	A	A	X	X	X	X	X	D	
Caravan Park	X	X	A	X	P	D	D	X	X	
Caretaker's Dwelling	P	A	D	X	D	D	D	D	D	
Carpark	A	D	D	D	D	D	D	D	D	
Child Care Premises	A	A	A	X	X	A	A	A	A	
Cinema/theatre	A	A	A	A	A	A	A	A	A	
Civic Use	X	P	D	X	X	X	X	P	P	
Club Premises	X	D	A	X	A	A	X	D	D	
Community Purpose	X	D	A	X	X	A	X	D	D	
Consulting Room	A	P	P	D	X	A	A	X	D	
Convenience Store	X	D	D	A	A	X	X	A	A	
Educational Establishment	X	A	D	A	X	A	A	D	D	
Exhibition Centre	X	D	D	X	A	A	X	D	D	
Experiential Use	X	D	D	D	D	D	D	D	D	
Family Day Care	A	D	D	X	X	A	A	D	D	
Fast Food Outlet	X	D	P	D	A	X	X	X	X	
Fuel Depot	X	D	X	A	X	X	X	X	X	
Funeral Parlour	X	X	P	D	X	A	X	X	X	

Use Classes	Residential	Mixed Use	Commercial	Industrial	Tourist Accommodation	Rural	Rural Residential	Places Public Assembly	Private Clubs & Institutions	Development
Grouped Dwelling	D	D	X	X	D	D	X	X	X	Refer to clause 6.4.4.3
Home Business	D	D	A	X	X	D	D	X	X	
Home Occupation	P	P	A	X	X	D	D	X	X	
Home Office	P	P	P	X	X	P	P	X	X	
Home Store	A	D	D	X	A	A	A	A	A	
Hospital	X	D	A	X	X	A	X	X	X	
Hotel	X	A	A	X	A	A	X	X	X	
Industry Cottage	A	X	P	P	A	A	A	X	X	
Industry Extractive	X	X	X	X	X	A	X	X	X	
Industry General	X	X	X	P	X	X	X	X	X	
Industry Hazardous	X	X	X	A	X	A	X	X	X	
Industry Light	X	X	X	P	X	A	X	X	X	
Industry Noxious	X	X	X	A	X	X	X	X	X	
Industry – Resource Processing	X	X	X	A	X	X	X	X	X	
Industry Rural	X	X	X	P	X	D	A	X	X	
Industry Service	X	X	D	P	X	A	X	X	X	
Liquor Store	X	A	A	X	A	X	X	X	A	
Lunch Bar	X	P	P	A	A	X	X	X	X	
Medical Centre	X	D	D	X	X	X	X	A	A	
Motel	X	D	A	X	P	A	X	X	X	
Motor Vehicle, Boat or Caravan Sales	X	X	P	D	X	A	X	X	X	
Motor Vehicle Repair	X	X	A	P	X	A	X	X	X	
Multiple Dwelling	D	D	X	X	D	A	X	X	X	
Night club	X	A	A	X	X	X	X	X	X	
Nursing Home	A	A	A	X	X	X	X	X	A	
Office	X	P	P	A	A	A	A	D	D	
Park home park	X	X	X	X	X	A	X	X	X	
Place of Worship	A	A	D	X	X	A	X	P	D	
Plantation	X	X	X	X	X	A	X	X	X	
Power generation	X	X	X	A	X	A	X	X	X	
Produce Store	X	D	D	D	D	D	D	D	D	
Public Utility	X	X	D	P	D	D	D	D	D	
Radio and TV installation	X	D	D	D	D	D	D	D	D	Refer to clause 6.4.4.3
Reception Centre	X	P	P	X	D	A	A	D	D	
Recreation Private	X	D	P	D	D	A	A	D	P	

Use Classes	Residential	Mixed Use	Commercial	Industrial	Tourist Accommodation	Rural	Rural Residential	Places Public Assembly	Private Clubs & Institutions	Development
Restaurant	A	P	P	X	P	A	A	X	A	
Rural Pursuit	X	X	X	X	X	P	D	X	X	
Service Station	X	X	P	D	X	A	X	X	X	
Shop	X	D	P	D	A	A	X	X	D	
Short Stay Accommodation	A	D	A	X	P	A	X	X	X	
Showroom	X	X	P	P	X	X	X	X	X	
Single House	P	A	X	X	D	P	P	X	X	
Stables	X	X	X	X	X	P	D	X	X	
Storage	X	X	X	D	X	A	X	X	X	
Trade Display	X	A	P	P	X	X	A	D	D	
Tavern	X	A	A	X	X	X	X	X	A	
Telecommunications Infrastructure	X	A	A	D	A	D	D	A	A	
Temporary workforce accommodation	X	X	X	X	X	A	X	X	X	
Transport Depot	X	X	A	P	X	A	X	X	X	
Veterinary Centre	X	D	D	D	X	A	A	X	X	
Warehouse	X	X	X	P	X	X	X	X	X	
Wind, Solar or Tidal Energy Facility	X	X	X	A	X	A	X	X	X	
Winery	X	X	X	X	X	D	X	X	X	
Zoological Gardens	X	X	X	X	A	D	A	X	X	

4.5. 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.

4.6. 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.

4.7. Special use zones

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

4.7.2. 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.

4.8. Non-conforming uses

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 authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, 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 Planning and Development Act and includes houses, buildings and other works and structures.

4.9. Extensions and changes to a non-conforming use

4.9.1. A person must not —

- (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,

without first having applied for and obtained planning approval under the Scheme.

4.9.2. An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3. 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 planning 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.

4.10. 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.

4.11. 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: Part 11 of the *Planning and Development Act 2005* enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

4.12. 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 planning approval of the local government.

