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SHIRE OF BROOME

Local Planning Scheme No. 6

Updated to include AMD 10 GG 27/03/2020



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal

30 January 2015

Disclaimer

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

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

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SHIRE OF BROOME LPS 6 –TEXT AMENDMENTS

AMDT NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
New Scheme	30/01/15	02/07/15	MLD	New Scheme
1	5/08/16	11/08/16	MLD	Rezone portion of Lot 9007, Djugan from 'Local Centre' and 'Parks and Recreation' to 'Residential', 'Local Roads' and 'Parks and Recreation'. Amend the scheme map accordingly.
4	05/08/16	31/11/16	GM	Amended Clause 1.4 Replaced all references to 'Council' with 'local government' throughout the Scheme text in line with the deemed provisions. Deleted in its entirety Part 2, Part 8 Part 10, Part 11. Deleted Part 5, Clause 5.18, 5.24 – 5.31. Deleted Part 6, Clause 6.3.3. Deleted Part 7 in its entirety except clause 7.1.7 which was inserted into Schedule A - Supplemental Provisions. Deleted Part 9 in its entirety except clause 9.5 which was inserted into Schedule A - Supplemental Provisions. Deleted Schedules 5, 6, 7, 8, 9, 12, 13. Removed Clauses 7.1.7 and 9.5 and inserted into Schedule A Inserted Clause 8(5), 61(1) and 61(2) into Schedule A. Definitions deleted from Schedule 1. Amended clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2. Deleted terms 'planning approval' and 'single dwelling' and replaced with 'development approval' and 'single house'. Amended text in Table 1: Zoning Table. Amended Clauses 4.31.2 (b), 4.38.2 (b), 4.39.2 (b), 4.40.1 (b), 4.41.1 (b), and 4.44.1 (b), (c) and (d). Amended Clauses 5.3.1 and 5.4.1. Modified the Zoning Table Renumbered remaining scheme provisions and schedules.
3	03/11/17	4/11/17	HB	Insert an additional use in Schedule 2, No. A25 Lot 222 Lullfitz Drive. Additional Use Tourist Development-Low impact with Conditions. Amend the Scheme Map.
6	17/11/17	17/11/17	HB	Modify Schedule 2 - Additional Uses, No. A26 Lot 302 Fairway Drive, Bilingurr. Additional Use Zoological Gardens with conditions. Amend the Scheme Map.
7	29/03/18	10/04/18	GM	Scheme text amended by - <ul style="list-style-type: none"> • Replace 'expect' in Clause 5.2.7.2 (a) with 'except'. • Replace '<i>Commercial Arbitration Act 1985</i>' in Clause 5.3.8.7 (f) with '<i>Commercial Arbitration Act 2012</i>'. • Replace '<i>Commercial Arbitration Act 1985</i>' in Clause 5.3.16 with '<i>Commercial Arbitration Act 2012</i>'. • Replace '<i>Health Act of Western Australia 1990</i>' in the definition of 'lodging house' in Schedule 1 with '<i>Health Act 1911</i>'. • Clause 4.3 – new sub-clause 4.3.8 added. • Clause 3.31.1 (c) replaced. • Clause 3.31.1 (d) replaced. • Clause 3.34.2 (a) - insert 'unless otherwise indicated on the Scheme Maps' after 'R40 Residential Design Code.' • Clause 3.41.2 replaced. • Replace all references to 'shed' or 'sheds' with 'outbuilding' or 'outbuildings' in Rural Residential Zone. Zoning Table amended by – <ul style="list-style-type: none"> • Change 'Industry-General' from a 'P' to a 'D' in the 'Light and Service Industry' zone. • Change 'Staff Accommodation' from a 'D' to an 'X' in the 'Rural Residential' zone. • Include the land use of 'Tavern' as a 'P' in the 'Town Centre' zone, a 'D' in the 'Tourist' and 'Low Impact Tourist' zones, an 'A' in the 'Mixed Use' and 'Local Centre' zones, and an

