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SHIRE OF YILGARN

Local Planning Scheme No. 2

District Zoning Scheme

Updated to include AMD 3 GG 26/09/2023



Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
7 August 1998

Disclaimer

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

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

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SHIRE OF YILGARN TPS 2 - TEXT AMENDMENTS

AMDT NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	22/3/02	20/3/02	DH	Part 5 - inserting Clause 5.4. Table of Contents - insert "5.4 Caretakers' Dwelling in the Southern Cross Townsite" in numeric order.
2	22/04/16	27/04/16	RO	Re-classifying a portion of Lot 250 (No. 42) Antares Street, Southern Cross from 'Local Scheme Reserve - Recreation' to 'Residential' with an 'R30' density code, and re-coding the 'Residential' zoned portion of Lot 250 (No. 42) Antares Street, Southern Cross from an 'R10' density code to an 'R30' density code. Re-coding Lots 251 (No.48), 650 (No. 50), 252 (No. 52) and 55 (No. 56) Antares Street, Southern Cross from Residential with an 'R10' density code to an 'R30' density code. As depicted on the Scheme Amendment map.
3	26/09/23	10/10/23	GL	<p>Delete reference to Town Planning Scheme No 2 and replace with Local Planning Scheme No 2 and 'Council' with 'local government' throughout the Scheme.</p> <p>Delete the preamble and insert SHIRE OF YILGARN LOCAL PLANNING SCHEME NO.2.</p> <p>Delete Appendix 4, 5, 6, 7 and the 'Application for Planning Approval'.</p> <p>Replace roman numerals with numbers used for each part throughout the Scheme Text consistent with the model provisions. Part I to Part 1 through to Part V – Part 5.</p> <p>Delete Clause 1.1-1.8 in Part 1 and inserting clause 1-12 of the model provisions.</p> <p>Insert Shire of Yilgarn Local Planning Scheme No.2 after 'the' in clause 1;</p> <p>Insert Shire of Yilgarn Local Planning Scheme No. 1 – Southern Cross Townsite –</p> <p>Gazetted 13 December 1968 in clause 3;</p> <p>Inserting Shire of Yilgarn after 'The in clause 5;</p> <p>Inserting (c) the supplemental provisions to the deemed provisions contained in Schedule A. in clause 7(1).</p> <p>Insert (a) – (j) under clause 9.</p> <p>Insert the words 'there are no other local planning schemes that apply to the Shire of Yilgarn' in clause 11 and 'there are no region planning schemes which apply to the Scheme area' in clause 12.</p> <p>In Part 2, delete clause 2.1 and inserting clauses 13, 14(1) and 15 of the model provisions;</p> <p>Insert 'There are no regional reserves in the Scheme area' in clause 13;</p> <p>Insert clause 14(2).</p> <p>Insert 'There are no additional uses for land in local reserves that apply to this Scheme' in clause 15.</p> <p>In part 3 – delete clauses 3.1-3.4 and inserting Clause 16(1) and 16(2) of the model provisions;</p> <p>Insert model zones and objectives within the Table 1 – Zone Objectives in Clause 16(2) – Residential, Commercial and Special Use; and Insert the model objectives for the model 'General Industry' zone in Table 1 -Zone Objectives in Clause 16(2) under the existing zone name 'industrial'</p> <p>Insert existing Townsite and Rural/Mining zones and objectives within Table 1 Zone Objectives in Clause 16(2) as follows.</p> <p>Delete clause 3.23, 3.3 and 3.4 and inserting Clause 17, 18, 19, 20 and 21 of provisions; and insert 'There are no restricted uses which apply to the Scheme' under clause 20.</p> <p>Relocate 'Table 1 – Zoning Table to Clause 17 and modify.</p> <p>Replace the symbols listed as 'AA' and 'SA' with the correlating 'D' and 'A' symbol from the model provisions;</p> <p>Insert an 'X' symbol where no symbol appears in the cross reference for a use class against a zone to show those uses are not permitted;</p> <p>Rename 'Table 1-Zoning table' to 'Table 2-Zoning Table';</p> <p>Replace existing land use terms with correlating terms from the model provisions and in the Scheme text.</p> <p>Delete cemeteries/crematoria, drive in theatre, attached house, fish shop, industry hazardous, industry-noxious, industry – service, dry cleaning premises, milk depot, public amusement, public assembly, public recreation, public utility, petrol filling station, professional office, reception centre, sportsground, stables, showroom and zoological gardens;</p> <p>Delete the heading 'residential' and list a single house and a grouped dwelling separately; and</p> <p>Delete 'Refer to Appendix 3' and insert 'Refer to Clause 21 and Table 4' in the Special use zone column.</p> <p>Insert 'Tavern' within the Zoning table with the following permissibility:</p> <p>In part 3 insert 'Table 3 – Specified additional uses for zoned land in the</p>