Part 5 — General Development Requirements

5.1. Compliance with development standards and requirements

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

5.2. Residential Design Codes

- 5.2.1. A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
- 5.2.2. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
- 5.2.3. The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design 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.
- 5.2.4. Notwithstanding clause 5.2.3 the Council may at its discretion approve a development for grouped housing or a vacant strata development to a density of R20, subject to the land in question being provided with a connection to deep sewer.
- 5.2.5. Notwithstanding clause 5.2.3 and 5.2.4 the local government may approve a development for grouped housing to a density of R30 subject to:
 - (a) The land subject to the development application being connected to deep sewer.
 - (b) Notice of the proposal being given in accordance with the provision of Clause 9.4.3.
 - (c) Consideration being given to the effect the proposal will have on the residential amenity of the locality by reason of streetscape, building form, servicing, privacy between buildings, over-shadowing and traffic circulation both on and off the site.
 - (d) Consideration being given to the likely impacts of the development on the identifiable or special character and amenity of the immediate locality in which the proposed development is to be situated.
 - (e) The minimum area of the lot to which the development application is applicable being 1200m².

5.3. Special application of Residential Design Codes

The following variations to the Codes apply in this Scheme:

- 5.3.1. For the purpose of this Scheme no building in a residential zone shall exceed a height of 9 metres without the local government's Planning Approval and shall be dealt with in accordance with provisions in Scheme and any Council Policy.
- 5.3.2. In the area coded R 12.5/15, the R 12.5 Code shall apply unless the local government is satisfied that a satisfactory system of on-site effluent disposal can be achieved and continue to function effectively on a permanent basis under the R 15 Code.

5.4. Restrictive covenants

- 5.4.1. 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 Residential Design Codes which apply under the Scheme.
- 5.4.2. Where clause 5.4.1. operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 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 9.4.

5.5. Variations to site and development standards and requirements

- 5.5.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning 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.
- 5.5.2. In considering an application for planning 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 9.4; and
 - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 5.5.3. 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 10.2; 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.

5.6. Environmental conditions

- 5.6.1. 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.
- 5.6.2. Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 5.6.3. 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*.

5.7 Bushfire Prone Areas and Bushfire Management

5.7.1 Determining whether a development site is in a bushfire prone area.

A development site is subject, or likely to be subject, to bushfires and is referred to as being in a bushfire-prone area, in either of the following cases:

- (a) where the development site is on land covered by a Bushfire Prone Area Map endorsed by the FES Commissioner - if any part of the development site is designated on that map as being bushfire-prone; and
- (b) where the development site is not on land covered by a Bushfire Prone Area Map endorsed by the FES Commissioner - land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 ha is designated as bushfire-prone.

5.7.2 Before commencing or carrying out any development on land that is designated as bushfire-prone, or described under subclause 5.7.1 a) and b), a person (the **developer**) must prepare, or cause to be prepared:

- (a) Bushfire Hazard Level Assessment providing the bushfire hazard level.
- (b) Bushfire Management Plan in accordance with the requirements outlined in the bushfire planning guidelines.
- (c) Subject to subclause 5.7.2 a) where the bushfire hazard level is above low, a Bushfire Attack Level Assessment shall also be prepared.

5.7.3 If -

- (a) the bushfire attack level assessment prepared under subclause 5.7.2 (c) calculates the bushfire attack level of the development site as BAL - LOW or above; or
- (b) because of the terrain of the development site it is not possible to calculate the bushfire attack level of the development site,

the developer must not commence or carry out any development on the development site without development approval.

5.8 Indian Ocean Drive

5.8.1 Any planning proposal or development application within 200m of Indian Ocean Drive to be guided by the Indian Ocean Drive Planning Guideline (WAPC, 2014), and the Indian Ocean Drive Local Planning Policy as provided for in Part 2.2 of the Scheme.

5.9 Site and Development Requirements

- 5.9.1 The Development Table (Table 2) sets out the site and development requirements for various land uses in the Scheme area.
- 5.9.2 A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces in accordance with the Development Table or as specified by the Council are provided and such spaces are constructed and maintained in accordance with the requirements of the Council.
- 5.9.3 The Council in determining applications for any development may require such development to comply generally with the standards required for development in that zone as required in the Development Table to ensure that the scale, nature, design, general appearance and impact of such uses is compatible with the intentions for the development in that zone and the objectives of the Scheme.

5.10 Relocated Residential Dwellings and Transportable Residential Dwellings

5.10.1 Relocated Residential Buildings

Within the Scheme area a building may not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless in the opinion of the local government, such a building is in a satisfactory condition and will not detrimentally affect the amenity of the area; or the building has been specifically constructed as a transportable dwelling.

5.10.2 Transportable Residential Buildings

Transportable residential dwellings over 5 years old will not generally be supported in areas zoned Residential or Commercial.

The erection or re-erection of a transportable residential dwelling shall be regarded as being the erection of a new building and shall require the planning consent of the local government.

TABLE 2: DEVELOPMENT REQUIREMENTS

Control Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear (Average)	Sides			
Child Care Premises	7.5	7.5	#	#	#	1 for every 4 children plus 1 per employee.
Club	#	#	#	#	#	1 for every 45 sqm of gross lettable area
Consulting Room	#	#	#	0.4 in Res Zone 0.5 elsewhere	30 in Res Zone	4 per consultant
Day Care Centre	7.5	7.5	#	#	#	1 for every child plus 1 per employee
Educational Establishment	7.5	7.5	5.0	#	30	1 per full time employee, plus bays for students as determined by the Council.
Fast Food Outlet	#	#	#	1.0	#	1 for every 20 sqm gross floor area
Funeral Parlour	#	#	#	1.0	10	As determined by the Council (minimum 6).
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hotel	#	#	#	#	10	1 per 5m2 bar area and lounge area
Industry General	7.5	10	5	#	15	1 per 100m2 gross floor area
Industry Light	7.5	10	5	#	10	1 per 100m2 gross floor area
Industry Service	7.5	10	5	#	10	1 per 100m2 gross floor area
Library	#	#	#	#	#	1 for every 35 sqm floor area
Motel	9.0	7.5	3 per storey	1.0	30	1 per unit, plus 1 staff/visitor bay per 5 rooms
Office	#	#	#	1.0	#	1 for every 30m2 gross lettable area
Private Clubs and Institutions	#	#	#	0.5	#	1 for every 4 persons accommodated.
Reception Centre	#	#	#	0.5	#	1 for every 4 persons whom the building is designed to accommodate.
Restaurant	#	#	#	1.0	#	1 for every 10sqm of gross lettable area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	#	#	5	1 for every working bay, plus 1 for each person employed on site.
Shop	#	#	#	1.0	#	1 for every 20sqm of gross lettable area.
Short Stay Accommodation	9.0	7.5	3 per storey	1.0	30	1 per unit, plus 1 staff/visitor bay per 5 rooms
Showroom	#	#	#	1.0	10	1 for every 50 sqm of gross lettable area.

