

# SHIRE OF LEONORA

## LOCAL PLANNING SCHEME NO. 2

Updated to Include AMD  
[INSERT/DELETE AS NEEDED]

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**LOCAL PLANNING SCHEME GAZETTAL DATE: [INSERT DATE]**

## SHIRE OF LEONORA LOCAL PLANNING SCHEME NO. 2 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

# **SHIRE OF LEONORA**

## **LOCAL PLANNING SCHEME NO. 2**

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

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## Part 1 — Preliminary

### 1. Citation

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

### 2. Commencement

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

### 3. Scheme Revoked

The following local planning scheme is revoked —

Shire of Leonora Town Planning Scheme No. 1 23 November 1984

### 4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note:

The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

### 5. Responsibility for Scheme

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

### 6. Scheme Area

This Scheme applies to part of the Shire of Leonora as shown on the Scheme Map.

### 7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the **scheme text**), this Scheme includes the following —
  - (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
  - (b) the supplemental provisions to the deemed provisions contained in Schedule A of the Scheme; and
  - (c) the Scheme Map.
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

### 8. Purposes of Scheme

The purposes of this Scheme are to —

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

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

**9. Aims of Scheme**

The aims of this Scheme are —

- (a) To facilitate growth and development to support a permanent population and promote vibrancy and social cohesion;
- (b) To acknowledge and respect Aboriginal heritage and traditional cultural use of land;
- (c) To promote development of a comprehensive and compatible range of commercial and civic uses within the Leonora town centre;
- (d) To provide for a range of residential and lifestyle opportunities in the Leonora townsite;
- (e) To ensure that sufficient land is available for a variety of land uses required to service resource development in the district;
- (f) To facilitate land uses that will assist in diversifying Leonora’s economy; and
- (g) To protect the amenity and natural environment of the locality.

**10. Relationship with Local Laws**

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

**11. Relationship with other Local Planning Schemes**

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

**12. Relationship with Region Planning Scheme**

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



## Part 2 — Reserves

### 13. Regional Reserves

There are no regional reserves in the Scheme area.

### 14. Local Reserves

(1) In this clause —

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

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

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

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

**Table 1 - Reserve Objectives**

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> <li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li> <li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> </ul>
Civic and Community	<ul style="list-style-type: none"> <li>To provide for a range of community facilities which are compatible with surrounding development.</li> <li>To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.</li> <li>To provide for the practice and exercise of traditional cultural use of land by Aboriginal people.</li> </ul>
Public Purposes	<ul style="list-style-type: none"> <li>To provide for a range of essential physical and community infrastructure.</li> </ul>
Medical Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential medical services.</li> </ul>

Reserve name	Objectives
Infrastructure Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential infrastructure services.</li> </ul>
Education	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential education facilities.</li> </ul>
Cemetery	<ul style="list-style-type: none"> <li>To set aside land required for a cemetery.</li> </ul>
Railways	<ul style="list-style-type: none"> <li>To set aside land required for passenger rail and rail freight services.</li> </ul>
Primary Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.</li> </ul>
Local Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.</li> </ul>
Local Road	<ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>
Strategic Infrastructure	<ul style="list-style-type: none"> <li>To set aside land required for port or airport facilities.</li> </ul>
Special Purpose Reserve	<ul style="list-style-type: none"> <li>To set aside land for a special purpose.</li> <li>Purposes that do not comfortably fit in any other reserve classification.</li> </ul>

#### 15. Additional Uses for Local Reserves

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

### Part 3 — Zones and Use of Land

#### 16. Zones

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

**Table 2 — Zone Objectives**

Zone name	Objectives
Residential	<ul style="list-style-type: none"><li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li><li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li><li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li></ul>
Urban Development	<ul style="list-style-type: none"><li>• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</li><li>• To provide for a range of residential densities to encourage a variety of residential accommodation.</li><li>• To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</li></ul>