			<p>scheme area' in clause 19(1)(b).</p> <p>In part 3, insert 'Table 4 – Special use zones in scheme area' in clause 21(1).</p> <p>Delete 'PART V11 – NON ONFORMING USES' in its entirety and in Part 3 insert Clause 22, 23 and 24 from the model provisions.</p> <p>Delete clause 4.1-4.5 (excluding Table 2- Development Table) and insert model provisions 25-31 in part 4 and</p> <p>Insert " There are no modifications to the R-Codes which apply to this Scheme" in clause 26;</p> <p>Insert "There are no modifications to State Planning Policy 3.6" in clause 28; insert "There are no other State planning policies that are to be read as part of the Scheme" in clause 29;</p> <p>Insert "There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme" in clause 30; and</p> <p>Insert 'There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme' In clause 31.</p> <p>In Part 4 insert clause 32 of the model provisions with the heading 'General site and development requirements' and;</p> <p>Inserting clause 32(1) to state 'The Table sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.';</p> <p>Relocating 'Table 2 - Development Table' to clause 32(1) and re-naming 'Table 2- Development Table' to 'Table 5 - Development Table';</p> <p>Deleting and replacing the following terms in existing 'Table 2 - Development Table':</p> <ul style="list-style-type: none"> • 'Club' to 'Club Premises'; • 'Consulting Room' to 'Consulting Rooms'; • 'Day Care Centre' to 'Family Day Care'; • 'Industrial Light' to 'Industry – Light'; • 'Industrial General' to 'Industry'; • 'Restaurant' to 'Restaurant/Café'; • 'Vehicle Sales' to 'Motor Vehicle, Boat or Caravan Sales'; and • 'Veterinary Consulting Rooms' to 'Veterinary Centre'. <p>Delete clauses 5.1 (Heritage), 5.2.2, 5.2.3, 5.2.5, 5.2.6, 5.2.7, 5.2.8 and 5.2.9 as they have been superseded by the deemed provisions.</p> <p>Renumber clause 5.2 'Control of Advertisements' to clause 32.1 in Part 4 and replacing clauses 5.2.1.1 and 5.2.1.2.</p> <p>Delete Clause 5.3 Transportable dwellings and insert new heading 'Repurposed or second hand dwellings' in Part 4 insert new clause 32.2.1-32.2.3.</p> <p>In part 4 insert model provision clauses 33-35, insert 'There are no additional requirements that apply to this Scheme' in clause 33; and modifying clause 34(1) to 'in this clause general site and development requirements means requirements set out in clause 32.</p> <p>In Part 5, inserting model provision clause 36 and stating 'There are no special control areas which apply to the Scheme'.</p> <p>Delete Part VI, VII, VIII Appendix 1-3, in their entirety.</p> <p>Insert 'Part 6 – Terms referred to in Scheme' consistent with clause 37 and 38 of the model provisions with the exception of the land use terms and definitions for 'bed and breakfast', fast food outlet / lunch bar', 'industry primary production', 'marina', 'marine filling station', 'rural home business', 'tree farm' and 'wind farm'.</p> <p>Insert the following land use terms and their definitions from approved drafting instructions and/or WAPC policy.</p> <p>Industry – rural</p> <p>Renewable energy facility</p> <p>Independent living complex</p> <p>Nature based park</p> <p>Rural home business/industry – cottage</p> <p>Second hand dwelling</p> <p>Repurposed dwelling</p> <p>Airfield</p> <p>Fast food outlet</p> <p>Lunch bar</p> <p>Tree farm</p> <p>Residential aged care facility</p> <p>Camping ground</p> <p>Insert 'Schedule A – Supplemental provisions to the deemed provisions' after Division 2.</p> <p>Rename Appendix 8 to Schedule B and Appendix 9 to Schedule C,</p> <p>Amend the Southern Cross townsite zoning map</p> <p>Any editorial matters arising from these modifications, including renumbering, cross referencing to new clause numbers and deemed provisions as required; updating the Table of Contents and headings to align with the model provisions and revised scheme format</p>
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SHIRE OF YILGARN
LOCAL PLANNING SCHEME NO. 2