Veterinary Centre	#	#	#	#	30	1 for every 10msq gross floor area, plus 1 for each person employed.
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(This table is intended as a guideline and may be varied at the discretion of the local government)

Means 'to be determined by the local government in each particular case.

5.11 Access

- 5.11.1 Unless otherwise approved, no development shall occur on a lot without access to a suitably constructed road to the satisfaction of the Local Government.
- 5.11.2 Unless otherwise approved, no development shall occur on a lot without legal road frontage.
- 5.11.3 In considering an application to relax the requirements of Clauses 5.9.1 and/or 5.9.2 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to—
- (a) Any alternative legal means of access to the lot;
 - (b) The quality of any un-constructed road access provided to the lot;
 - (c) The costs and/or complexity involved in providing constructed road and/or legal road frontage; and
 - (d) The type and quantity of traffic expected to be generated by the proposed development.
- 5.11.4 Vehicle access ways and circulation areas for all development, except single dwellings, ancillary accommodation and associated outbuildings, shall be designed so as to permit all vehicles, of a type that may reasonably be expected to visit the site on a regular basis, to enter and leave the site in a forward gear.
- 5.11.5 If there exists a right-of way to the side or rear of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain in the right-of-way and the area shall be of such a size that if no alternative route exists vehicles may manoeuvre so as to return to a street in forward gear.
- 5.11.6 Except as hereinafter mentioned the access-way shall be not less than four and one half metres in width. If the size of the lot makes the provision of a four and one half metres wide access-way impracticable or unreasonable the Council may permit an access-way of a narrower width but in no case less than three metres in width.
- 5.11.7 The Council may vary the requirement of clauses 5.9.1 to 5.9.4 if all buildings are set twenty metres back from the street frontage.

5.12 Car Parking and Loading Bays

- 5.12.1 Car parking requirements are set out in Tables 2 for the land uses shown therein. In addition the following general provisions apply.
- 5.12.2 All carparking areas shall be designed and constructed in accordance with relevant Australian Standards or any other standard endorsed by the Local Government.

- 5.12.3 All carparking areas with 10 or more bays shall include landscaped areas equivalent to 10% of the area of the carparking bays within that carpark, and such landscaped areas shall be included in calculations for determining the landscaping provision and not carparking provision.
- 5.12.4 Where land is developed to accommodate a range of uses, the number of car parking spaces to be provided is to be calculated separately for each part of the land or building used for each use.
- 5.12.5 When considering an application for planning approval, the Local Government may impose conditions regarding the required number and/or method of provision of car parking spaces. In particular, the Local Government may impose conditions relating to—
- (a) the proportion of car parking spaces to be roofed or covered;
 - (b) the means of access to each car parking space and the adequacy of any vehicular manoeuvring area;
 - (c) the design and location of the car parking spaces on the site and their effect on the existing streetscape and the amenity of adjoining development and the locality generally, including the potential effect if those spaces should later be roofed or covered;
 - (d) the extent to which car parking spaces are located within required building setback areas; and
 - (e) the location of proposed public footpaths, vehicular crossings of private footpaths within the lot and the effect of both pedestrian and vehicular traffic movement and safety.
- 5.12.6 If the Local Government is satisfied that adequate car parking exists or is to be provided in close proximity to a proposed development, notwithstanding Table 2, it may accept a cash payment in lieu of the provision of car parking spaces subject to the following—
- (a) a cash-in-lieu payment shall not be less than the estimated cost to the owner of providing the car parking spaces otherwise required by the Scheme, plus the value as estimated by the Local Government of that area of land which would have been occupied by the car parking spaces;
 - (b) the Local Government shall have already provided a public car park nearby or have firm proposals for providing a public car park area within the near future; and
 - (c) payments under this clause shall be deposited into a special fund to be used exclusively to provide and/or maintain car parks in the near vicinity.

5.12.7 All development for commercial or industrial purposes shall be designed so as to provide for the loading and unloading of all vehicles, of a type that may reasonably be expected to visit the site on a regular basis, in a manner that does not in any way restrict the use of vehicle accessways, circulation areas or carparking areas.

5.12.8 Pursuant to clause 5.14.6 a loading bay shall comply with minimum dimensions of 3.5 metres width, 7 metres length and 3.5 metres height.

5.13 Commercial Areas

5.13.1 Plot Ratio

Council shall permit a building in the Commercial Zone to have a plot ratio of 1.0 and may permit an increase of 50 percent providing that Council is satisfied on matters relating to access, car parking, servicing, loading and unloading and any other matter the Council by its absolute majority may take into consideration.

5.13.2 Upper Floors

Where the ground floor of a multi-storey building is used for the purpose of shops or offices, the upper floors of such buildings may be used for the purposes of shops, offices or residential accommodation providing that:

- The residential use is confined to the upper floor.
- The residential use is used only by the owner/occupier of the shop or office within the same building.

5.14 Industrial Areas

5.14.1 Building setbacks shall be in accordance with Table 2.

5.14.2 Site Cover

No more than 50 percent of any lot shall be built upon without the approval of the Council

5.14.3 Landscape Treatment

An area of not less than 10% of the land between the front building line and the street frontage shall be set aside for landscaping, and such landscaping shall be established and maintained in accordance with an approved plan relating thereto.

5.14.4 Open Air Display

A person may display finished goods for sale up to the front boundary of the lot.

