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PLANNING AND DEVELOPMENT ACT 2005

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**CITY OF GREATER GERALDTON**

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**LOCAL PLANNING  
SCHEME No. 1**



**PLANNING AND DEVELOPMENT ACT 2005***City of Greater Geraldton***LOCAL PLANNING SCHEME No. 1**

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**PLANNING AND DEVELOPMENT ACT 2005**

*City of Greater Geraldton*

**LOCAL PLANNING SCHEME No. 1****PART 1—PRELIMINARY****1.1 Citation**

This local planning scheme is the *City of Greater Geraldton Scheme No. 1*.

**1.2 Commencement**

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

**1.3 Scheme revoked**

The following local planning schemes are revoked—

- (a) Shire of Greenough Town Planning Scheme No. 1A (portion of this Scheme only)—Gazetted 30 May 1986.
- (b) City of Greater Geraldton Local Planning Scheme No. 2 (Mullewa)—Gazetted 22 June 2012.
- (c) City of Geraldton Town Planning Scheme No. 3—Gazetted 17 April 1998.
- (d) City of Geraldton-Greenough Local Planning Scheme No. 5 District Scheme (Greenough)—Gazetted 14 April 2010.

**1.4 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.

**1.5 Responsibility for Scheme**

The City of Greater Geraldton 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.

**1.6 Scheme area**

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

**1.7 Contents of Scheme**

1.7.1 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) supplemental provisions to the deemed provisions set out in Schedule A;
- (c) the Scheme Map (sheets 1-22).

1.7.2 This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

**1.8 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, activity centre 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.

### 1.9 Aims of Scheme

The aims of this Scheme are—

- (a) provide for vibrant arts, culture and education.
- (b) promote a sustainable built form and natural environment.
- (c) facilitate a strong healthy community which is equitable, connected and cohesive.
- (d) foster a dynamic, diverse and sustainable economy.
- (e) support inclusive civic and community engagement and leadership.

### 1.10 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.

### 1.11 Relationship with other local planning schemes

By way of information, the following local planning scheme of the City of Greater Geraldton is complementary to this Scheme, but does not apply to the Scheme area—

- (a) Shire of Greenough Town Planning Scheme No. 1A (portion of this Scheme)—Gazetted 30 May 1986.

### 1.12 Relationship with region planning scheme

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

## PART 2—RESERVES

### 2.1 Regional reserves

There are no regional reserves in the Scheme area.

### 2.2 Local reserves

2.2.1 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.

2.2.2 Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

2.2.3 The objectives of each local reserve are as follows—

**Table 1—Reserve objectives**

Reserve name	Objectives
Civic and Community	To provide for a range of civic and community facilities which are compatible with surrounding development.
District Distributor Road	To set aside land for required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Environmental Conservation	To identify and protect areas of biodiversity and conservation value.
Foreshore	To set aside land for foreshore reserves and provide for conservation and/or public access with a range of active and passive recreational uses.
Primary Distributor Road	To set aside land for required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
Public Open Space	To set aside areas for public open space and provide for a range of active and passive recreational uses.
Public Purposes	To provide for a range of essential physical and community infrastructure, services and facilities.
Railways	To set aside land required for rail services.
Special Purpose—Infrastructure Corridor	To set aside land for a special purpose (infrastructure corridor).
Strategic Infrastructure—Airport	To set aside land required for airport facilities and provide for a range of aviation and non-aviation uses that form part of a technology park supporting a strategic aviation hub.
Strategic Infrastructure—Port	To set aside land required for port facilities and ensure that development under the control of the Mid West Ports Authority (MWPA) is consistent with any MWPA land use master plan (or the like) and has due regard for the site and development requirements in the Special Use zone 'SU4'.

### 2.3 Additional uses for local reserves

2.3.1 Table 2 sets out—

- (a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
- (b) the conditions that apply to that additional use.

**Table 2—Specified additional uses for land in local reserves in Scheme area**

No.	Description of land	Additional use	Conditions
There are no additional uses for land in local reserves that apply to this Scheme.			

## PART 3—ZONES AND USE OF LAND

### 3.1 Zones

Zones are shown on the Scheme Map according to the legend set out on the Scheme Map.

### 3.2 Regional centre zone

#### 3.2.1 Objectives

- (a) ensure that the Geraldton regional centre continues as the largest multi-functional centre of activity, providing the most intensely concentrated development in the region, the greatest range of high order services and jobs and the largest commercial component of any activity centre.
- (b) support the maturation of the Geraldton regional centre into a diverse, intense and highly connected activity centre with high density residential.
- (c) promote development of the Geraldton regional centre as a focus for a wide range of retail, business, commercial, health, education, entertainment, cultural, recreational, community, tourism and public transport activities.

#### 3.2.2 Site and development requirements

**Table 3—Regional centre zone site and development requirements**

Minimum lot size	Variable
Minimum setback Primary street	Variable
Minimum setback Secondary street / side boundary	Variable
Minimum setback Rear boundary / other	Variable
Maximum plot ratio	Variable
Maximum building height	Variable
Minimum landscaping	Variable

### 3.3 Commercial zone

#### 3.3.1 Objectives

- (a) provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites and activity centres.
- (b) ensure activity centres provide for appropriate uses that do not undermine the established and/or planned hierarchy of centres.
- (c) provide for efficient, intense and compact centres with a diversity of activity appropriate to the purpose of the centre.

#### 3.3.2 Site and development requirements

**Table 4—Commercial zone site and development requirements**

Minimum lot size	Variable
Minimum setback Primary street	Variable
Minimum setback Secondary street / side boundary	As per R-Codes where adjoining Residential zone
Minimum setback Rear boundary / other	As per R-Codes where adjoining Residential zone
Maximum plot ratio	1.0
Maximum building height	12 metres
Minimum landscaping	10%

### 3.4 Mixed Use zone

#### 3.4.1 Objectives

- (a) provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.
- (b) provide for the establishment of a mix of high density residential development with small-scale retail and commercial businesses in a residential scale environment that provides an area of transition between centres and surrounding residential areas.
- (c) provide for development that complements but does not compete with the established and/or planned hierarchy of centres.
- (d) ensure that development is at a human-scale with buildings, facilities and uses that activate and address the street in a manner sympathetic to the desired urban character of the area.

#### 3.4.2 Site and development requirements

**Table 5—Mixed Use zone site and development requirements**

Minimum lot size	Variable
Minimum setback Primary street	2 metres
Minimum setback Secondary street / side boundary	Variable or as per R-Codes where adjoining Residential zone
Minimum setback Rear boundary / other	3 metres or as per R-Codes where adjoining Residential zone
Maximum plot ratio	1.0
Maximum building height	As per R80 code
Minimum landscaping	10%

3.4.2.1 Prior to approving development or considering subdivision the local government may require design guidelines to be prepared and adopted as a local planning policy pursuant to Part 2, Division 2 of the deemed provisions.

3.4.2.2 Where mixed use development incorporating a residential component is proposed in a building, the residential component should be restricted to above the ground floor level.

### 3.5 Service Commercial zone

#### 3.5.1 Objectives

- (a) accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.
- (b) provide for a range of wholesale sales, showrooms, trades and services, which by reason of their scale, character, operational or land requirements, are not appropriate for industrial or commercial zones.
- (c) ensure development achieves relatively high amenity standards based on the level of exposure of the site and proximity to residential areas.

#### 3.5.2 Site and development requirements

**Table 6—Service Commercial zone site and development requirements**

Minimum lot size	1,250m <sup>2</sup>
Minimum setback Primary street	12 metres
Minimum setback Secondary street / side boundary	Variable or as per R-Codes where adjoining Residential zone
Minimum setback Rear boundary / other	Variable or as per R-Codes where adjoining Residential zone
Maximum plot ratio	0.6
Maximum building height	12 metres
Minimum landscaping	10%

### 3.6 Tourism zone

#### 3.6.1 Objectives

- (a) promote and provide for tourism opportunities.
- (b) provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.
- (c) allow limited residential uses where appropriate.
- (d) encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.