The Shire of Yilgarn under 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 Yilgarn Local Planning 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 Yilgarn Town Planning Scheme No.1 – Southern Cross Townsite – Gazetted 13 December 1968.

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

6. Scheme area

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

7. Contents of Scheme

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

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 (amended));
- (b) the Scheme Map;
- (c) the supplemental provisions to the deemed provisions contained in Schedule A

(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 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 to 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) facilitate an independent, growing and vibrant community;
- (b) encourage, direct and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social wellbeing of the community, and the amenity of the area;
- (c) promote sustainable development that integrates consideration of economic, social and environmental goals for the Scheme area;
- (d) provide a sufficient supply of suitable serviced land for housing, rural, mining, commercial, industrial and tourism development, community facilities, recreation and open space;
- (e) assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourism development, as well as providing opportunities for home-based employment;
- (f) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;
- (g) maintain and protect valuable areas of agricultural production and conserve its non-urban character whilst accommodating other complementary rural activities;
- (h) retain the primary of the Great Southern townsite as the commercial centre of the Scheme area;
- (i) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme area through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;
- (j) conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme area and its environs by ensuring that land use and development is undertaken sustainably with biodiversity values at the fore-front of decision-making.

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 that apply to the Shire of Yilgarn.

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

The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder:

- (i) Nature Reserves
- (ii) State Forest
- (iii) Recreation
- (iv) Public Purposes
- (v) Railway
- (vi) Waterways

15. Additional uses for local reserves

There are not 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 zoned are as follows –

Table 1 - Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Commercial	<ul style="list-style-type: none"> • To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Special Use	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the local government to impose specific conditions associated with the special use.
Industrial	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.
Townsite	<ul style="list-style-type: none"> • To be used primarily for residential development, different forms of accommodation and public recreation. • The local government may consider uses in accordance with Table 1-Zoning Table where they may benefit the community and / or will not result in a negative impact on amenity.
Rural/Mining	<ul style="list-style-type: none"> • To be used primarily for rural, mining, agricultural, single houses, and public recreation.

17. Zoning table

The zoning table for this Scheme is as follows -

TABLE 2 - ZONING TABLE

ZONES							
		Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
USE CLASSES							
1	Ancillary Accommodation	D	X	X	Refer to Clause 21 and Table 4	D	D
2	Aged & Dependent Persons Dwelling	D	X	X		D	X
3	Caravan Park	X	X	X		X	X
4	Caretaker's Dwelling	P	D	D		D	D
5	Car Park	D	D	D		D	D
6	Civic Use	X	D	X		D	X
7	Consulting Rooms	A	D	X		D	X
8	Dry Cleaning Premises	X	D	D		D	X
9	Educational Establishment	X	X	X		D	X
10	Fast Food Outlet	X	P	A		D	X
11	Fuel Depot	X	X	P		D	X
12	Funeral Parlour	X	D	D		D	X
13	Grouped dwelling	D	D	X		D	P
14	Home Occupation	D	D	X		D	D
15	Hospital	X	X	X		X	X
16	Hotel	X	P	X		D	X
17	Industry Cottage	D	P	P		D	X
18	Industry Extractive	X	X	A		A	P
19	Industry	X	X	D		D	X
20	Industry Light	X	X	P		D	X
21	Industry Rural	X	X	P		D	D
22	Industry Service	X	A	P		D	X
23	Medical Centre	X	P	X		D	X
24	Motel	X	D	X		D	X
25	Motor vehicle, boat or caravan sales	X	P	D		D	X
26	Motor Vehicle Repair	X	D	P		D	X