5.14.5 Stock Piling and Storage of Materials

No dumping or storage of waste materials for use on premises, or construction, servicing or maintenance shall be permitted between the building line and the street frontage.

5.14.6 Car Parking

On site car parking shall be provided in accordance with Table 2 in the Scheme Text.

5.15 Appearance of Land and Buildings

- 5.15.1 Unless otherwise approved, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.
- 5.15.2 All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the Local Government.
- 5.15.3 Where in the opinion of the Local Government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the Local Government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.

5.16 Building Height

With the exception of buildings and structures required for agricultural use in Rural Zones, no building in excess of two storeys or a height of 9 metres above natural ground level shall be erected within the Scheme Area.

Council may approve buildings which exceed the height specified after considering information provided and any submissions made by persons owning or having an interest in land affected directly or indirectly by the proposed building:

- Will be in harmony with the general character of buildings in the locality.
- Will not be detrimental to the amenity or character of the locality or the quality of environment or the townscape.
- Will observe the required setbacks from the boundaries of the lot on which it is to be constructed and will not prejudice the siting, design, aspect and privacy of buildings on other nearby lots.
- Will not impair the potential for development of other vacant blocks in the vicinity with particular regard to amenity, aspect and views.
- Has been designed in harmony with the natural land form of the site.

Any such decision shall only be made by an absolute majority of Council.

Part 6 — Special control areas, Structure Plans & Local Development Plans

6.1. Operation of special control areas

6.1.1. The following special control areas are shown on the Scheme Maps :

- (a) Rudduck Street Precinct
- (b) Leeman Wastewater Treatment Plant

6.1.2. In respect of a special control area shown on a 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.

6.2 Rudduck Street Precinct (SCA 1)

6.2.1 In considering applications for planning approval within the Rudduck Street Precinct, the Council shall have regard for the:

- (a) Rudduck Street Planning Framework and any other planning policy formally adopted or amended by Council over the Rudduck Street Precinct Centre pursuant to clause 2.4.

6.3 Leeman Wastewater Treatment Plant (SCA 2)

6.3.1 The Leeman Wastewater Treatment Plant is a strategic infrastructure element for the treatment of wastewater in Leeman

6.3.2 Purpose of the Special Control Area

- (a) To identify land likely to be the subject of offsite impacts from the Leeman Wastewater Treatment Plant.
- (b) To ensure that the use and development of the land in the vicinity of the Leeman Wastewater Treatment Plant is compatible with any existing or proposed future use and development of the plant.

6.3.3 Application Requirements for Subdivision and Development

Planning approval is required to construct or extend a dwelling or other building, or to carry out any other form of development.

The local government will not generally approve any development for residential purposes or other sensitive uses as defined in Statement of Planning Policy 4.1.

6.3.4 Relevant Considerations

Before deciding on any application for development approval the local government must consider:

- (a) the provisions of the Statement of Planning Policy No.4.1: State Industrial Buffer Policy;

(b) whether the proposal is compatible with existing and proposed future use of the Leeman Wastewater Treatment Plant;

(c) advice and recommendations of the Department of Environment Regulation, Department of Health and the relevant wastewater provider.

6.3.5 Referral of Applications

Before deciding on any application for planning approval for residential purposes or any other sensitive use as defined in SPP 4.1 and with respect to land partly or wholly within the Special Control Area, the local government is to consult with the Department of Environment Regulation, Department of Health and the relevant wastewater provider.

6.4 Structure Plans

6.4.1 Structure Plan Required

The local government is not to:

- (a) consider recommending subdivision; or
- (b) approve development

of land within the Development Zone unless there is a structure plan

6.4.2 Approval prior to structure plan

Notwithstanding clause 6.4.1, a local government may recommend subdivision or approve the development of land within a Development Zone prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the future preparation of a structure plan.

6.4.3 Preparation of proposed structure plans

A proposed structure plan may be required by the:

- (a) Local Government; or
- (b) Western Australian Planning Commission

A proposed structure plan may be required and prepared for all, or part of, any zone or development area.

6.4.4 Details of proposed structure plan

6.4.4.1 A proposed structure plan is to contain the following details:

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including:
 - (i) landform, topography and land capability;
 - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;

- (iii) hydrogeological conditions, including approximate depth to water table;
 - (iv) sites and features of Aboriginal and European heritage value;
 - (v) bushfire-prone areas as provided for in Part 5.7 of the Scheme.
- (c) a context analysis map of the immediate surrounds to the site including:
- (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
 - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
- (iii) existing and future land use;
- (e) for structure plans a map showing proposals for:
- (i) neighbourhoods around proposed neighbourhoods and town centres;
 - (ii) existing and proposed commercial centres;
 - (iii) natural features to be retained;
 - (iv) street block layouts;
 - (v) the street network including street types;
 - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
 - (vii) land uses including residential densities and estimates of population;
 - (viii) schools and community facilities;
 - (ix) public parklands; and
 - (x) urban water management areas;
- (f) a written report to explain the mapping and to address the following:
- (i) the planning framework for the structure plan and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
 - (ii) the site analysis including reference to the matters listed in clause 6.4.4.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
 - (iii) the context analysis including reference to the matters listed in clause 6.4.4.1 (c) above;
 - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
 - (v) the design rationale for the proposed pattern of subdivision, land use and development;
 - (vi) traffic management and safety;

- (vii) parkland provision and management;
- (viii) urban water management;
- (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
- (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development;
- (xi) bushfire-prone areas and bushfire management as provided for in Part 5.7 of the Scheme; and
- (xii) such other information as considered relevant by the Local Government.

6.4.4.2 The maps referred to in clause 6.4.4.1 are to:

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 6.4.4.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

6.4.4.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the *Residential Design Codes*, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or *Residential Design Codes* when recommending subdivision or approving development of land within a Development Area.

6.4.4.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

6.4.5 Submission to Local Government and Commission

6.4.5.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

6.4.5.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.