Zone name	Objectives
Rural	<ul style="list-style-type: none"> <li>• To provide for the maintenance or enhancement of specific local rural character.</li> <li>• To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> <li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>• To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li> <li>• To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> <li>• To provide for the practice and exercise of traditional cultural use of land by Aboriginal people</li> </ul>
Rural Residential	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 1 ha to 4 ha.</li> <li>• To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Light Industry	<ul style="list-style-type: none"> <li>• To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.</li> <li>• To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.</li> <li>• To allow for workforce accommodation where it can be demonstrated that it would support an operational light industrial land use.</li> </ul>

Zone name	Objectives
General Industry	<ul style="list-style-type: none"> <li>• To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>• Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
Industrial Development	<ul style="list-style-type: none"> <li>• To designate land for future industrial development.</li> <li>• To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.</li> </ul>
Regional Centre	<ul style="list-style-type: none"> <li>• Provide a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment.</li> <li>• Ensure that there is provision to transition between the uses in the regional centre and the surrounding residential areas to ensure that the impacts from the operation of the regional centre are minimised.</li> <li>• Provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre.</li> <li>• Encourage high quality, pedestrian friendly, street-orientated development that responds to and enhances the key elements of the Regional Centre, to develop areas for public interaction.</li> <li>• Ensure the provision of residential opportunities within the Regional Centre including tourist accommodation that supports the role of the regional centre and meets the needs of the community.</li> </ul>
Special Use Zone	<ul style="list-style-type: none"> <li>• To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> <li>• To enable the local government to impose specific conditions associated with the special use.</li> </ul>

## 17. Zoning Table

The zoning table for this Scheme is as follows —

**Table 3 - Zoning Table**

	Regional Centre	Residential	Rural	Rural Residential	Light Industry	General Industry	Urban Development
aged care facility / nursing home	D	D	X	X	X	X	In accordance with an approved structure plan.
agriculture – extensive	X	X	P	X	X	X	
amusement parlour	P	X	X	X	X	X	
art gallery	P	A	D	D	X	X	
bed and breakfast	D	D	D	D	X	X	
betting agency	P	X	X	X	D	X	
bulky goods showroom	D	X	X	X	P	X	
caravan park	X	X	D	X	X	X	
caretaker's dwelling	X	X	I	X	I	I	
car park	D	X	X	X	X	D	
child care premises	D	D	X	X	X	X	
cinema/theatre	P	X	X	X	X	X	
civic use	P	D	X	X	X	X	
club premises	P	X	D	X	X	X	
commercial vehicle parking	X	X	D	D	D	D	
community purpose	P	D	D	X	X	X	
consulting rooms	P	D	X	X	X	X	
convenience store	P	D	X	X	D	X	
educational establishment	D	D	X	X	X	X	
exhibition centre	P	X	D	X	D	X	
family day care	A	X	X	X	X	X	
fast food outlet	D	X	X	X	D	X	
fuel depot	X	X	D	X	D	P	
funeral parlour	D	X	X	X	D	X	
garden centre	P	D	X	X	X	X	
holiday house	D	D	D	X	X	X	
home business	D	D	X	X	X	X	
home occupation	D	D	X	X	D	X	
home office	P	P	P	P	X	X	
hotel	P	X	X	X	X	X	
industry	X	X	X	X	D	P	
industry - cottage	D	A	D	X	P	P	