TABLE 1 - ZONING TABLE - (Cont'd)

		ZONES					
		Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
USE CLASSES							
27	Office	X	P	D	Refer to Clause 21 and Table 4	D	X
28	Public Assembly	X	P	X		D	X
29	Place of Worship	A	X	X		D	D
30	Residential Building	D		X		D	X
31	Restaurant/cafe	X	P	X		X	P
32	Rural Pursuit/hobby farm	X	X	X		D	P
33	Service Station	X	D	P		D	X
34	Shop	X	P	X		D	X
35	Bulky goods showroom	X	P	P		D	X
36	Single House	P	D	X		P	P
37	Tavern	X	P	X		D	X
38	Telecommunications Infrastructure	A	D	D		D	D
39	Trade Display	X	D	P		D	X
40	Transport Depot	X	P	X		D	X
41	Veterinary Centre	X	D	D		D	D

18. Interpreting zoning table

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

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

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

Notes for this clause:

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.
 2. Under clause 61 of the deemed provisions and Schedule A, certain works and uses are exempt from the requirement for development approval.
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
- (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 advertise 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 the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –
- (a) A structure plan;
 - (b) A local development plan;

19. Additional uses

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

Table 3 - Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
1.	Lot 64 (No 37) & Lot 63 (No 39) Altair Street, Southern Cross	roadhouse	To the discretion of the local government
2.	Lot 159 (92) Antares Street, Southern Cross	shop motor vehicle repairs	To the discretion of the local government
3.	Lot 700 (No 51), Lot 70 (No 53), Lot 71 (No 55) & Lot 72 (No 57) Antares Street, Southern Cross	Bulky goods showroom warehouse	To the discretion of the local government

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

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

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

Table 4 Special use zones in Scheme area

No.	Description of land	Special use	Conditions
1.	Lot 501 (6) Orion Street, Southern Cross	hotel	To the discretion of the local government
2.	Lot 768 (70) & Lot 899 (79) Canopus Street, Southern Cross Portion Lot 300, Reserve 8902, Canopus Street, Southern Cross	motel	To the discretion of the local government
3.	Lot 40 (No 21) Antares Street, Southern Cross	hotel	To the discretion of the local government
4.	Lot 203 (94), Lot 202 (92) Sirius Street & Lot 201 (90) Sirius Street, Southern Cross	hotel	To the discretion of the local government
5.	Lot 438 (50) & Lot 439 (48) Altair Street, Southern Cross	place of worship public assembly	To the discretion of the local government
6.	Lot 607 (66) & Lot 278 (60) Antares Street, Southern Cross	place of worship public assembly	To the discretion of the local government
7.	Lot 755 (10) Coolgardie Street, Southern Cross	caravan park camping ground	To the discretion of the local government

- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note:

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

22. Non-conforming uses

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

- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government —
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

- (1) A person must not, without development approval —
 - (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use —
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following —
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government —
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4 - GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

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

26. Modification of R-Codes

There are no modifications to the R-Codes which apply to this Scheme.