6.4.5.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

6.4.5.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

6.4.6 Advertising of structure plan

6.4.6.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 6.4.4 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to:

(a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways:

- (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
- (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and

(b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to:

- (i) all owners whose land is included in the proposed structure plan;
- (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
- (iii) such public authorities and other persons as the local government nominates.

6.4.6.2 The advertisement and notice are to:

- (a) explain the scope and purpose of the proposed structure plan;
- (b) specify when and where the proposed structure plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

6.4.7 Adoption of proposed structure plan

6.4.7.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to:

- (a) adopt the proposed structure plan, with or without modifications; or
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

6.4.7.2 In making a determination under clause 6.4.7.1, the local government is to:

- (a) have due regard to the comments and advice received from the Commission in relation to the proposed structure plan; and
- (b) if the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 6.4.7.1.

6.4.7.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may:

- (a) re-advertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 6.4.6.1 onwards are to apply.

6.4.7.4 If within the period referred to in clause 6.4.7.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 6.4.7.1, the local government is deemed to have refused to adopt the proposed structure plan.

6.4.8 Endorsement by Commission

6.4.8.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 6.4.7.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

6.4.8.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

6.4.8.3 The Commission is to notify the local government of its determination under clause 6.4.8.2.

6.4.9 Notification of structure plan

As soon as practicable after adopting a proposed structure plan under clause 6.4.7.1 and if clause 6.4.8 applies, as soon as practicable after being notified of the Commission's decision under clause 6.4.8.3, the local government is to forward a copy of the structure plan to:

- (a) any public authority or person that the local government thinks fit; and
- (b) where the structure plan was submitted by an owner, to the owner.

6.4.10 Operation of structure plan

A structure plan comes into effect:

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.4.8.2; or
- (b) on the day on which it is adopted by the local government under clause 6.4.7.1 in all other cases.

If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

6.4.11 Inspection of structure plan

The structure plan and the Commission's notification under clause 6.4.8.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

6.4.12 Variation to structure plan

6.4.12.1 The local government may vary a structure plan:

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 6.4.4 onwards.

- 6.4.12.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.
- 6.4.12.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.
- 6.4.12.4 As soon as practicable after receiving the copy of the variation referred to in clause 6.4.12.3, the Commission is to determine whether to endorse the proposed variation.
- 6.4.12.5 The Commission is to notify the local government of its determination under clause 6.4.12.4.
- 6.4.12.6 A variation to a structure plan by resolution comes into effect:
- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.4.12.4; or
 - (b) on the day on which the local government resolves to make the variation under clause 6.4.12.1 (a).

6.5 Local Development Plans

- 6.5.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a Local Development Plan may be required by:
- (a) the Local Government; or
 - (b) Western Australian Planning Commission.
- 6.5.2 A local development plan may include details as to:
- (a) building envelopes;
 - (b) distribution of land uses within a lot;
 - (c) private open space;
 - (d) services;
 - (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
 - (f) the location, orientation and design of buildings and the space between buildings;
 - (g) advertising signs, lighting and fencing;
 - (h) landscaping, finished site levels and drainage;
 - (i) protection of sites of heritage, conservation or environmental significance;
 - (j) bushfire protection requirements;
 - (k) special development controls and guidelines; and
 - (l) such other information considered relevant by the local government.

- 6.5.3 When a proposed local development plan is prepared under clause 6.5.1, the local government is to:
- (a) advertise, or require the owner who submitted the proposed local development plan to advertise, the proposed local development plan for public inspection by one or more of the following ways:
 - (i) notice of the proposed local development plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the proposed local development plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed local development plan applies; and
 - (b) give notice or require the owner who submitted the proposed local development plan to give notice, in writing to:
 - (i) all owners whose land is included in the proposed local development plan;
 - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed local development plan;
 - (iii) such public authorities and other persons as the local government nominates.
- 6.5.4 The advertisement and notice are to:
- (a) explain the scope and purpose of the proposed local development plan;
 - (b) specify when and where the proposed detailed plan may be inspected; and
 - (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 6.5.5 The local government is to consider all submissions received and:
- (a) approve the local development plan with or without conditions; or
 - (b) refuse to approve the local development plan and, where the proposed local development plan was submitted by an owner, give reasons for this to the owner.
- 6.5.6 If within 60 days of receiving a local development plan prepared under clause 6.5.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 6.5.5, the local government is deemed to have refused to approve the local development plan.
- 6.5.7 Once approved by the local government, the local development plan constitutes a variation of the structure plan.
- 6.5.8 The local government may vary a local development plan in accordance with the procedures set out in clause 6.5 onwards provided such variations do not prejudice the intention of any related structure plan.

6.6 Right of Review

- 6.6.1 An owner who has submitted a proposed structure plan under clause 6.4.5.1 may apply for review to the *State Administrative Tribunal* in accordance with Part 14 of the *Planning and Development Act 2005* with respect to:
- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 6.4.6.1;
 - (b) any determination of the local government:
 - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.
- 6.6.2 An owner who has submitted a local development plan in accordance with clause 6.5 may appeal, in accordance with Part 14 of the *Planning and Development Act 2005* with respect to any discretionary decision made by the local government under clause 6.5.

Part 7 — Heritage protection

7.1. Heritage List

- 7.1.1. The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.
- 7.1.2. In the preparation of the Heritage List the local government is to —
- (a) have regard to the local government inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
 - (b) include on the Heritage List such of the entries on the local government inventory as it considers to be appropriate.
- 7.1.3 For the purpose of this Clause, the Heritage List means the Shire of Coorow Municipal Inventory as it relates to the Scheme Area, as amended from time to time, prepared by the local government pursuant to Section 45 of the Heritage of Western Australia Act 1990, or such parts thereof described in the Heritage List.
- 7.1.4. In considering a proposal to include a place on the Heritage List the local government is to —
- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
 - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
 - (c) carry out such other consultations as it thinks fit; and
 - (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- 7.1.5. Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the State Heritage Office and to the owner and occupier of the place.
- 7.1.6. The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.
- 7.1.7. The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.4.