	Regional Centre	Residential	Rural	Rural Residential	Light Industry	General Industry	Urban Development
industry - extractive	X	X	D	X	X	X	
industry - light	X	X	X	X	P	D	
industry - primary production	X	X	P	X	P	D	
industry - service	D	X	D	D	P	P	
liquor store - small	D	X	X	X	X	X	
lunch bar	X	X	D	X	P	P	
medical centre	P	D	X	X	X	X	
mining operations	D	D	D	D	D	D	
Motel	P	X	D	X	X	X	
motor vehicle, boat or caravan sales	X	X	X	X	P	X	
motor vehicle repair	I	X	X	X	P	D	
motor vehicle wash	I	X	X	X	P	D	
nature based park	X	X	A	X	X	X	
Office	P	X	X	X	I	I	
place of worship	P	A	X	X	X	X	
recreation - private	P	D	D	A	X	A	
renewable energy facility	X	X	A	X	X	A	
residential (R Codes)							
a. aged or dependent persons dwelling	D	P	X	X	X	X	
b. ancillary dwelling	D	P	D	D	X	X	
c. grouped dwelling	D	P	X	X	X	X	
d. single house	D	P	P	P	X	X	
e. multiple dwelling	A	P	X	X	X	X	
restaurant/cafe	P	X	X	X	X	X	
roadhouse	D	X	A	X	P	P	
rural home business	X	X	P	P	X	X	
rural pursuit/hobby farm	X	X	P	D	X	X	
serviced apartment	D	A	X	X	X	X	
service station	P	X	D	X	P	X	
shop	P	X	X	X	D	X	
tavern	P	X	X	X	X	X	
telecommunications infrastructure	A	A	A	A	A	A	
tourist development	A	X	X	X	X	X	
trade display	D	X	X	X	P	P	
trade supplies	D	X	X	X	P	D	

	Regional Centre	Residential	Rural	Rural Residential	Light Industry	General Industry	Urban Development
transport depot	X	X	X	X	P	P	
veterinary centre	X	X	D	X	D	D	
warehouse/storage	X	X	X	X	P	D	
waste disposal facility	X	X	A	X	A	A	
waste storage facility	X	X	X	X	A	A	
workforce accommodation	X	X	X	X	D	X	

## 18. Interpreting Zoning Table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

(2) The symbols used in the zoning table have the following meanings —

**P** means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;

**I** means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;

**D** means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

**A** means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;

**X** means that the use is not permitted by this Scheme.

Note:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.
2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.
3. If a proposed development is identified as a 'P' use in the zoning table, but the proposed development does not comply with all of the development standards and requirements of the Scheme, then it is to be treated as a 'D' use.



- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
  - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
  - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless —
  - (a) the development approval application relates to land that is being used for a non-conforming use; and
  - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —
  - (a) a structure plan; and
  - (b) a local development plan.

**19. Additional Uses**

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

**20. Restricted Uses**

There are no restricted uses which apply to this Scheme.

**21. Special Use Zones**

- (1) Schedule 1 sets out —

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
  - (b) the classes of special use that are permissible in that zone; and
  - (c) the conditions that apply in respect of the special uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

## **22. Non-Conforming Uses**

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

## **23. Changes to Non-Conforming Use**

- (1) A person must not, without development approval —
- (a) alter or extend a non-conforming use of land; or
  - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
  - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or

- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use —
  - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
  - (b) is closer to the intended purpose of the zone in which the land is situated.

#### **24. Register of Non-Conforming Uses**

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

### **Part 4 — General Development Requirements**

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

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government —
  - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and

- (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3) or in a provision of the Scheme that applies the R-Codes.

**26. Modification of R-Codes**

- (1) Within residential land coded R10/20 or R12.5/20;
  - (a) grouped dwellings may be permitted at the discretion of local government to standards of the R20 code if reticulated sewerage is provided or local government is satisfied that on-site effluent disposal will function satisfactorily on a permanent basis.
- (2) Notwithstanding the provisions of the R10 code, local government may permit the primary street setback to be reduced to 6.0 metres.

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

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

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

There are no modifications to State Planning Policy 3.6.

**29. Other State Planning Policies to be read as part of Scheme**

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

**30. Modification of State Planning Policies**

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

**31. Environmental Conditions**

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

**32. Additional site and development requirements**

- (1) Schedule 2 sets out requirements relating to development that are additional to those set out in the R-Codes, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

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

There are no additional requirements that apply to this Scheme.