### 3.6.2 Site and development requirements

**Table 7—Tourism zone site and development requirements**

Minimum lot size	1,000m <sup>2</sup>
Minimum setback Primary street	6 metres
Minimum setback Secondary street / side boundary	Variable or as per R-Codes where adjoining Residential zone
Minimum setback Rear boundary / other	5 metres
Maximum plot ratio	Variable
Maximum building height	Variable
Minimum landscaping	Variable

3.6.2.1 The local government may approve a combination of short-term tourism accommodation and permanent residential accommodation on the same site provided that it complies with the following—

- (a) the predominant use of the site remains for short-term tourism / holiday accommodation and other tourism uses and provides for a high quality tourism outcome or tourism benefit.
- (b) the proposal is not in an isolated location and considers the broader planning and settlement context of the area.
- (c) physical infrastructure and services are or will be available, including consideration of the urban infrastructure requirements of a permanent population where residential is proposed.
- (d) the scale and design of the site complements the surrounding landscape and character of the area, with the tourism component given priority in those areas of highest tourism amenity (e.g. the beachfront).
- (e) the residential component is integrated with both the tourism uses and management structure of the proposal.
- (f) where tourism development and permanent residential accommodation are developed on the same site, the protection of residential amenity through careful design of both facilities and accommodation on the site shall occur in order to minimise disturbance and conflicts between land uses.

3.6.2.2 Where strata titling is proposed, appropriate management arrangements should be in place (e.g. via a management statement) that restricts the maximum length of stay to three months in any twelve month period applied for the tourism accommodation component.

## 3.7 Residential zone

### 3.7.1 Objectives

- (a) provide for a range of housing and a choice of residential densities within the Geraldton urban area to meet the needs of the community.
- (b) facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- (c) provide for residential intensification that is focused around activity centres to provide a more sustainable urban form, taking into consideration the unique layout, available or proposed infrastructure and services, and characteristics of the particular locality.
- (d) retain the single house as the predominant form of residential development in the Mullewa townsite and Walkaway.
- (e) provide for a range of non-residential uses, which are compatible with and complimentary to residential development.

3.7.2 The site and development requirements for non-residential uses shall be in accordance with the applicable R-Code density.

## 3.8 General Industry zone

### 3.8.1 Objectives

- (a) 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.
- (b) provide for the aggregation of industrial, storage and distribution activities based on efficient use of infrastructure and synergies between uses.
- (c) provide for appropriate buffer distances to avoid land use conflict.
- (d) avoid the establishment of non-industry related uses which may constrain industrial activity, and that can be accommodated in other appropriate zones.

3.8.2 Site and development requirements**Table 8—General Industry zone site and development requirements**

Minimum lot size	2,000m <sup>2</sup>
Minimum setback Primary street	12 metres
Minimum setback Secondary street / side boundary	5 metres (one side) or as per R-Codes where adjoining Residential zone
Minimum setback Rear boundary / other	Nil or as per R-Codes where adjoining Residential zone
Maximum plot ratio	0.6
Maximum building height	Variable
Minimum landscaping	10%

**3.9 Light Industry zone**3.9.1 Objectives

- (a) provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.
- (b) ensure that development achieves relatively high built form standards based on the level of exposure of the site and proximity to residential areas so as not to detract from the residential amenity.

3.9.2 Site and development requirements**Table 9—Light Industry zone site and development requirements**

Minimum lot size	1,500m <sup>2</sup>
Minimum setback Primary street	12 metres
Minimum setback Secondary street / side boundary	5 metres (one side) or as per R-Codes where adjoining Residential zone
Minimum setback Rear boundary / other	Nil or as per R-Codes where adjoining Residential zone
Maximum plot ratio	0.6
Maximum building height	Variable
Minimum landscaping	10%

**3.10 Rural Residential zone**3.10.1 Objectives

- (a) provide opportunities for a range of limited rural and related ancillary pursuits where those activities will be consistent the amenity of the locality and the conservation and landscape attributes of the land.
- (b) set aside areas for the retention of vegetation and landform or other features which distinguish the land.
- (c) improve environmental and biodiversity outcomes through appropriate subdivision design, development control and the protection and enhancement of remnant vegetation.

3.10.2 Site and development requirements**Table 10—Rural Residential zone site and development requirements**

Minimum lot size	Ranging in size from 1 to 4 hectares or as guided by an approved structure plan
Minimum setback Primary street	20 metres
Minimum setback Secondary street / side boundary	10 metres
Minimum setback Rear boundary / other	10 metres
Maximum plot ratio	0.1
Maximum building height	As per R-Codes for residential development
Minimum landscaping	Variable

3.10.2.1 Variations of up to 10% to the minimum lot size may be supported by the local government where it can be demonstrated that the subdivision will achieve a positive biodiversity conservation outcome or facilitate the orderly and proper planning of roads and infrastructure.

3.10.2.2 Stocking rates shall not exceed Department of Agriculture and Food standards.

3.10.2.3 Residential development shall be connected to a reticulated water service.

3.10.2.4 At subdivision stage, a local development plan shall be prepared and approved pursuant to Part 6 of the deemed provisions for each lot. A local development plan shall specifically address the following, which may require implementation at the subdivision stage—

- (a) identification of building envelopes and/or building exclusion areas;
- (b) vegetation to provide for the visual screening of development;
- (c) re-vegetation requirements; and
- (d) bushfire management requirements.

3.10.2.5 At development stage, and subject to completion of a local development plan in accordance with clause 3.10.2.4, the local government may apply a condition of development approval requiring revegetation in accordance with the approved local development plan.

3.10.2.6 No clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for—

- (a) clearing to comply with the requirements of the *Bush Fires Act 1954*, the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government;
- (b) clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the local government;
- (c) clearing as may be allowed under the Department of Environment Regulation Land Clearing Regulations; and/or
- (d) trees that are assessed to be dead, diseased or dangerous.

3.10.2.7 Development shall not result in any net export of nutrients from the land to any wetland, water course or underground aquifer.

3.10.2.8 No development or land use activity shall impede in any way the natural water flow along any creek line or water/drainage course.

### 3.11 Rural zone

#### 3.11.1.1 Objectives

- (a) provide for the maintenance or enhancement of specific local character.
- (b) protect broadacre agricultural activities, such as cropping and grazing, and intensive uses, such as horticulture, from incompatible uses and minimise land use conflicts.
- (c) provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with the surrounding rural uses.
- (d) protect and provide for existing or planned key infrastructure, public utilities and renewable energy facilities.

#### 3.11.2 Site and development requirements

**Table 11—Rural zone site and development requirements**

Minimum lot size	Variable
Minimum setback Primary street	20 metres
Minimum setback Secondary street / side boundary	10 metres
Minimum setback Rear boundary / other	10 metres
Maximum plot ratio	Variable
Maximum building height	As per R-Codes for residential development
Minimum landscaping	Variable

3.11.2.1 There is a general presumption against subdivision of rural land unless in accordance with State Planning Policy 2.5—Land Use Planning in Rural Areas in the following circumstances—

- (a) significant physical divisions;
- (b) public utilities and ancillary uses;
- (c) property rationalisation to improve land management;
- (d) conservation of heritage buildings and places;
- (e) conservation of biodiversity and natural heritage; or
- (f) homestead lots.

3.11.2.2 Existing lots zoned Rural in gazetted townsites shall not be further subdivided.

3.11.2.3 In considering development applications the local government shall have regard to—

- (a) the Department of Agriculture and Food's studies into identification of high quality agricultural land, to protect the economic and agricultural viability of this land.
- (b) the need to protect the economic viability of the rural land use generally.
- (c) the need to preserve the rural character and a rural appearance of the area.