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 must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

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. General site and development requirements

- (1) The Table sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

TABLE 5 - DEVELOPMENT TABLE

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Club premises	7.5	*	*	0.5	*	1 for every 45msq of gross floor area.
Consulting Rooms	*	*	*	0.4 in Res Zone 0.5 elsewhere	30 in Res Zone	1 for every 30msq of gross floor area, plus 1 for each person employed.
Family Day Care	7.5	7.5	*	*	*	1 for every employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the local government .
Fast Food Outlet	*	*	*	*	*	*
Funeral Parlour	*	*	*	*	10	As determined by the local government (minimum 6).
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hostel	7.5	7.5	*	*	30	1 per dwelling.
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 4 msq bar and lounge area.
Industry - Service	7.5	7.5	*	*	10	1 per 2 employees.
Industry - Light	7.5	7.5	*	*	10	1 per 2 employees.
Industry	7.5	7.5	*	*	15	1 per 2 employees.
Motel	9.0	7.5	3 per storey	1.0	30	1 per unit, plus 1 space per 25msq of service area.
Office	*	*	*	*	*	1 for every 30 msq plot ratio area.
Professional Office	*	*	*	0.5	*	1 for every 30 msq plot ratio area.
Restaurant/cafe	*	*	*	*	*	1 for every 10msq of gross floor area or 1 for every 4 seats provided, whichever is the greater.

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Reception Centre	*	*	*	0.5	30	1 for every 4 persons whom the building is designed to accommodate.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15msq of gross floor area.
Showroom	*	*	*	*	10	1 for every 100msq of gross floor area.
Motor vehicle, boat or caravan sales	*	*	*	*	5	1 for every 250msq of sales area, plus 1 for every person employed on site.
Veterinary Centre	*	*	*	*	30	1 for every 100msq gross floor area, plus 1 for each person employed.

NOTES

- (i) * means 'to be determined by the local government in each particular case.
(ii) Landscaping to be generally at street frontage.

32.1 Control of Advertisements

32.1.1 Power to Control Advertisements

Applications for development approval pursuant to this Part shall be in accordance with Clause 62 and 63 of the deemed provisions, and accompanied by the form set out in Clause 86(1) and 86(2) of the deemed provisions.

32.2 Repurposed or second hand dwellings

32.2.1 Notwithstanding any other provision in this Scheme, a second hand or repurposed dwelling requires development approval.

32.2.2 Applications for development approval pursuant to this Part shall be in accordance with Clause 62 and 63 of the deemed provisions and accompanied by the form set out in Clause 86(1) and 86(2) of the deemed provisions.

32.2.3 In determining an application for a repurposed dwelling or second hand dwelling, the local government will have regard to the following matters:

- (a) The objectives of the relevant zone;
- (b) The ability of the built form including roof pitch, eaves, colours, material and architectural details to complement the expected character of the locality;

- (c) The potential for negative visual impact or conflict with any established streetscape and character of the locality;
- (d) Any proposed upgrading, alterations and additions which will enhance the elevations and architectural detail of proposed development;
- (e) Use of new external materials to upgrade the dwelling to have the equivalent of the appearance of a new dwelling;
- (f) The potential for existing or proposed landscaping and vegetation to mitigate visual impacts of the development;
- (g) The visibility of the dwelling from any street, public place or neighbouring lots having regard for matters such as lot size and setbacks.

32.3 Caretaker's dwelling in the Southern Cross townsite

AMD 1 GG 22/3/02

This clause applies only to land in the Industrial zone within the Southern Cross townsite.

- 32.3.1 a caretakers' dwelling is not to be developed and/or occupied on a lot unless that lot is used and developed with an industry, business, or office in accordance with the provisions of the Scheme;
- 32.3.2 only one caretakers' dwelling is to be permitted on a lot; for the purpose of this clause "lot" excludes a strata lot or survey-strata lot created under the *Strata Titles Act 198*;
- 32.3.3 a caravan or park home is not to be used as a caretakers' dwelling for either permanent or temporary occupation;
- 32.3.4 a caretakers' dwelling is to be screened an/or fenced from the street frontage of the lot to the satisfaction of the Council and wherever possible is to be sited at the rear of other buildings on the lot;
- 32.3.4 a caretakers' dwelling is to have a maximum floor area of 100m².