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

- (1) In this clause —  
  
***additional site and development requirements*** means requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —
  - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —
  - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

**35. Restrictive covenants**

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

## **Part 5 — Special Control Areas**

### **36. Special Control Areas**

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

## Part 6 — Terms referred to in Scheme

### Division 1 — General definitions used in Scheme

#### 37. Terms used

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

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

**building height**, in relation to a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

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

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

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

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

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

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

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

**floor area** has meaning given in the Building Code;

**frontage**, in relation to a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or



- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;

**incidental use** means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

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

**net lettable area** or **NLA** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas —

- (a) 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 those facilities are not for the exclusive use of occupiers of the floor or building;

**non-conforming use** has the meaning given in the *Planning and Development Act 2005* section 172;

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

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

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

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

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

**traditional law and culture** means structures and/or activities associated with Aboriginal heritage and observance of customary laws;

**wall height**, in relation to a wall of a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the

property that is closest to the wall to the point where the wall meets the roof or parapet;

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

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

## Division 2 — Land Use terms used in Scheme

### 38. Land Use terms used

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

**abattoir** means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

**aged care facility/nursing home** means premises used to provide accommodation and personal or nursing care for the aged and may include recreational, health or laundry facilities and services for residents of the facility;

**agriculture — extensive** means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture — intensive or animal husbandry— intensive;

**agriculture — intensive** means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following —

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

**amusement parlour** means premises —

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

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

**animal husbandry — intensive** means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens. This development excludes agriculture-extensive;

**art gallery** means premises —

- (a) that are open to the public; and

- (b) where artworks are displayed for viewing or sale;

**bed and breakfast** means a dwelling —

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

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

**bulky goods showroom** means premises —

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

or

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

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

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

**car park** means premises used primarily for parking vehicles whether open to the public or not but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;

**child care premises** means premises where —

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

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

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

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

**commercial vehicle parking** means premises used for parking of one or 2 commercial vehicles but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

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

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

**convenience store** means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and

- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m<sup>2</sup> net lettable area;

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

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

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

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

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

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

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

**funeral parlour** means premises used —

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

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

**holiday accommodation** means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

**holiday house** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

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

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and

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

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

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood;
 and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

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

**hospital** means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4);

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

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

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

**Industry — cottage** means premises, other than premises used for a home occupation, that are used by the occupier of the premises for the purpose of carrying out a trade or light industry producing arts and crafts goods if the carrying out of the trade or light industry —

- (a) will not cause injury or adversely affect the amenity of the neighbourhood; and
- (b) if the premises is located in a residential zone — does not employ any person other than a member of the occupier's household; and
- (c) is compatible with the principal uses to which land in the zone in which the premises is located may be put; and
- (d) does not occupy an area in excess of 50 m<sup>2</sup>; and
- (e) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup> in area.

**industry — extractive** means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by



means of ripping, blasting or dredging and may include facilities for any of the following purposes —

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

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

**industry — primary production** means premises used —

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

**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 — small** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m<sup>2</sup>;

**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;

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

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

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

—

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

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

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

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

**motor vehicle wash** means premises primarily used to wash motor vehicles;

**nature based park** means premises used for a nature based park as defined in the Caravan Parks and Camping Grounds Regulations 1997;

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

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

**public utility** means any work or undertaking constructed or maintained by a public authority as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;

**recreation — private** means premises that are —

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

**renewable energy facility** means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced for commercial gain (i.e. solar farms as opposed to solar panels);

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

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

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;

**rural home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

**rural pursuit/hobby farm** means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household —

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

**serviced apartment** means a group of units or apartments providing —

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

**service station** means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

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

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

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

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

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

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

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

**trade supplies** means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

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

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

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

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

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

**waste disposal facility** means premises used —

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste;

**waste storage facility** means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;

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

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

## **SCHEDULES -**

1. Special use zones
2. Additional site and development requirements
3. Exempted advertisements

Schedule A - Supplemental provisions to the deemed provisions

## Schedule 1 - Special Use Zones

[cl. 21]