Land Use	Regional Centre	Commercial	Mixed Use	Service Commercial	Tourism	Residential	General Industry	Light Industry	Rural Residential	Rural	Settlement	Urban Development	Special Use
Salvage Yard	X	X	X	X	X	X	D	D	X	A	Refer clause 3.12	Refer clause 3.13	Refer clause 3.18
Serviced Apartment	D	D	A	X	P	A	X	X	X	X			
Service Station	X	D	D	D	D	X	D	D	X	X			
Shop	D	P	D	D	I	X	X	X	X	X			
Shopping Centre	D	P	X	X	X	X	X	X	X	X			
Single House	D	X	D	X	D	P	X	X	P	P			
Small Bar	D	D	A	X	D	X	X	X	X	X			
Stockpiling	X	X	X	X	X	X	D	X	X	A			
Supermarket	D	P	A	D	I	X	X	X	X	X			
Tavern	D	D	X	A	A	X	X	X	X	X			
Telecommunications Infrastructure	A	D	A	D	A	A	D	D	A	A			
Tourist Development	D	D	X	X	P	X	X	X	X	X			
Trade Supplies	X	X	X	D	X	X	D	D	X	X			
Transport Depot	X	X	X	D	X	X	D	D	X	A			
Tree Farm	X	X	X	X	X	X	X	X	A	D			
Veterinary Centre	D	D	X	D	X	X	D	D	X	A			
Warehouse / Storage	X	X	X	D	X	X	D	D	X	A			
Winery	X	X	X	X	X	X	X	X	A	D			
Workforce Accommodation	X	X	X	X	A	A	X	X	X	A			

### 3.15 Interpreting zoning table

3.15.1 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.

3.15.2 The symbols used in 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 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.

3.15.3 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

3.15.4 The local government may, in respect of a use that is not specifically referred to in the zoning table, or in a special use zone listed in Schedule 3, 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 the 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 the 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 the particular zone and is therefore not permitted in the zone.

3.15.5 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.

3.15.6 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.

3.15.7 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;
- (b) an activity centre plan;
- (c) a local development plan.

### 3.16 Additional uses

3.16.1 Schedule 1 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.

3.16.2 Despite anything contained in the zoning table, land that is specified in Schedule 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.

### 3.17 Restricted uses

3.17.1 Schedule 2 sets out—

- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that restricted use.

3.17.2 Despite anything contained in the zoning table, land that is specified in Schedule 2 may be used for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

### 3.18 Special use zones

3.18.1 Schedule 3 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 uses that are permissible in that zone; and
- (c) the conditions that apply in respect of the special uses.

3.18.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the 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.

### 3.19 Non-conforming uses

3.19.1 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 any development on that land if—
  - (i) before the commencement of this Scheme, the development was lawfully approved; and
  - (ii) the approval has not expired or been cancelled.

3.19.2 Clause 3.19.1 does not apply if—

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

3.19.3 Clause 3.19.1 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.

**3.20 Changes to non-conforming use**

3.20.1 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.

3.20.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

3.20.3 A local government may only grant development approval for a change of use of land referred to in clause 3.20.1(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.

**3.21 Register of non-conforming uses**

3.21.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

3.21.2 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.

3.21.3 If the local government prepares a register under clause 3.21.1 the local government must—

- (a) ensure that the register is kept up-to-date; and
- (b) 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.

3.21.4 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****4.1 R-Codes**

4.1.1 The R-Codes, modified as set out in clause 4.2, are to be read as part of this Scheme.

4.1.2 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.

4.1.3 The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within boundaries of the area shown on the Scheme Map.

4.1.4 The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with clause 4.1.3.

**4.2 Modification of R-Codes**

4.2.1 If a subdivision of land will create lot sizes at a lower coding to that coding applicable to the land, the local government may refuse to support the application, unless the local government is satisfied that the subdivision—

- (a) will not undermine the broader planning of the locality;
- (b) does not represent an inefficient use of existing and planned infrastructure; and
- (c) does not pose an environmental and/or public health risk.

4.2.2 For land with a dual coding the local government may permit a variation to the higher coding subject to—

- (a) the development being connected to reticulated sewerage;
- (b) the development being located close to services and facilities to the satisfaction of the local government; and
- (c) the development being advertised in accordance with clause 64 of the deemed provisions and the local government being satisfied the development, if implemented, will not have an adverse impact on local amenities.

4.2.3 For a single house or grouped dwelling with a coding of R60 or greater, the maximum building height shall be as per Table 3, Category C of the R-Codes.



#### 4.2.4 Grouped and multiple dwellings

4.2.4.1 Notwithstanding the provisions of the R-Codes, the local government may refuse to grant development approval for a development involving grouped or multiple dwellings where the local government considers—

- (a) the proposed development would prejudice the potential road pattern for the area to serve the surrounding properties; or
- (b) the proposed development would circumvent the provision of normal subdivisional requirements such as road access, drainage, public open space and/or the provision of other infrastructure.

4.2.4.2 The local government may, alternatively, grant development approval for such development subject to such conditions as may be necessary for satisfactory street access, drainage, public open space and/or other infrastructure, and in accordance with the provisions of the R-Codes.

#### 4.3 State Planning Policy 3.6 to be read as part of Scheme

4.3.1 State Planning Policy 3.6—Development Contributions for Infrastructure, modified as set out in clause 4.4, is to be read as part of this Scheme.

4.3.2 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.

#### 4.4 Modification to State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

#### 4.5 Other State planning policies to be read as part of Scheme

4.5.1 The State planning policies set out in Table 13, modified as set out in clause 4.6, are to be read as part of this Scheme.

**Table 13—State planning policies to be read as part of Scheme**

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.
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4.5.2 The local government—

- (a) must make a copy of each State planning policy referred to in clause 4.5.1 available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of each of those State planning policies on the website of the local government.

#### 4.6 Modification of State planning policies

4.6.1 There are no modifications to a State planning policy that, under clause 4.5 is to be read as part of the Scheme.

#### 4.7 Environmental conditions

4.7.1 The conditions set out in Schedule 4 are environmental conditions that apply to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.

4.7.2 The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate the environmental conditions that apply to the land.

4.7.3 The local government—

- (a) must make available for public inspection during business hours at the offices of the local government all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3; and
- (b) may publish those statements on the website of the local government.

#### 4.8 Additional site and development requirements

4.8.1 Table 14 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

**Table 14—Additional requirements that apply to land in Scheme area**

No.	Description of land	Requirement
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There are no additional site and development requirements that apply to this Scheme.		
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4.8.2 To the extent that a requirement referred to in clause 4.8.1 is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in clause 4.8.1 prevails.

#### 4.9 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

Table 15 sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.

**Table 15—Additional requirements that apply to land covered by structure plan, activity centre plan or local development plan**

No.	Description of land	Requirement
There are no additional requirements that apply to this Scheme.		

**4.10 Variations to site and development requirements**

4.10.1 In this clause—

**additional site and development requirements** means requirements that are prescribed in this Scheme that are additional to those set out in the R-Codes, structure plans, activity centre plans, local development plans or State or local planning policies.

4.10.2 The local government may approve an application for development approval that does not comply with an additional site and development requirement.

4.10.3 An approval under clause 4.10.2 may be unconditional or subject to any conditions the local government considers appropriate.

4.10.4 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 adjoining the site of the development, the local government must—

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

4.10.5 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.

**4.11 Restrictive covenants**

4.11.1 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.

4.11.2 If clause 4.11.1 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.

**4.12 Strata development**

The local government may vary any deemed-to-comply provisions of the R-Codes and approve the creation of a survey strata lot or strata lot for an existing authorised grouped dwelling or multiple dwelling development, where, in the opinion of the local government, the objectives of the zone in which the development is located can be achieved.