- Note:
- 1. The purpose and intent of the heritage provisions are —
 - (a) to facilitate the conservation of places of heritage value; and
 - (b) to ensure as far as possible that development occurs with due regard to heritage values.
 - 2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.2. Designation of a heritage area

- 7.2.1. If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.
- 7.2.2. The local government is to —
- (a) adopt for each heritage area a Local Planning Policy which is to comprise —
 - (i) a map showing the boundaries of the heritage area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the heritage area;and
 - (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.
- 7.2.3. If a local government proposes to designate an area as a heritage area, the local government is to —
- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
 - (b) advertise the proposal by —
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;and
 - (c) carry out such other consultation as the local government considers appropriate.
- 7.2.4. Notice of a proposal under clause 7.2.3(b) is to specify —
- (a) the area subject of the proposed designation;
 - (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
 - (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.
- 7.2.5. After the expiry of the period within which submissions may be made, the local government is to —
- (a) review the proposed designation in the light of any submissions made; and

- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6. If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the State Heritage Office, the Commission and each owner of land affected by the designation.

7.2.7. The local government may modify or revoke a designation of a heritage area.

7.2.8. Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3. Heritage agreements

The local government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

- Note:
- 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
 - 2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4. Heritage assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5. Variations to Scheme provisions for a heritage place or heritage area

Where desirable to —

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.5.2.

Part 8 — Development of land

8.1. Requirement for approval to commence development

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

- Note:
1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 2. Development includes the erection, placement and display of any advertisements.

8.2. Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government —

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is —
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where —
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme;
 - (iii) the development is located within a designated bushfire-prone area as provided for in Part 5.7.3 of the Scheme.
- (c) the demolition of any building or structure except where the building or structure is —
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;

- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) 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.

8.3. Amending or revoking a planning approval

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.4. Unauthorised existing developments

- 8.4.1. The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
- 8.4.2. Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

- Note:
- 1. Applications for approval to an existing development are made under Part 9.
 - 2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

8.5 Requirement for consultation to commence mining

In considering proposals to commercially extract minerals, Council may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.

Part 9 — Applications for planning approval

9.1. Form of application

9.1.1. An application for approval for one or more of the following —

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1;
- (l) the erection, placement or display of an advertisement; and
- (m) an application in a Special Control Area.

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2. An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

9.2. Accompanying material

Unless the local government waives any particular requirement every application for planning approval is to be accompanied by —

- (a) a plan or plans to a scale of not less than 1:500 showing —
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;

- (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
 - (c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
 - (d) any other plan or information that the local government may require to enable the application to be determined.

9.3. Additional material for heritage matters

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application —

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4. Advertising of applications

9.4.1. Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is —

- (a) an 'A' use as referred to in clause 4.3.2; or
- (b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2. Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

- 9.4.3. The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways —
- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
 - (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
 - (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.
- 9.4.4. The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.
- 9.4.5. Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.
- 9.4.6. After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

Part 10 — Procedure for dealing with applications

10.1. Consultation with other authorities

- 10.1.1. In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.
- 10.1.2. In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.2. Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application —

- (a) the aims and provisions of the Scheme
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;

- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;
- (za) any other planning consideration the local government considers relevant.

10.3. Determination of applications

In determining an application for planning approval the local government may —

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

10.4. Form and date of determination

10.4.1. As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's determination.

10.4.2. Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

10.5. Term of planning approval

10.5.1. Where the local government grants planning approval for the development of land —

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2. A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6. Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

10.7. Scope of planning approval

Planning approval may be granted —

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

10.8. Deemed refusal

10.8.1. Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.8.2. An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.8.3. Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.9. Appeals

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may appeal under the *Planning and Development Act 2005*.

Part 11 — Enforcement and administration

11.1. Powers of the local government

- 11.1.1. The local government in implementing the Scheme has the power to —
- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
 - (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the *Planning and Development Act 2005*; and
 - (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
- 11.1.2. An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2. Removal and repair of existing advertisements

- 11.2.1. Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.
- 11.2.2. Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to —
- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
 - (b) remove the advertisement.
- 11.2.3. For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify —
- (a) the advertisement the subject of the notice;
 - (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
 - (c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.
- 11.2.4. A person on whom notice is served under this clause may appeal under the Planning and Development Act 2005 against the determination of the Local Government.

11.3. Delegation of functions

- 11.3.1. The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- 11.3.2. The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.
- 11.3.3. The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.
- 11.3.4. Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

11.4. Person must comply with provisions of Scheme

A person must not —

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area —
 - (i) otherwise than in accordance with the Scheme;
 - (ii) unless all approvals required by the Scheme have been granted and issued;
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Note: Section 223 of the Planning and Development Act 2005 provides that a person who commits an offence under this Act is liable to a penalty of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which day the offence continues.

11.5. Compensation

- 11.5.1. A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under Part 11 of the *Planning and Development Act 2005*
 - (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
 - (b) where the land has been reserved for a public purpose and —
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the

effect of permitting the land to be used or developed for no purpose other than a public purpose,

not later than 6 months after the application is refused or the permission granted.

11.5.2. A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1.

1. A claim for compensation under *Part 11 of the Planning and Development Act 2005* may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

11.6. Purchase or taking of land

11.6.1. If, where compensation for injurious affection is claimed under the Planning and Development Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.6.2. The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Part 11 of the Planning and Development Act 2005 empowers the Local Government to purchase or compulsorily acquire land comprised in a Scheme.

11.7. Notice for removal of certain buildings

11.7.1 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 214 of the Planning and Development Act for the removal of certain buildings.

11.7.2 The local government may recover expenses under Section 215 of *the Planning and Development Act 2005* in a Court of competent jurisdiction.

Schedules

Schedule 1	Dictionary of defined words and expressions
	General definitions
	Land use definitions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	Form of application for planning approval
Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval
Schedule 10	Environmental conditions

Schedule 1 — Dictionary of defined words and expressions

1. General definitions

In the Scheme —

advertisement means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

amenity means all those factors which combine to form the character of an area and include the present and likely future amenity;

Building Code means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board.