No.	Description of Land	Special Use	Conditions
SU1	<i>Reserve 32544</i>	Gun Club	As determined by the local government.
SU2	1B (Lot 42) Rochester Street	Caravan Park	As determined by the local government.
SU3	Former Station Master's House, 20 Kurrajong Street on Deposited Plan 58896	<p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>• Acknowledge the contribution that the station master's house makes to the town.</li> <li>• Conserve and protect the cultural heritage of the station master's house.</li> </ul> <p><b>Special uses:</b></p> <p>To be considered as a 'D' use:</p> <ul style="list-style-type: none"> <li>• Bed and breakfast</li> <li>• Office</li> <li>• Club premises</li> <li>• Community purpose</li> <li>• Consulting rooms</li> <li>• Exhibition centre</li> <li>• Industry - cottage</li> <li>• Museum</li> <li>• Medical centre</li> <li>• Reception centre</li> <li>• Restaurant</li> <li>• Single house</li> <li>• Veterinary centre</li> </ul>	<p>1. In determining any application for development approval, the local government shall have regard to and may impose conditions relating to:</p> <ul style="list-style-type: none"> <li>• compatibility of development within the existing heritage building and its curtilage;</li> <li>• impact of the development on the historic values of the building and place;</li> <li>• measures to protect and enhance the historic values of the building and place;</li> <li>• the advice and recommendations of the Heritage Council of Western Australia; and</li> <li>• compatibility of development with the adjacent rail freight operations and the buffer zone requirements of the Leonora Wastewater Treatment Plant.</li> </ul> <p>2. Development standards for the Regional Centre Zone as per Schedule 2 (2) shall apply for development on the site.</p>
SU4	Gwalia Historic Precinct, as shown on the Scheme map.	<p><b>Objectives:</b></p>	<p>1. In determining any application for development approval, the local government will take into consideration its objective for preservation of the Precinct's character and environment and may apply conditions relating to building materials and colour.</p>

No.	Description of Land	Special Use	Conditions
		<ul style="list-style-type: none"> <li>• To protect and preserve the Gwalia Historic Precinct as a depiction of the Shire's and Western Australia's mining history.</li> <li>• To facilitate development that supports tourism opportunities.</li> </ul> <p><b>Special Uses:</b></p> <p>To be considered as a 'D' use:</p> <ul style="list-style-type: none"> <li>• Caravan park</li> <li>• Civic use</li> <li>• Hotel</li> <li>• Reception centre</li> <li>• Restaurant</li> <li>• Rural pursuit</li> <li>• Shop</li> <li>• Tourist development</li> </ul>	<p>2. A building may not be demolished, altered or extended unless with the approval of the local government. In determining its approval the local government will take into consideration its objective for preservation of the precinct's character and environment and may apply conditions relating to building materials and colour.</p> <p>Any proposed development and works to State registered heritage places to be referred to the Heritage Council of Western Australia for comment.</p>



## Schedule 2 - Additional Site and Development Requirements

[cl. 32]

### 1. Rural Residential Zone

- (a) The provisions for controlling subdivision and development in the Rural Residential zone are as follows;
- (i) Within the zone, no building may be erected closer than twenty (20) metres to the road frontage of the lot.
  - (ii) No more than one single house will be permitted to be erected on a lot.
  - (iii) Within the zone, a building may not be occupied as a residence unless the building has been approved by the local government as a residence in conformity with the National Building Code of Australia and provisions of this Scheme and is connected to an adequate supply of potable water.
  - (iv) Indigenous trees, declared rare flora, scrub or other substantial vegetation may not be felled, cleared or removed except for:
    - Trees which are dead, diseased or dangerous.
    - For the purpose of a firebreak required by regulation, except that in order to preserve the amenity of the area local government may, at its discretion, vary the position of any required firebreak to avoid destruction of any vegetation, or due to the physical features of the subject land.
    - For the purpose of any access driveway for a residential dwelling approved by local government.
  - (v) Land within the zone is to be managed in such a manner that there will be no further clearing of the land for vegetation that has to be removed for a single house, firebreaks, outbuildings and access way construction. The local government's approval shall be deemed as local government's written consent to remove vegetation.
  - (vi) The local government may specify that groups of trees are required to retain the rural character of the locality. No person shall remove any of those groups of trees without the prior written consent of local government.

### 2. Regional Centre Zone

- (a) Development of dual coded land within the zone is subject to development approval of the local government and any conditions imposed by the local government relating to development requirements including connection to sewerage.
- (b) A person shall not develop or use any land, change the use of land or erect, use or adapt any building unless car parking spaces are provided as specified in Table A.