**4.13 New street alignments**

4.13.1 Table 16 sets out new street alignments for the roads and streets listed.

**Table 16—New street alignments**

Road Name	Between	Width in Metres		New Alignments	
		Old	New	Side	Metres
Chapman Road	Cathedral Avenue and Durlacher Street	15.08m	20.0m	South East	2.46m
	Durlacher Street and Forrest Street	15.08m	20.0m	Both	2.46m
Durlacher Street	Marine Terrace and Chapman Road	15.08m	20.0m	North East	4.92m
	Chapman Road and Sanford Road	15.08m	25.0m	Both	4.96m
	Sanford Street and Waldeck Street	20.12m	30.0m	Both	4.96m
Eastward Road	North West Coastal Highway to Flores Road	20.12m	30.0m	North	9.88m
Eighth Street	Flores Road and Webberton Road	20.12m	30.0m	South	9.88m

Road Name	Between	Width in Metres		New Alignments	
		Old	New	Side	Metres
Lester Avenue	Fitzgerald Street and Cathedral Avenue	15.08m	20.0m	North	4.92m
Sanford Street	Forrest Street and Durlacher Street	10.06m	15.0m	Both	2.47m
	Cathedral Avenue and Fitzgerald Street	15.08m	20.0m	South	4.92m
Shenton Street	Fitzgerald Street and Durlacher Street	15.08m	17.54m	South	2.46m

4.13.2 The local government may vary a new street alignment either—

- (a) following adoption of a road design by the local government or Department of Main Roads; or
- (b) particular site conditions make a variation desirable.

4.13.3 In granting development approval to development of a lot affected by a new street alignment, the local government may require the land area identified for road widening be set aside for future ceding free of cost as part of any subsequent subdivision application or retained for future acquisition by the local government should subdivision not occur.

4.13.4 On a lot affected by a new street alignment, building setbacks will be determined from the new street alignment so fixed, but the local government may vary the requirement of this clause if it considers that such building setbacks would be unduly prejudicial to the development of the lot.

4.13.5 The land area identified for a new street alignment shall be maintained free of permanent structures or any other development (including advertisements and car parking) unless otherwise agreed to in writing by the local government.

#### 4.14 Parking requirements

4.14.1 Schedule 5 sets out the required number of car, bicycle and scooter / motorcycle parking spaces to be provided as part of any development.

4.14.2 Parking spaces shall be calculated based on the floor area of the development. Where the calculation requires a fraction of a space, it shall be rounded up to the nearest higher whole number.

4.14.3 Where a development results in the likely demand for parking of trailers, caravans, buses and/or coaches, parking spaces for such vehicles may be integrated with the development.

4.14.4 Parking areas, including car parking bays, disabled bays, bicycle and scooter / motorcycle bays, loading bays, vehicle access, pedestrian circulation areas, landscaped areas adjacent to and within car parking areas, shall be designed and constructed in accordance with relevant Australian Standards, any applicable local planning policy or any other standard endorsed by the local government, and thereafter maintained.

4.14.5 A travel plan is required for the following types of development—

- (a) commercial uses of 500m<sup>2</sup> floor area or more;
- (b) industrial uses of 1,000m<sup>2</sup> floor area or more;
- (c) retail uses of 1,000m<sup>2</sup> floor area or more;
- (d) 20 or more tourism use units; or
- (e) an extension to an existing development that increases the floor area or number of units as above.

4.14.6 Where a particular parking requirement for a use class is not specified, the local government shall determine the number of car parking bays, scooter / motorcycle bays, bicycle parking areas and end of trip facilities, to be provided having regard to the—

- (a) nature of the proposed development;
- (b) number of employees and visitors/clients to be associated with the development; and
- (c) location of the parking spaces on the site and their effect on the amenity of adjoining development.

4.14.7 When considering an application for development approval, the local government shall have regard to, and may impose conditions on, the location and design of the required parking spaces. In particular, the local government shall take into account and may impose conditions concerning—

- (a) the extent to which car parking spaces are located within required building setback areas;
- (b) the location of proposed public footpaths, vehicular crossing, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety; and
- (c) the suitability and adequacy of proposed screening or landscaping.

4.14.8 The local government may permit land uses to share or combine parking facilities, and may approve a reduction in the total parking requirement provided it is satisfied—

- (a) no conflict will occur as a result of the joint use of the parking facilities;
- (b) the peak demands for parking bays from the individual land uses do not coincide; and
- (c) the combined parking provision will provide an adequate level of service for the approved uses.

4.14.9 Where the local government permits the joint use of parking facilities, it shall require the landowners involved to prepare a suitable legal agreement registered on the property title to ensure reciprocal rights of access exist and the use of the parking facilities can be maintained.

#### **4.15 Cash-in-lieu for parking requirements**

4.15.1 If the local government is satisfied that adequate parking exists or is to be provided in close proximity to a proposed development, notwithstanding the requirements of this Scheme and any applicable local planning policy, it may accept a cash payment in lieu of the provision of any or all types of parking spaces as required under clause 4.14.

4.15.2 The cash-in-lieu payment shall be—

- (a) the estimated cost to the developer of providing and constructing parking spaces as required under clause 4.14; and
- (b) 100% of the land value, as estimated by the local government based on valuation advice by a licensed valuer, of that total area of land which would have been occupied by the parking spaces as required under clause 4.14, or such lesser proportion of the land value as set out in any relevant local planning policy.

4.15.3 Payments under this clause shall be deposited into a parking fund to be used as expenditure on improvements towards car parking, public transport, pedestrian access, cycling facilities and infrastructure by the local government, especially where these will reduce the demand for parking.

#### **4.16 Development of lots abutting unconstructed roads**

4.16.1 Notwithstanding any other provisions of this Scheme, development approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a gazetted road.

4.16.2 In considering an application the local government shall, in addition 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, give particular consideration to—

- (a) any alternative legal means of access to the lot;
- (b) the quality of any unconstructed road access provided to the lot;
- (c) the costs and/or complexity involved in providing constructed road and/or legal road frontage; and
- (d) the type and quantity of traffic expected to be generated by the proposed development.

4.16.3 In considering an application the local government is to either—

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof; or
- (c) require such other arrangements are made for permanent access to the satisfaction of the local government.

#### **4.17 Development height**

4.17.1 Unless otherwise approved by the local government, no development shall be constructed to exceed the height limits of the Geraldton Airport Obstacle Limitation Surface or this Scheme.

4.17.2 In considering an application that proposes development to exceed height limits, the local government shall have regard to—

- (a) the practical need for development to exceed height limits;
- (b) any conflict with the Geraldton Airport Obstacle Limitation Surface, having regard to consultation with the Civil Aviation Safety Authority; and
- (c) whether the proposed development may have a detrimental effect on nearby/adjointing properties.

#### **4.18 Home business, home occupations and industry—cottage**

An approval to conduct a home business, home occupation or industry—cottage is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home business, home occupation or industry—cottage development approval is issued the approval is no longer valid.

#### **4.19 Caretaker's dwellings**

4.19.1 Only one caretaker's dwelling is permitted on a lot and shall be on the same lot as the associated non-residential use.

4.19.2 A caretaker's dwelling is to have a total floor area that does not exceed 100m<sup>2</sup> measured from the external face of walls.

4.19.3 Open verandahs must not be enclosed by any means unless the total floor area remains within the 100m<sup>2</sup> as per clause 4.19.2.

4.19.4 The use of a caravan as a caretaker's dwelling is not permitted.

4.19.5 A caretaker's dwelling shall be occupied by the owner, manager or an employee of the use that is established on the land.

- 4.19.6 The local government will not support the subdivision or development of land that will—
- (a) allow a caretaker's dwelling to be sold separately from the predominant use of the land; or
  - (b) restrict the future potential use of the land.

#### 4.20 Landscaping

4.20.1 Landscaping shall be provided and thereafter maintained in accordance with this Scheme and any applicable local planning policy.

4.20.2 A landscape management plan, which details the retention of proposed landscaping and retention of remnant vegetation or trees, may be required as a condition of development approval.

#### 4.21 Development relating to waterways, creeks and other watercourses

Notwithstanding any other provisions of this Scheme, developments the subject of an application for development approval under this Scheme that—

- (a) reduce or are likely to reduce the natural flow of any creek or watercourse; or
- (b) direct any stormwater, other water or liquid from any source to any creek, watercourse or wetland,

will only be permitted where it can be demonstrated, to the satisfaction of the local government, that there will be no adverse impacts on the creek, watercourse or wetland and/or environment of the area within which the development is proposed.