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

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

- (1) In this clause —
general site and development requirements means requirements set out in clause 32.
- (2) The local government may approve an application for a development approval that does not comply with a general 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 a general site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —

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

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 advertises 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;

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

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

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

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

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

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

floor area has meaning given in the Building Code;

licensed bar area - means all bar area in which drinks are consumed and to which the public have access as well as licensed restaurant area.

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

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

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

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

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

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

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

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

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

Division 2 — Land use terms used in Scheme

38. Land use terms used

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

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

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

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

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

airfield means any premises used for purposes relating to aircraft landing, take-off and maintenance and does not include a private airstrip incidental to farming operations;.

amusement parlour means premises —

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

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

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

art gallery means premises —

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

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

brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

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;

camping ground means an area used for a camping ground as defined in the *Caravan Parks and Camping Grounds Act 1995*;

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 m² net lettable area;

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

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

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;

freeway service centre means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services —

- (a) service station facilities;
- (b) emergency breakdown repair for vehicles;
- (c) charging points for electric vehicles;
- (d) facilities for cyclists;
- (e) restaurant, cafe or fast food services;
- (f) take-away food retailing;
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;
- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas;

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

- (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 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle 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 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
 - (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;

home store means a shop attached to a dwelling that —

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

hospital means premises used as a hospital as defined 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;

independent living complex means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

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

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

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

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

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

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

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

industry – rural means premises used for an industry that -

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

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 — large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m²;

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 m²;

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;

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

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

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

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

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

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

motor vehicle, 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*;

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

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

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

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

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

recreation — private means premises that are —

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

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

repurposed dwelling means a building or structure not previously used as a single house which has been repurposed for use as a dwelling;

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

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

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

resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste;

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

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

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

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

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

rural home business/ industry- cottage 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 200m²; and
- (d) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (e) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight;

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

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

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

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;

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

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;

tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered;

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;

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

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

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

SCHEDULE A – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

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*.

Supplementary provisions in this Schedule A are numbered to correlate with the clauses outlined in Schedule 2 Deemed Provisions, as per the *Planning and Development (Local Planning Schemes) Regulations 2015*:

61(1)(b) – Table

(note that clause 61 includes a preamble setting out that the uses in the table are exempt from requiring a DA, subject to the conditions being met. Numbering continues the numbers in the Regs)

No.	Column 1 Works	Column 2 Conditions
22	The erection of, or alterations or additions to, a single house on a lot including ancillary outbuildings.	(a) Within the Townsite or Rural/Mining zones if a single house is a permitted (“P”) use in the zone (where the R-Codes do not apply); (b) The works are not a ‘second-hand’ or ‘re-purposed’ dwelling. (c) The works are not located in a heritage-protected place.
23	Any of the exempted classes of advertisements listed in Schedule B	(a) The works are not located in a heritage protected place.
24	the erection of a boundary fence	(a) The fence is not located in the street setback area on land zoned Residential and does not comply with the R-Codes.

61(2) (note that numbering follows the Regulations)

- (i) The use of the land in a reserve, where such land is vested in the local government or vested in a Public Authority:
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;

SCHEDULE B - EXEMPTED ADVERTISEMENTS SCHEDULE

EXEMPTED ADVERTISEMENTS SCHEDULE

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER <small>(includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)</small>	MAXIMUM AREA OF EXEMPTED SIGN
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 a compliance with the requirements of the signs Hoarding and Bill Posting Bylaws.	Not applicable
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 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>	<p>Total area of any such advertisements shall not exceed 15m.</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m²</p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex of facility concerned either from other private land or from public places and streets.	n/a

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or the local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a municipality, and c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	n/a n/a n/a
Railway Property and Reserve	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	n/a
All classes of buildings other than single family dwelling	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

SCHEDULE C - HERITAGE LIST

SHIRE OF YILGARN

LOCAL PLANNING SCHEME NO 2 - HERITAGE LIST

Category A

These places have a great deal of significance and the highest level of protection is appropriate:

recommended for entry into the State Register of Heritage Places; *(No 46 Pumping Station and No 53 Southern Cross Post Office are already on the Interim Register)*: provide maximum encouragement to the owner under the Shire of Yilgarn Local Planning Scheme to conserve the significance of the place. Incentives to promote conservation should be considered.