**Table A**

Use	Setback from street alignment	No. of car parking spaces provided on site
Shop	Nil	1 for every 25 m <sup>2</sup> of net lettable area
Office	Nil	1 for every 25 m <sup>2</sup> of net lettable area
Hotel	Nil	1 bay per unit of accommodation where applicable plus 1 bay per 10 m <sup>2</sup> NLA of public bar space (areas occupied by customers, excluding servery areas)
Motel	-	1 bay per unit of accommodation
Residential	In accordance with the provisions of the R Codes.	
Other uses	At the discretion of the local government having regard to the nature of the development and the orderly and propose planning of the locality and the street system.	

Notwithstanding the above the local government may at its discretion waive the requirements for car parking spaces to be provided on site if it is satisfied that:

- (i) it is not practicable to provide on-site parking; and
  - (ii) adequate car parking facilities exist in the immediate vicinity.
- (c) In the zone multiple dwellings may be permitted at the discretion of the local government to the standard of the R40 code following advertisement in accordance with clause 64 of the deemed provisions and connection to reticulated sewerage is provided.

### 3. Light Industry and General Industry Zone

- (a) Development shall be in conformity with the following:

Minimum site area	Setback from street alignment	No. of car parking spaces
2000m <sup>2</sup>	9m	1 for each 65 m <sup>2</sup> of NLA.

Except that the local government may permit an industrial use on a lot of not less than 1000m<sup>2</sup> which existed prior to gazettal of the Scheme.

- (b) When considering an application for development of a Caretaker's Dwelling, local government shall have regard to these requirements:
- (i) That there shall first be an industrial use or building on the lot;

- (ii) Occupancy of a Caretaker's Dwelling shall only be available to the proprietor, manager, or authorised person in charge of the industrial premises or its security and their immediate family;
  - (iii) A dwelling shall not exceed an area of 100 m<sup>2</sup> as measured from the outside walls, and may not contain more than the following:
    - (a) 2 x bedrooms;
    - (b) 1 x bathroom;
    - (c) 1 x laundry;
    - (d) 1 x kitchen;
    - (e) 1 x dining room;
    - (f) 1 x lounge/sitting room;
  - (iv) An office is not permitted in a dwelling unless by the replacement of one bedroom;
  - (v) Verandahs may be attached to a dwelling in addition to the provisions of (iii) above, providing that they are not enclosed;
  - (vi) A Caretaker's Dwelling shall be provided with grassed and/or landscaped outdoor living area/s at least equal in area to that of the dwelling for use by the occupants of the dwelling;
  - (vii) The location of a Caretaker's Dwelling on a lot shall be assessed in relation to its proximity to an adjoining lot and the likely impact of any noise, dust, fumes, vibration and the like emanating from activities on the adjoining lots. local government may require appropriate measure to safeguard the occupants of the Caretaker's Dwelling to be incorporated in the dwelling however, local government will not consider any action against industrial firms undertaking lawful activity.
- (c) Development of land for workforce accommodation is subject to development approval of the local government and any conditions imposed by the local government relating to standards including buildings, facilities, car parking and landscaping, and may include as a condition a time limit on development.

#### **4. Urban Development Zone**

- (a) All subdivision and development in the zone shall be undertaken in accordance a structure plan prepared and approved in accordance with Part 4 of the deemed provisions.

#### **5. Industrial Development Zone**

- (a) All subdivision and development in the zone shall be undertaken in accordance with a structure plan prepared and approved in accordance with Part 4 of the deemed provisions.