#### 4.22 Protection of wetlands

4.22.1 The local government may require wetlands and their fringing vegetation to be preserved and protected from pollution, destruction and inappropriate use and management.

4.22.2 Any wetland which is identified for protection under a policy of the Environmental Protection Authority shall be preserved and protected in accordance with any conditions imposed by the local government or the Environmental Protection Authority.

#### 4.23 Caravan parks

The local government may require a local development plan to be prepared and approved in accordance with Part 6 of the deemed provisions prior to determining an application for development approval for, or within, a caravan park. The purpose of the local development plan shall be to indicate the overall development for the caravan park.

#### 4.24 Access onto local, district and primary distributor roads

Where developments, the subject of an application for development approval under this Scheme, propose a new or modified vehicular access to a local, district or primary distributor road, a transport assessment and access plan may be required.

#### 4.25 Repurposed dwellings

The local government may impose conditions to ensure the external appearance of a repurposed dwelling is of an acceptable standard.

### PART 5—SPECIAL CONTROL AREAS

#### 5.1 Special control areas

5.1.1 Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

5.1.2 The purpose, objectives and additional provisions that apply to each special control area is set out in Schedule 6.

### PART 6—TERMS REFERRED TO IN SCHEME

#### 6.1 General definitions used in Scheme

6.1.1 If a word or expression used in this Scheme is listed in this clause, its meaning is as follows—

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

**building exclusion area** means an area of land within which all buildings and effluent disposal facilities on a lot must not be located.

**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.

**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).

**end of trip facilities** mean infrastructure and dedicated facilities that cater for the needs of persons at their destination to utilise as part of a journey and includes safe and convenient access, secure bicycle parking, change rooms, showers and lockers.

**floor area** has the 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.

**Geraldton urban area** refers to the area of land shown within the ‘Urban Growth Boundary’ in the local planning strategy.

**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.

**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).

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

**obstacle limitation surface** means a horizontally and vertically defined airspace boundary in the vicinity of an airport that has been specified and/or endorsed by the airport operator as representing the maximum desirable height above Australian Height Datum of any building, antenna, other structure or natural feature on land directly underneath the surface.

**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 accommodation for periods totalling more than 3 months in any 12 month period.

**travel plan** means a long-term management strategy for an occupier, or a site, that seeks to deliver more sustainable transport objectives through positive action and is articulated in a document, that is regularly reviewed, for a development.

**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.

6.1.2 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.

## 6.2 Land use terms used in Scheme

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 or dependant persons dwelling** has the meaning given in the R-Codes.

**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.

**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.

**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.

**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 if—
  - (i) a large area is required for the handling, display or storage of the goods; or
  - (ii) vehicular access is required for 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) on which caravans, or caravans and camps, are situated for habitation.

**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 (WA) Act 2012* 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 for education and care on a regular basis to children.

**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.

**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 300m<sup>2</sup>.

**discount department store** means large retail premises selling a wide variety of different goods organised into various departments.

**dry cleaning premises / laundromat** means premises used for the commercial cleaning of clothes and laundry either in a self-service or serviced manner.

**educational establishment** means premises used for the purposes of 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 or art gallery.

**family day care** means premises where a family day care service as defined in the *Education and Care Services National Law (WA) Act 2012* 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; or
- (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.

**grouped dwelling** has the meaning given in the R-Codes.

**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 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 50m<sup>2</sup>; and
- (d) does not involve the retail sale or display of any goods unless the sale or display 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 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—

- (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 20m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m<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 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.



**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 manufacturing, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises used 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) does not cause injury to 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 greater than 50m<sup>2</sup>; and
- (e) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>.

**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 basic 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.

**liquor store** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* for the sale of packaged liquor for consumption off premises only.

**machinery sales** means premises used for the display and/or sale of agricultural or transport machinery and equipment.

**marina** means—

- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
- (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services.

**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, boat or caravan sales** means premises used to sell or hire motor vehicles, boats or caravans and may include the servicing of motor vehicles, boats or caravans sold from the site.

**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.

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

**multiple dwelling** has the meaning given in the R-Codes.

**night club** means premises the subject of a nightclub license granted under the *Liquor Control Act 1988* used for entertainment with or without eating facilities.

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

**office—small scale** means a stand-alone office premises with a floor area that does not exceed 300m<sup>2</sup>.

**park home park** means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8 at which park homes, but not any other caravans or camps, are situated for habitation.

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

**produce stall** means a stall used to sell produce grown or made locally.

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

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

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

**renewable energy facility** means premises used to generate energy by a renewable resource and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include a renewable energy facility principally used to supply energy for a domestic property or existing use of premises.

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

**residential building** has the meaning given in the R-Codes.

**restaurant / café** 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 licensed under the *Liquor Control Act 1988*.

**rural pursuit / hobby farm** means any premises, other than premises used for agriculture—intensive, that are used by an occupier of the premises to carry out any of the following activities if the 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; or
- (b) the keeping of bees; or
- (c) the stabling, agistment or training of horses; or
- (d) the sale of produce grown solely on the premises.

**salvage yard** means land or premises used for the storage and sale of materials salvaged from the demolition or renovating of buildings or machinery.

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

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

**service station** means premises other than premises used for a transport depot, motor vehicle repair or motor vehicle wreckers, that are used for—

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

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

**shopping centre** means a group of retail shops and other incidental commercial establishments that is planned and managed as a single complex, typically with on-site parking provided.

**single house** has the meaning given in the R-Codes.

**small bar** means premises the subject of a small bar licence granted under the *Liquor Control Act 1988* which does not sell packaged liquor and is restricted to a maximum number of 120 persons who may be on the licensed premises.

**stockpiling** means the temporary storage of raw or manufactured materials for a given purpose in an enclosed or an open environment.

**supermarket** means a single, large retail premises selling primarily food products and other incidental goods to meet daily needs organised into aisles.

**tavern** means premises the subject of a tavern licence granted under the *Liquor Control Act 1988* used to sell liquor for consumption on the premises.

**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 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) on-site facilities for the use of guests; and
- (c) facilities for the management of the development.

**tree farm** means land used commercially for tree production where trees are planted in blocks of more than 1 hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.

**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—

- (d) building including repair and maintenance;
- (e) industry;
- (f) landscape gardening; or
- (g) primary production.

**transport depot** means premises used primarily for 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 bought 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.

**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 recreational facilities for the occupants and authorised visitors.

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## Schedule A

### SUPPLEMENTAL PROVISIONS

Clause 1.7.1 (b)—These provisions are to be read in conjunction with the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2

#### 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 extension of a single house on a lot if a single house is a class P use in the zone in which the lot is located and the development satisfies the site and development requirements set out in this Scheme unless the development—
  - (i) is located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) is located in a place that is the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
  - (iii) is located in a place that is included on a heritage list prepared in accordance with this Scheme; or
  - (iv) is located in a place that is within an area designated under the Scheme as a heritage area; or
  - (v) is located in a place that is the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
  - (vi) abuts an unconstructed road or is located on a lot that does not have frontage to a gazetted road pursuant to clause 4.16.1; or
  - (vii) exceeds the height limits of the Geraldton Airport Obstacle Limitation Surface pursuant to clause 4.17.1; or
  - (viii) is located on a lot affected by a new street alignment pursuant to clause 4.13 and Table 16.