AS 3959 means Australian Standard AS 3959 — 2009 Construction of Buildings in Bushfire Prone Areas, as adopted from time to time as a referenced document for the purposes of the Building Code.

building envelope means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

bushfire means uncontrolled fire in vegetation and includes wildfire.

bushfire attack level assessment means an assessment prepared in accordance with bushfire planning guidelines.

bushfire hazard level assessment means an assessment prepared in accordance with bushfire planning guidelines.

bushfire planning guidelines means:

- (b) any regulations that relate to bushfire risk management prepared under section 256 of the *Planning and Development Act 2005*
- (c) the State Planning Policy 3.7 Planning for Bushfire Risk Management and Planning for Bushfire Risk Management Guidelines; and
- (d) any guidelines contained in, or prepared and published under a State Planning Policy that replace the guidelines mentioned in paragraph (a).

bushfire prone vegetation means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.

conservation has the same meaning as in the *Heritage of Western Australia Act 1990*;

contiguous means separated by less than 20 metres.

cultural heritage significance has the same meaning as in the *Heritage of Western Australia Act 1990*;

development has the same meaning as given to it in the *Planning and Development Act 2005*;

development (as it applies to bushfire prone areas) includes the construction or use, or construction and use, of any habitable building or specified building.

development approval means approval obtained upon the making of a development application to the local government.

development site means the land on which a building that is the subject of development stands or is to be constructed.

FES Commissioner has the meaning given to that term in the Fire and Emergency Services Act 1998 section 3.

floor area has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

frontage, when used in relation to a building that is used for —

- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

Gazettal date, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87(4) of the Planning and Development Act;

height when used in relation to a building that is used for —

- (a) residential purposes, has the same meaning as in the Residential Design Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

incidental use means a use of premises which is ancillary and subordinate to the predominant use;

local government means the Shire of Coorow

Local Planning Strategy means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

lot has the same meaning as in the *Planning and Development Act 2005* but does not include a strata or survey strata lot;

minerals has the same meaning as in the *Mining Act 1978*;

net lettable area (nla) means the area of all floors within the internal finished surfaces of 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;

non-conforming use has the same meaning as it has in section 172 of the *Planning and Development Act 2005*;

owner, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity —

- (a) is entitled to the land for an estate in fee simple in possession;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

place, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

Planning and Development Act means the *Planning and Development Act 2005*;

plot ratio, in the case of residential dwellings has the same meaning as in the Residential Design Codes;

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

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

premises means land or buildings;

Residential Design Codes means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;

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

substantially commenced means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

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

zone means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme —

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

aged or dependant persons dwelling shall have the same meaning as that given to it for the purposes of the Residential Design Codes;

aged persons village means a building or group of buildings designed for residential occupation by persons 55 years of age or older and includes buildings and parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care.

agriculture - extensive means premises used for the raising of stock or crops but does not include agriculture - intensive or animal husbandry - intensive;

agriculture - intensive means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following —

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- (d) aquaculture;

agroforestry means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;

amusement parlour means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

ancillary accommodation shall have the same meaning as that given to it for the purposes of the Residential Design Codes;

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

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

bed and breakfast means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

betting agency means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

camping ground has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

caravan park has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

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

carpark means premises used primarily for parking vehicles 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 premises in which cars are displayed for sale;

child care premises has the same meaning as in the *Community Services (Child Care) Regulations 1988*;

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

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

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

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

consulting rooms means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store means premises —

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

corrective institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

educational establishment means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

experiential use means any land or buildings used for nature based outdoor activities including guided and self-guided tours, leisure and recreation activities operated for profit or gain, but does not include sporting and cultural events.

family day care means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;

fast food outlet means premises 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 lunch bar;

fuel depot means premises 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;

funeral parlour means premises used to prepare and store bodies for burial or cremation;

grouped dwelling shall have the same meaning as that given to it for the purposes of the Residential Design Codes

home 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 2 people not members 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 50 square metres;
- (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 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (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) does 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;

home store means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

hospital means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

hotel means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

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

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

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, light, mining, rural or service industry;

industry—hazardous means an industry which by reason of the processes involved or the method or manufacture or the nature of the materials used or produced requires isolation from other buildings;

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 do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

industry - mining means land used commercially to extract minerals from the land;

industry—noxious means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act 1911*;

industry—resource processing means the winning, processing or treatment of minerals but not including radioactive minerals, and would normally involve—

- (a) substantial capital investment;
- (b) significant employment; and
- (c) a need for substantial separation or buffer distances to sensitive areas.

industry - rural means —

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

industry - service means —

- (a) an industry - light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

liquor store means any land or buildings the subject of a Store Licence granted under the provisions of the *Liquor Licensing Act 1988*;

lodging house/guest house shall have the same meaning as is given to the term “lodging house” in and for the purposes of the *Health Act 1911*;

lunch bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

machinery repairs means premises or part of premises used for the repair, servicing and storage of machinery;

marina means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;

marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

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

medical centre means premises, other than a hospital, used by 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);

motel means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

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

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

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

motor vehicle wash means premises where the primary use is the washing of motor vehicles;

multiple dwelling has the same meaning as in the *Residential Design Codes of Western Australia*;

night club means premises —

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Licensing Act 1988*;

office means premises used for administration, clerical, technical, professional or other like business activities;

park home park has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

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

plantation has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

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, transport or other similar services;

radio and TV installation means any land or 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 premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

recreation - private means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

residential building has the same meaning as in the Residential Design Codes;

restaurant means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;

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

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (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;

rural pursuit means any premises used for —

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture - extensive or agriculture - intensive;

single house shall have the same meaning as that given to it for the purposes of the Residential Design Codes and shall include outbuildings;

service station means premises used for —

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

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

shop means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

short stay accommodation means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for 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;

showroom means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

storage means premises used for the storage of goods, equipment, plant or materials;

tavern means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;

telecommunications infrastructure means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

temporary workforce accommodation means building/s or dwellings, and may include caravans and dongas, used for exclusive accommodation or staff engaged in temporary construction, mining activities or other seasonal or temporary work, and may include incidental facilities such as catering, sporting and recreational facilities for the exclusive use of the staff, and is removed upon completion of work/s, but does not include a dwelling or residential building as defined in the Residential Planning Codes, motel, hotel, hostel or boarding/lodging house;