### Schedule 3 - Exempted Advertisements

Land Use and/or Development	Exempted Sign Type and Number	Maximum Area
Dwellings	One professional name plate as appropriate	0.2 m <sup>2</sup>
Home Business or Home Occupation	One advertisement describing the nature of the home business or home occupation	0.2 m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	1.0 m <sup>2</sup>
Shops, Showrooms, Office and other commercial uses appropriate within Town Centre	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building.	Not applicable
Industrial and Warehouse Premises	A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building. A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level	Total area of such advertisements is not to exceed 15 m <sup>2</sup> .  Maximum permissible total area is not to exceed 10 m <sup>2</sup> and individual advertisement signs are not to exceed 6 m <sup>2</sup>
Sporting Clubs, Ovals and Sporting Complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and  (b) Advertisement signs (illuminated and non-illuminated) required for the	Not applicable

Land Use and/or Development	Exempted Sign Type and Number	Maximum Area
	<p>management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government, and</p> <p>(c) Advertisement signs (illuminated or non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>Not applicable</p> <p>Not applicable</p>
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station	No sign is to exceed 2 m <sup>2</sup> in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings.	Not applicable
All classes of buildings other than Single Family Dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2 m <sup>2</sup>
Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:</p> <p>(a) Dwellings</p> <p>(b) Multiple Dwellings, Shops,</p>	<p>One advertisement per street frontage details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (a) above</p>	<p>2 m<sup>2</sup></p> <p>5 m<sup>2</sup></p>

Land Use and/or Development	Exempted Sign Type and Number	Maximum Area
Commercial and Industrial properties		
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods (or livestock) upon any land within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2 m <sup>2</sup>
Property transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign is not to exceed an area of 2 m <sup>2</sup>
(b) Multiple Dwellings, Shops, Commercial and Industrial properties	One sign as for (a) above.	Each sign is not to exceed an area of 5 m <sup>2</sup>
(c) Large rural properties in excess of five (5) hectares	One sign as for (a) above.	Each sign not to exceed an area of 10 m <sup>2</sup>
Display Homes Advertisement Signs displayed for the period over which homes are on display for public inspection	(a) One sign for each dwelling on display.  (b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display	2 m <sup>2</sup>  5 m <sup>2</sup>

## Schedule A - Supplemental Provisions to the Deemed Provisions

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

### 61. Development for which development approval not required

- (1) Development approval of the local government is not required for the following works:
- (k) the erection or installation of a sign or advertisement of a class specified in Schedule 3 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed -
    - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
    - (ii) on land located within an area designated under this Scheme as a heritage area.
  - (l) the erection or extension of a single house on a lot if a single house is a permitted ('P') use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
    - (i) entered in the Register of Heritage Places under the *Heritage Act 2018*; or
    - (ii) the subject of an order under Part 4 of the *Heritage Act 2018*; or
    - (iii) included on a heritage list prepared in accordance with this Scheme; or
    - (iv) within an area designated under this Scheme as a heritage area; or
    - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90.
  - (m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ('P') in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
    - (i) entered in the Register of Heritage Places under the *Heritage Act 2018*; or
    - (ii) the subject of an order under Part 4 of the *Heritage Act 2018*; or
    - (iii) included on a heritage list prepared in accordance with this Scheme; or
    - (iv) within an area designated under the Scheme as a heritage area; or
    - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90.
  - (n) 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 Heritage Places under the *Heritage Act 2018*; or
    - (ii) the subject of an order under Part 4 of the *Heritage Act 2018*; or

- (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90
- 
- (o) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for maintenance of essential services.
  - (p) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
  - (q) development associated with a permitted (“P”) use in the Rural Zone where the use and development relates to pastoral activities and is in accordance with the pastoral lease and a diversification permit is not required by the Department of Lands to undertake the works.
  - (r) development related to activities associated with the exercise of traditional law and culture.
  - (s) street trading and outdoor eating facilities on public places in accordance with a local law.



**COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME**

Adopted by resolution of the Council of the Shire of Leonora at the **[INSERT MEETING TYPE]** Meeting of Council held on the **[DATE]**

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**CHIEF EXECUTIVE OFFICER**

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**PRESIDENT/MAYOR**

**COUNCIL RESOLUTION TO SUPPORT / NOT SUPPORT\* SCHEME FOR APPROVAL**

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

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

\_\_\_\_\_

**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_

**PRESIDENT/MAYOR**

WAPC Recommended for Approval

\_\_\_\_\_

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

**Date:** \_\_\_\_\_

Approval Granted

\_\_\_\_\_

**MINISTER FOR PLANNING**

**Date:** \_\_\_\_\_