- (l) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence or patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a class P use in the zone in which the lot is located and the development satisfies the site and development requirements set out in this Scheme unless the development—
- (i) is located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) is located in a place that is the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
  - (iii) is located in a place that is included on a heritage list prepared in accordance with this Scheme; or
  - (iv) is located in a place that is within an area designated under the Scheme as a heritage area; or
  - (v) is located in a place that is the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
  - (vi) abuts an unconstructed road or is located on a lot that does not have frontage to a gazetted road pursuant to clause 4.16.1; or
  - (vii) exceeds the height limits of the Geraldton Airport Obstacle Limitation Surface pursuant to clause 4.17.1; or
  - (viii) is located on a lot affected by a new street alignment pursuant to clause 4.13 and Table 16.
- (6) For the purposes of clause 61(1)(k) and (l), development is to be taken to satisfy a site and development requirement set out in this Scheme if it complies with—
- (a) a requirement in a local development plan that amends or replaces the site and development requirement; or
  - (b) a requirement in a local planning policy that amends or replaces the deemed-to-comply requirement of the R-Codes.

**Schedule 1**  
**ADDITIONAL USES**

Clause 3.17

No.	Description of Land	Additional Use	Conditions
A1	Lot 3 (No. 239) Hall Road, Waggrakine Scheme Map 1	Caravan Park 'D' use	As determined by the local government.
A2	Lot 43 (No. 620) Chapman Road, Glenfield Scheme Map 2	Service Station 'D' use	As determined by the local government.
A3	Lot 70 (No. 62) Lawley Street, Spalding Scheme Map 2	Fast Food Outlet 'D' use	As determined by the local government.
A4	Lot 1 (No. 381) Chapman Road, Bluff Point Scheme Map 2	Service Station 'D' use	As determined by the local government.
A5	Lot 760 (No. 370) Chapman Road, Bluff Point Scheme Map 2	Liquor Store 'A' use Shop 'D' use	As determined by the local government.
A6	Lots 40, 42, 43, 1 and 3 (No. 180) Chapman Road / Urch Street, Beresford Scheme Map 3	Bulky Goods Showroom 'D' use	As determined by the local government.
A7	Lot 317 (No. 280) Fourth Street, Wonthella Scheme Map 3	Service Station 'D' use	As determined by the local government
A8	Lot 12 (No. 299) Marine Terrace, Geraldton Scheme Map 3	Industry—Light 'D' use	As determined by the local government.
A9	Lot 41 (No. 339) Marine Terrace, Geraldton Scheme Map 3	Motor Vehicle, Boat or Caravan Sales 'D' use	As determined by the local government.
A10	Lot 20 (No. 9) Cunningham Street, Geraldton Scheme Map 3	Motor Vehicle, Boat or Caravan Sales 'D' use	As determined by the local government.

No.	Description of Land	Additional Use	Conditions
A11	Lot 49 (No. 5) Rifle Range Road, Rangeway Scheme Map 3	Recreation—Private 'D' use	As determined by the local government.
A12	Lot 140 (No. 30) Blencowe Road, Rangeway Scheme Map 3	Garden Centre 'D' use	As determined by the local government.
A13	Lot 2 (No. 753) Geraldton-Mt. Magnet Road, Moonyoonooka Scheme Map 7	Service Station 'D' use	As determined by the local government.
A14	Land zoned 'Industry—Light' outside of SCA 4 and north-west of Barrie Court, Narngulu Scheme Map 7	Caretaker's Dwelling 'D' use	As determined by the local government.
A15	Lot 6 (No. 27) Company Road, South Greenough Scheme Map 9	Caravan Park 'D' use	As determined by the local government.
A16	Land zoned 'Industry—General', Mullewa Scheme Map 17	Caretaker's Dwelling 'D' use	As determined by the local government.
A17	Land zoned 'Commercial', Mullewa Scheme Map 17	Ancillary Dwelling 'D' use Bed and Breakfast 'D' use Caretaker's Dwelling 'D' use Family Day Care 'D' use Grouped Dwelling 'D' use Holiday House 'D' use Home Business 'D' use Home Occupation 'D' use Industry—Cottage 'A' use Multiple Dwelling 'D' use Residential Building 'A' use Single House 'D' use	As determined by the local government.
A18	Lots 12 and 13 (No. 96 and 98) Chapman Road, Geraldton Scheme Map 3	Service Station 'D' use	As determined by the local government.

**Schedule 2**  
**RESTRICTED USES**

Clause 3.18

No.	Description of Land	Restricted Use	Conditions
R1	Portion of Lot 47 (No. 60) Horwood Road, Utakarra Scheme Maps 3 and 7	Club Premises Convenience Store Fast Food Outlet Hotel Market Motel Motor Vehicle, Boat or Caravan Sales Motor Vehicle Repair Motor Vehicle Wash Restaurant / Café Service Station Shop Supermarket Tavern Are 'X' Uses	Development should be sited to ensure existing landscaping on the corner of Edward Road and Horwood Road is maintained to the approval of the local government.
R2	Land zoned 'Industry—General' Deepdale Road, Meru Scheme Map 7	Industry—Extractive Are 'X' uses	Prior to any subdivision a structure plan shall be prepared and endorsed pursuant to Part 4 of the deemed provisions and subdivision shall be guided by this plan.

**Schedule 3**  
**SPECIAL USE ZONES**  
Clause 3.19

No.	Description of Land	Special Use	Conditions
SU1	'Glenfield Composite Business/Residential Area' Chapman Road, Glenfield Scheme Map 2	Residential uses— Family Day Care 'D' use Home Business 'D' use Home Occupation 'P' use Single House 'P' use Industrial uses— Garden Centre—'A' use Industry—Cottage 'D' use Industry—Light 'A' use Machinery Sales 'A' use Produce Stall 'D' use Salvage Yard 'A' use Trade Supplies 'A' use Transport Depot 'A' use Warehouse / Storage 'A' use Other uses— Car Park 'D' use Child Care Premises 'A' use Community Purpose 'A' use Consulting Rooms 'A' use Office—Small Scale 'A' use Telecommunications Infrastructure 'D' use	<p><b>Objective</b> To provide for larger single residential lots that can be complimented by larger home based business, minor industrial pursuits and other compatible uses.</p> <p><b>Subdivision</b>            (a) Minimum lot size shall be 1,250m<sup>2</sup>.            (b) Subdivision that would result in the severance of a dwelling from an industrial use shall not be supported by the local government.            (c) Prior to any subdivision a structure plan shall be prepared and endorsed pursuant to Part 4 of the deemed provisions.</p> <p><b>Residential uses/development</b> Shall be in accordance with the R10 code and associated provisions and standards prescribed in the R-Codes.</p> <p><b>Industrial uses/development</b>            (a) Industrial uses will only be permitted where a single house is erected first and forms an integral part of the development of the lot.            (b) The industry must demonstrate to the satisfaction of the local government that it can operate compatibly with residential uses and with minimal impact on the adjoining properties.            (c) The industry should be located at the rear of the single house and is essentially a family operation that is not reliant on attracting passing trade.            (d) All industrial activities shall operate within reasonable business hours as prescribed by the local government.            (e) A maximum of one industrial use shall only be permitted from each lot.            (f) A separate vehicle accessway with a minimum width of 5 metres for the industrial use shall be provided.            (g) Development shall be in accordance with the provisions prescribed in this Scheme and any applicable local planning policy. Where no relevant provisions are prescribed development shall be as determined by the local government.</p> <p><b>Other uses/development</b>            (a) Other uses may be permitted in the absence of a single house where demonstrated to the satisfaction of the local government that it can operate</p>