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

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

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

warehouse means premises used to store or display goods and may include sale by wholesale;

wind, solar or tidal energy facility means premises used to generate electricity by wind force, solar power or tidal action and includes any turbine, panel, building or other structure used in, or in conjunction with, the generation of electricity by wind force, solar or tidal activity but does not include turbines or panels used principally to supply electricity for a domestic property, rural use of the land or anemometers;

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

Schedule 2 — Additional uses

[cl. 4.5]

No.	Description of land	Additional use(s)	Conditions
1	Lot 115 Commercial Street, Coorow	Machinery Repairs	
2	Lot 474 Rudduck Street, Leeman	Service Station	
3	Lot 41 Nairn Street, Leeman	Shop Showroom	<p>Hours of operation of the business are to be between the hours 8.00am to 5.00pm.</p> <ul style="list-style-type: none"> • The premises are not to be used for the sale of food, unless it is only incidental to the predominant use on the site. • The premises are not to employ the use of noisy machinery, except to the extent that might be expected of a handyman in a residential area. • Business is to be operated in a manner that remains cognisant of the fact that it is located in a residential zone, and not do anything that might downgrade the amenity of the area. • The business is not to undertake any activity that might require a Dangerous Goods Licence unless the planning approval of Council has first been obtained. • Any change of use of the premises is to require the planning approval of Council. The Council will refuse any change of use where such new use is likely to be more damaging to the amenity of the residential area than the previous use.
4	Greenhead Greenhead Road Lots 2-4, 31-40, 45-63, 197-201, 204-207, 392-394	Boatyard and storage of equipment	
5	Portion of Lot 51 Bothe Street, Coorow	Temporary Workforce Accommodation	

Schedule 3 — Restricted uses

[cl. 4.6]

No.	Description of land	Restricted use	Conditions
1	Bristol Street, Pt. Vic. Loc. M1640, Coorow	Fuel Depot & Transport Depot	

Schedule 4 — Special use zones

[cl. 4.7.1]

No.	Description of land	Special use	Conditions
1	Reserve 34516	Purposes associated with the Fishing Industry	
2	Pt. Lot 193 John Street, Lot 3	Purposes associated with the Fishing Industry	
3	Lot 1, Brand Highway	Service Station.	
4	Lot 395 John Street	Purposes associated with the Fishing Industry, Community Purpose	

Schedule 5 — Exempted advertisements

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN (1)	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws	N/A
Industrial and Warehouse Premises	<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 or 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>	Total area of any such advertisements, shall not exceed 15m. Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	<p>a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or council of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a local government, and</p>	N/A

	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.	
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

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

TEMPORARY SIGNS	EXEMPTED SIGN - TYPE AND NUMBER (All non-illuminated unless otherwise stated) (2)	MAXIMUM AREA
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
i) Dwellings.	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
ii) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (i) above	5m ²
iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above One additional sign showing the name of the project builder	10m ² 5m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²

TEMPORARY SIGNS	EXEMPTED SIGN - TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
<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, leasing 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</p> <p>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>

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

Schedule 6 - Form of application for planning approval

APPLICATION FOR PLANNING APPROVAL

Owner Details		
Name:		
Address:		
Phone: (work) (home) (mobile)	Fax:	E-mail:
Contact Person:		
Signature:		Date:
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i>		

Applicant Details		
Name:		
Address:		
Phone: (work) (home) (mobile)	Fax:	E-mail:
Contact Person for correspondence:		
Signature:		Date:

Property Details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (eg. easements, restrictive covenants):		
Street Name:		Suburb:
Nearest street intersection:		Date:

Existing Building/Land Use:	
Description of proposed development and/or use:	
Nature of any existing buildings and/or use:	
Approximate cost of proposed development:	
Estimated time of completion:	

OFFICE USE ONLY	
Acceptance Officer's initials:	Date Received:
Location government reference no:	

Schedule 7 - Additional information for advertisements

(NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM)

<p>1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:</p> <p>.....</p>
<p>2. Details of proposed sign:</p> <p>(a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):</p> <p>(b) HeightWidth:.....Depth:</p> <p>(c) Colours to be used:</p> <p>(d) Height above ground level - (to top of advertisement): - (to the underside):</p> <p>(e) Materials to be used.....</p>
<p>3. Period of time for which advertisement is required</p> <p>.....</p>
<p>4. Details of signs (if any) to be removed if this application is approved:</p> <p>.....</p>
<p>Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.</p> <p>Signature of advertiser(s): (if different from land owners:.....</p> <p>Date:</p>
<p>5.</p>

Schedule 9 - Notice of determination on application for planning approval

Planning and Development Act 2005

SHIRE OF COOROW

LOCAL PLANNING SCHEME No. 3

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Location:	
Lot:	Plan/Diagram:
Vol. No:	Folio No:
Application Date:	Received on:
Description of the proposed development:	
The application for planning approval is	
<input type="checkbox"/> granted subject to the following conditions: <input type="checkbox"/> refused for the following reason(s):	
Conditions/reasons for refusal:	
Note 1:	If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
Note 2:	Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.
Note 3:	If an applicant is aggrieved by this determination there is a right of appeal pursuant to the provisions of Part 14 of the Planning and Development Act. An appeal must be lodged within 28 days of the local government's determination.

Schedule 10 - Environmental Conditions

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

ADOPTION

Adopted by Resolution of the local government of the Shire of Coorow at the meeting of the local government held on the 19th day of February 2014

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted by Resolution of the local government of the Shire of Coorow at the meeting of the local government held on the day of and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.4 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
DELEGATED UNDER S.16 OF THE PD ACT 2005

.....
DATE

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

.....
DATE