No in MHI	Name of Place	Address/Location
12	Forrester Resource Centre	Antares St, Southern Cross
40	Museum	Antares St, Southern Cross
45	Palace Hotel	Cnr Orion/Antares Sts, Southern Cross
46	Former Pumping Station at Ghooli	Great Eastern Highway, Ghooli
52	Southern Cross Post Office	Cnr Antares and Achernar Sts, Southern Cross

Category B

High level of protection appropriate: provide maximum encouragement to the owner under the Shire of Yilgarn Local Planning Scheme to conserve the significance of the place. A more detailed heritage assessment to be undertaken before approval given for any major redevelopment. Incentives to promote conservation should be considered.

No in MHN	Name of Place	Address/Location
01	Anglican Church	Lot 607 Antares St, Southern Cross
06	Catholic Church	44 Altair St, Southern Cross
07	Club Hotel	Cnr Antares and Achernar Sts, Southern Cross
09	Double Storey Offices	Lot 38 Antares St, Southern Cross
11	Former Police Lockup	Antares St, Southern Cross
13	Golden Valley Five Stamp Battery	Approx 8 km from Bullfinch, Southern Cross
14	Golden Valley Mine Site	Approx 8 km from Bullfinch, near Golden Valley
27	Minburra	Cameron Rd, Southern Cross
54	Super Deli	Antares St, Southern Cross
55	Uniting Church	Centaur St, Southern Cross

APPENDIX 9 - HERITAGE LIST (Cont'd)

Category C

Retain and conserve if possible; endeavour to conserve the significance of the place through the provisions of the Shire of Yilgarn Local Planning Scheme; photographically record the place prior to any major redevelopment or demolition.

No in MHI	Name of Place	Address/Location
03	Bullfinch Hotel	Cnr Shallcross and Doolette Sts, Bullfinch
19	House - 68 Spica Street	68 Spica St, Southern Cross
25	Marvel Loch School	1 King St, Marvel Loch
26	Masonic Temple	Lot 46 Spica St, Southern Cross
29	Moorine Rock Hotel	Gt Eastern Hwy, Moorine Rock
30	Moorine Rock Post Office/Exchange	Gt Eastern Hwy, Moorine Rock
31	Moorine Rock School	Gt Eastern Hwy, Moorine Rock
34	Mount Palmer Archway	Palmer St, Mt Palmer
36	Mrs Sorenson's House - Bullfinch	Doolette St, Bullfinch
42	Old Bodallin School	Gt Eastern Hwy, Bodallin
49	Railway House - Southern Cross	Lot 350 Sirius St, Southern Cross
50	Railway Tavern	Cnr Sirius and Hydra Sts, Southern Cross
53	St Joseph's Primary School	Lot 57 Altair St, Southern Cross
56	Universal Drapers Building	Lot 9 Antares St, Southern Cross

ADOPTION

Adopted by resolution of the Council of the Shire of Yilgarn at the meeting of the Council held on the 15th day of September 1995.

Shire President. Date.. 15/9/95

Chief Executive Officer.. Date.. 15/9/95

FINAL APPROVAL

1. Adopted by resolution of the Council of the Shire of Yilgarn at the meeting of the Council held on the 16th day of May 1997 and the seal of the Municipality was pursuant to that resolution affixed in the presence of

Shire President

Chief Executive Officer

2. Submitted and recommended for final approval by the Western Australian Planning Commission.

Chairman, Date

Western Australian Planning Commission

3. Final approval granted

Minister for Planning Date..... 30/7/98