No.	Description of Land	Special Use	Conditions
			<p>compatibly with residential uses and with minimal impact on the adjoining properties.</p> <p>(b) Development shall be in accordance with the provisions prescribed in this Scheme and any applicable local planning policy. Where no relevant provisions are prescribed development shall be as determined by the local government.</p>
SU2	'Point Moore Cottages' Reserve 25459 Marine Terrace, West End Scheme Map 3	Recreation and leasing of cottages 'P' use	<p>(a) In accordance with applicable lease.</p> <p>(b) In considering an application for development approval the R30 density code and associated provisions and standards prescribed in the R-Codes shall apply.</p>
SU3	Lot 9000 (on Plan 57632) African Reef Boulevard, Greenough Scheme Map 8	Bed and Breakfast 'D' use Holiday House 'D' use Single House 'P' use	<p>(a) All special uses shall be situated within a building envelope approved by the local government.</p> <p>(b) No person shall clear any vegetation outside of the building envelope except for—</p> <p>(i) Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i>, the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government;</p> <p>(ii) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the local government;</p> <p>(iii) Clearing as may be allowed under the Department of Environment Regulation Land Clearing Regulations; and/or</p> <p>(iv) Trees that are assessed to be dead, diseased or dangerous.</p>
SU4	'Port Industry' Port of Geraldton (land based operations) Marine Terrace, West End Scheme Map 3	Abattoir 'A' use Car Park 'D' use Convenience Store 'D' use Fuel Depot 'D' use Industry 'D' use Industry—Light 'D' use Machinery Sales 'D' use Marina 'D' use Motor Vehicle Repair 'D' use Motor Vehicle Wash 'D' use Motor Vehicle Wreckers 'D' use Salvage Yard 'D' use Service Station 'D' use Stockpiling 'D' use Telecommunications Infrastructure 'D' use	<p><b>Objectives</b></p> <p>(a) Ensure that land and backup facilities are adequate for the appropriate function of the Port of Geraldton and that the land is effectively utilised for that purpose.</p> <p>(b) Provide for development associated with the operation of the Port of Geraldton having due regard for the amenity of the locality.</p> <p>(c) Ensure development under control of the Mid West Ports Authority (MWPA) is consistent with any MWPA land use master plan (or the like) and has due regard for the site and development requirements.</p>

No.	Description of Land	Special Use	Conditions
		Trade Supplies 'D' use Transport Depot 'D' use Warehouse / Storage 'D' use	<b>Site and Development Requirements</b> Minimum lot size: 2,000m <sup>2</sup> Minimum setback—primary street: 12 metres Minimum setback—secondary street / side boundary: 5 metres (one side) or as per R-Codes where adjoining Residential zone Minimum setback—rear boundary / other: 5 metres or as per R-Codes where adjoining Residential zone Maximum plot ratio: 0.6 Maximum building height: Variable Minimum landscaping: 10%

## Schedule 4

## ENVIRONMENTAL CONDITIONS

## Clause 4.7

Scheme or Amendment No.	Gazettal Date	Environmental Conditions
There are no environmental conditions imposed under the <i>Environmental Protection Act 1986</i> that apply to this Scheme.		

## Schedule 5

## PARKING REQUIREMENTS

## Clause 4.14

Use Class Category / Land Use in Zoning Table	Minimum Number of Car Parking Spaces	Minimum Number of Visitor / Patron Bicycle Parking Spaces	Minimum Number of Motorcycle/ Scooter Parking Spaces
<b>Centre Zone</b> All development (Excluding permanent residential accommodation)	1 per 35m <sup>2</sup>	1 for every 10 car parking spaces (minimum of 2)	2 for every 15 car parking spaces
<b>Residential Uses</b> Permanent Residential Accommodation (Aged or Dependent Persons Dwelling, Caretaker's Dwelling, Family Day Care, Grouped Dwelling, Holiday House, Home Occupation, Multiple Dwelling, Residential Building, Single House)	As per R-Codes	As per R-Codes	
Home Based (Bed and Breakfast, Home Business)	As per R-Codes plus 1 bay	Nil.	
<b>Commercial Uses</b> Entertainment (Night Club, Small Bar, Tavern)	1 per 4 patrons	1 per 500m <sup>2</sup> (minimum of 2)	
Health Care and Medical (Consulting Rooms, Medical Centre, Veterinary Centre)	5 per practitioner	1 per 4 practitioner	
Child Care Premises	1 per staff member plus 4	2	
Office (Office, Office—Small Scale)	1 per 50m <sup>2</sup>	1 per 800m <sup>2</sup>	



Use Class Category / Land Use in Zoning Table	Minimum Number of Car Parking Spaces	Minimum Number of Visitor / Patron Bicycle Parking Spaces	Minimum Number of Motorcycle/ Scooter Parking Spaces
Commercial (Bulky Goods Showroom, Dry Cleaning Premises / Laundromat, Garden Centre, Machinery Sales, Motor Vehicle Wash, Motor Vehicle, Boat or Caravan Sales)	1 per 50m <sup>2</sup>	Nil.	2 for every 15 car parking spaces
<b>Retail Uses</b> Shopping (Convenience Store, Discount Department Store, Liquor Store, Market, Shop, Shopping Centre, Supermarket)	1 per 20m <sup>2</sup>	1 per 200m <sup>2</sup>	
Food & Beverage (Reception Centre, Restaurant / Café, Winery)	1 per 4 patrons	2	
Fast Food Outlet	1 per 4 patrons plus (if applicable) 10 drive-through stack bays	2	
<b>Tourism Uses</b> Accommodation (Holiday Accommodation, Hotel, Motel, Serviced Apartment, Tourist Development)	1 per unit plus (if applicable) 1 per 4 patrons	1 per 30 units	
<b>Civic, Cultural and Community Uses</b> Exhibition and Entertainment (Cinema / Theatre, Club Premises, Exhibition Centre, Place of Worship, Recreation—Private)	1 per 4 patrons	1 per 500m <sup>2</sup> (minimum of 2)	
<b>Industrial Uses</b> General Industry (Fuel Depot, Industry, Industry—Primary Production, Salvage Yard, Transport Depot)	1 per 100m <sup>2</sup>	Nil.	
Industry—Cottage	1 per 50m <sup>2</sup> plus 1 per staff member	Nil.	
Light Industry (Funeral Parlour, Industry—Light, Motor Vehicle Repair, Motor Vehicle Wreckers, Service Station, Trade Supplies, Warehouse / Storage)	1 per 50m <sup>2</sup>	Nil.	
Resources Industry (Industry—Extractive, Mining Operations)	1 per staff member	Nil.	
<b>Rural Uses</b> Agricultural (Abattoir, Agriculture—Intensive, Animal Establishment, Animal Husbandry—Intensive, Rural Pursuit / Hobby Farm, Tree Farm)	1 per staff member	Nil.	
Workforce Accommodation	1 per 2 bedrooms	Nil.	
<b>Other Uses</b> Other uses not listed	As determined by the local government	As determined by the local government.	

Note: Parking ratios shall be calculated based on the floor area of the development. Where parking ratios require a fraction of a space, it must be rounded up to the nearest higher whole number (with the exception of motorcycle / scooter parking spaces).

**Schedule 6**  
**SPECIAL CONTROL AREAS**  
Part 5

No.	Name of Area	Purpose and Objectives	Additional Provisions
SCA1	Moresby Range	<p>The Moresby range is a prominent feature in the Geraldton region. It has high landscape values and forms a significant landscape backdrop to the Geraldton urban area. Indigenous and non-indigenous cultures have recognised the importance of the range's conservation value and its potential to become a unique recreational and environmental asset to the region.</p> <p>Objectives are therefore to—</p> <ul style="list-style-type: none"> <li>(a) protect, conserve and enhance the natural and cultural values of the range.</li> <li>(b) improve public access and recreational opportunities.</li> <li>(c) ensure that land use, development and infrastructure are sited and designed to complement the landscape qualities of the range and reduce their overall impact.</li> <li>(d) ensure that buildings and both public and private roads are sited and designed to have minimal impact on views of the range.</li> <li>(e) minimise and manage the impact of mineral extraction, infrastructure and service corridors on the landscape, visual and conservation values of the range.</li> </ul>	<ol style="list-style-type: none"> <li>1. In considering any application the local government shall have regard to— <ul style="list-style-type: none"> <li>(a) the Moresby Range Management Strategy;</li> <li>(b) the Moresby Range Management Plan; and</li> <li>(c) the Visual Landscape Planning in Western Australia manual.</li> </ul> </li> <li>2. There is a presumption against the rezoning of land for more intensive land uses unless identified in strategic documents endorsed by the local government or the Commission.</li> <li>3. Subdivision applications will generally not be supported by the local government, unless in accordance with State Planning Policy 2.5—Land Use Planning in Rural Areas, or the land is appropriately zoned and development is generally in accordance with a structure plan prepared and endorsed pursuant to Part 4 of the deemed provisions.</li> </ol>
SCA2	Wastewater Treatment Plants	<p>Buffers to treatment plants, in addition to providing protection to treatment plants, can also provide opportunities for locating a range of land uses that provide multiple economic, environmental and social benefits.</p> <p>Objectives are therefore to—</p> <ul style="list-style-type: none"> <li>(a) minimise land use conflict.</li> <li>(b) provide for compatible and beneficial land uses within the buffer.</li> </ul>	<p>In considering any application the local government shall have regard to—</p> <ul style="list-style-type: none"> <li>(a) the Water Corporation's advice in relation to compatible and beneficial land uses for buffers; and</li> <li>(b) the potential odour impact of the wastewater treatment plant and whether the proposal is compatible with the existing and proposed future use of the plant.</li> </ul>
SCA3	Geraldton Airport	<p>The Geraldton airport is an essential component of regional transport infrastructure and an integral part of the State aviation infrastructure network.</p> <p>Objectives are therefore to—</p> <ul style="list-style-type: none"> <li>(a) protect against developments that are incompatible with continuing airport operations.</li> </ul>	<ol style="list-style-type: none"> <li>1. In considering any application the local government shall have regard to— <ul style="list-style-type: none"> <li>(a) the Geraldton Airport Master Plan;</li> <li>(b) the requirements of the Obstacle Height Limitation Surface Area; and</li> <li>(c) the National Airports Safeguarding Framework.</li> </ul> </li> </ol>

No.	Name of Area	Purpose and Objectives	Additional Provisions
		(b) control noise sensitive development that has the potential to impact on the capacity of the airport.	<ol style="list-style-type: none"> <li>2. There is a general presumption against rezoning of land for incompatible land uses unless identified in the local planning strategy.</li> <li>3. Subdivision applications will not be supported by the local government that create the potential for additional residential development and intensification of incompatible land use unless guided by a structure plan prepared and endorsed pursuant to Part 4 of the deemed provisions, or the local planning strategy.</li> <li>4. The local government may require the preparation of a local development plan containing building envelopes or building exclusion areas at either the development or subdivision stage for lots that are partly located within the special control area, requiring that habitable buildings shall only be located outside the special control area.</li> <li>5. The local government will require, at either the development or subdivision stage, that lots within, or partly within the special control area, shall have appropriate notifications lodged on the titles to advise people that the lot(s) are in the vicinity of the Geraldton airport and may now, or in the future, be affected by aircraft noise.</li> <li>6. Any proposed development is required to address noise attenuation in accordance with the relevant Australian Standard.</li> </ol>
SCA4	Meru Waste Disposal Facility	<p>The Meru waste disposal facility is a Class III landfill site and as such is capable of accepting contaminated soil wastes.</p> <p>Objectives are therefore to—</p> <ol style="list-style-type: none"> <li>(a) avoid conflict with sensitive land uses.</li> <li>(b) provide for the provision of essential infrastructure in a way that maximises amenity, minimises environmental and health impacts and takes account of risk to nearby sensitive land uses.</li> </ol>	In considering any application the local government shall have regard to the need to protect the facility from encroachment by those uses that would be sensitive to impacts and adversely impact the efficient operations.
SCA5	Greenough Flats	<p>The Greenough 'front' flats comprises the floodplain of the Greenough River and is defined by the flat agricultural landscape, bounded by the coastal (Quindalup) dunes and the back (Tamala) dunes. The landscape features inclusive of the heritage places, cleared agricultural setting and vegetation (including the</p>	<ol style="list-style-type: none"> <li>1. In considering any application the local government shall have regard to— <ol style="list-style-type: none"> <li>(a) the rural character, heritage values and management requirements for listed heritage places; and</li> <li>(b) the Design Guidelines and Key Findings for Managing Landscape Character</li> </ol> </li> </ol>

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		<p>leaning trees) are highly valued by the community and contribute to the visual character.</p> <p>Objectives are therefore to—</p> <ul style="list-style-type: none"> <li>(a) retain the rural, cultural and heritage character of the area.</li> <li>(b) ensure that development is located and designed in such a way as to maintain the general rural character and retain the prominence of heritage structures and the integrity of their settings.</li> <li>(c) retain and where possible enhance, the experience of travelling along Brand Highway and being able to view the dune face in a continuous manner as a natural feature that dominates the landscape.</li> </ul>	<p>sections of the Dongara to Cape Burney Visual Landscape Assessment (WAPC 2011).</p> <ul style="list-style-type: none"> <li>2. There is a general presumption against rezoning of land for more intensive land uses. The local government may consider supporting subdivision applications in accordance with clause 3.11.2.1.</li> <li>3. Development within the special control area may be subject to increased setbacks from the Brand Highway and a heritage place listed on a heritage list.</li> </ul>
SCA6	<p>Flood Prone Area</p> <p><i>Note: The designation of particular parts of the district as flood prone areas should not be interpreted to imply that areas outside the designated areas are necessarily free from risk associated with flood or extreme rainfall events.</i></p>	<p>The Department of Water produces floodplain mapping of rivers and major watercourses that are affected by a 100 year average recurrence interval (ARI) flood. The 100 year ARI flood level is expected to occur, on average, once every 100 years. Floods higher than this level will occur but, on average, will be less frequent.</p> <p>Objectives are therefore to—</p> <ul style="list-style-type: none"> <li>(a) protect future development from major flooding.</li> <li>(b) ensure land use minimises flood risk and damage costs.</li> <li>(c) ensure that proposed floodplain development has adequate flood protection and does not impact on the existing flood regime of the area.</li> </ul>	<p>In considering any application the local government shall have regard to—</p> <ul style="list-style-type: none"> <li>(a) any detailed hydraulic modelling of development scenarios for assessment by the Department of Water; and</li> <li>(b) building levels within the floodplain achieving the recommended minimum floor level of at least 500mm above the relevant 100 year ARI flood level for the location having regard to advice from the Department of Water.</li> </ul>
SCA7	<p>South Greenough to Cape Burney Coastal Planning Strategy</p>	<p>This part of the coastline is rich in ecological, socio-economic and heritage values with its sandy beaches, high dune ridges and productive farmland. It is under increasing pressure from human activity, conflicting user demands and accelerated climate change.</p> <p>Objectives are therefore to—</p> <ul style="list-style-type: none"> <li>(a) conserve and enhance the natural environment, biological diversity and distinctive landscape of the coast.</li> <li>(b) enhance the area as a place to live and visit, promote low key and low-scale development that complements the landscape of the area, and encourage a range of tourism accommodation options.</li> </ul>	<p>In considering any application the local government shall have regard to—</p> <ul style="list-style-type: none"> <li>(a) the South Greenough to Cape Burney Coastal Planning Strategy; and</li> <li>(b) the Design Guidelines and Key Findings for Managing Landscape Character sections of the Dongara to Cape Burney Visual Landscape Assessment (WAPC 2011).</li> </ul>

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		(c) provide appropriate access to the coast that reduces human impact to the fragile coastal environment. (d) enable the economic potential of appropriate tourism and agriculture production of the coast through future planned land use change.	

Adopted by Resolution of the Council of the City of Greater Geraldton at the meeting of the Council held on the 26th day of August 2014.

I. CARPENTER, Mayor.  
K. DIEHM, Chief Executive Officer.

#### **APPROVAL**

Adopted by Resolution of the Council of the City of Greater Geraldton at the meeting of the Council held on the 23rd day of June 2015 and pursuant to that Resolution the Seal of the Municipality was herunto affixed in the presence of—

I. CARPENTER, Mayor.  
K. DIEHM, Chief Executive Officer.

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

#### **WAPC RECOMMENDED FOR APPROVAL**

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

Date: 30 November 2015.

#### **APPROVAL GRANTED**

J. DAY, Minister For Planning.

Date: 2 December 2015.