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				<p>'X' in the 'Residential,' 'Rural Residential,' 'Service Commercial,' 'Industry,' 'Light and Service Industry,' 'General Agriculture,' 'Culture and Natural Resource Use' and 'Rural Smallholdings' zones.</p> <ul style="list-style-type: none"> • Include the land use of 'lunch bar' as 'P' in the 'Town Centre,' 'Local Centre,' 'Tourist' and 'Low Impact Tourist' zones, 'D' in the 'Mixed Use' and 'Industry' zones and 'X' in the 'Residential,' 'Rural Residential,' 'Service Commercial' and 'Light and Service Industry,' 'General Agriculture,' 'Culture & Natural Resource Use' and 'Rural Smallholdings' zones. • Change 'Club Premises' from a 'D' to an 'A' in the 'Residential' zone. • Change 'Educational Establishment' from a 'D' to an 'A' in the 'Residential' and 'Rural Residential' zones. • Change 'Plant Nursery' from a 'D' to an 'A' in the 'Rural Residential' zone. • Change 'Agriculture Intensive' from an 'A' to a 'P' in the 'General Agriculture' zone and from an 'A' to a 'D' in the 'Culture and Natural Resource Use' zone. • Change 'Low Impact Tourist Development' zone to 'Low Impact Tourist' zone. • 'Mixed Use' zone amended by changing - <ul style="list-style-type: none"> • 'Bed and Breakfast Accommodation' from 'P' to 'D'. • 'Car Park' from 'P' to 'D'. • 'Cinema/Theatre' from 'P' to 'D'. • 'Civic Use' from 'P' to 'D'. • 'Club Premises' from 'P' to 'D'. • 'Community Purposes' from 'P' to 'D'. • 'Dry Cleaning Premises' from 'D' to 'X'. • 'Funeral Parlour' from 'D' to 'X'. • 'Health Club' from 'P' to 'D'. • 'Hotel' from 'P' to 'D'. • 'Industry Cottage' from 'D' to 'P'. • 'Liquor Store' from 'A' to 'X'. • 'Motel' from 'P' to 'D'. • 'Museum' from 'P' to 'D'. • 'Office' from 'P' to 'D'. • 'Place of Assembly and Worship' from 'P' to 'A'. • 'Plant Nursery' from 'D' to 'X'. • 'Recreation – Indoor' from 'P' to 'D'. • 'Restaurant' from 'P' to 'D'. • 'Tourist Development' from 'P' to 'D'. • 'Vehicle Hire' from 'D' to 'X'. • 'Town Centre' zone amended by changing – <ul style="list-style-type: none"> • 'Art and Craft Centre' from 'P' to 'D'. • 'Nightclub' from 'P' to 'D'. • 'Recreation - Indoor' from 'P' to 'D'. • 'Recreation - Private' from 'P' to 'D'. • 'Tourist Development' from 'P' to 'D'. <p>Schedule 1 – Dictionary of Defined Words and Expressions amended by –</p> <ul style="list-style-type: none"> • Remove definition of 'fast food outlet'. • Insert definition of 'lunch bar'. <p>Schedule 2 – Additional Uses amended by –</p> <ul style="list-style-type: none"> • Delete 'A7'. <p>Schedule 4 – Special Use Zones amended by –</p> <ul style="list-style-type: none"> • Conditions associated with Special Use 'PF' (Pearl Farm) for Lot 154 Willie Creek Road to state: <ol style="list-style-type: none"> 1. Uses may include: <ol style="list-style-type: none"> a. Pearl Farm and ancillary uses. b. Tourist Display. c. Office. d. Shop. e. Caretaker's accommodation. 2. Site and development requirements – as determined by local government.

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				<p>Schedule 8 – Development Standards amended by -</p> <ul style="list-style-type: none"> • Replace 'Clause 4.1' at the top of the table with 'Clause 3.29'. • Insert '(metres)' in the table headings after 'Front,' 'Secondary Street,' 'Rear' and 'Side' setbacks. • For the 'Rural Residential' zone, replace '*' in the columns for rear and side setbacks with '10'. • For the 'Mixed Use' zone, replace '50%' in the column for Site Coverage with '55%'. • For the 'Mixed Use' zone, replace '0.5' in the column for Plot Ratio with '0.6'. • Insert a new Special Condition/Comment for the 'Mixed Use' zone to state 'For all development on properties identified with a density coding of R10 on the Scheme maps, site coverage and setbacks are to be as per the provisions of the Residential Design Codes that apply to a density of R10'. • Insert a new Special Condition/Comment for the 'Mixed Use' zone to state 'Landscaping for all development shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary. Where a nil setback is proposed landscaping is to be provided in the adjacent road reserve.' • For the 'Service Commercial' zone, replace '0.5' in the column for Plot Ratio with '0.75'. • For the 'Service Commercial' zone, replace '*' in the column for rear setback with 'nil'. • For the 'Local Centre' zone, replace '0.5' in the column for Plot Ratio with '1'. • For the 'Industry' and 'Light and Service Industry' zones, replace '0.5' in the column for Plot Ratio with '0.75'. • For the 'Tourist' zone, replace '50%' in the column for Site Coverage with '55%'. • For the 'Tourist' zone, replace '0.5' in the column for Plot Ratio with '0.6'. • For the 'Tourist' zone, replace the information in the columns for Setback with 'as per the provisions of the Residential Design Codes that apply to a density of R40.' • Insert a new Special Condition/Comment for the 'Tourist' zone to state 'Nil front setbacks may be provided where indicated supported in an endorsed development strategy.' <p>Schedule 9 – Car, Motorcycle and Bicycle Ratios amended by –</p> <ul style="list-style-type: none"> • Table 1 – <ul style="list-style-type: none"> • Replace 'Town Centre – Chinatown' zone with 'Town Centre' zone – (Chinatown). • Amend the 'minimum number of parking bays' for 'Residential (all types) to add after 'below', 'with the exception of residential development which can be considered under the provisions of the Residential Design Codes'. • Replace all instances of 'gross floor area' or 'building area' with 'net lettable area.' • Include the following zones in the list of zones: 'Town Centre' (excluding Chinatown); 'Low Impact Tourist,' 'Service Commercial' and 'Culture and Natural Resource Use'. • Replace 'General Rural' in the list of zones with 'General Agriculture,' 'Rural Agriculture' with 'Rural Smallholdings' and 'Rural Living' with 'Rural Residential'. • Delete 'Port' and 'Waterbank Conservation' from the list of zones. • Delete the row for the use class 'Art Gallery'. • Amend the use class 'Camping and Caravan Parks' to 'Caravan Park'. • Replace the requirements for 'Child Care Centre' with '1 bay for every 10 children the centre is approved to

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				<p>accommodate, plus 1 bay per employee with a minimum of 5 bays required.'</p> <ul style="list-style-type: none"> • Amend the use class 'Community Purposes/Clubs' to 'Community Purposes/Club Premises'. • Amend the use class 'Consulting Room' to 'Consulting Room/Medical Centre' with the requirements '4 bays for each health consultant room.' • Amend the use class 'Education Centre' to 'Education Establishment.' • Include new row for the use class 'Exhibition Centre' with the requirements '1 bay per 40m2 of net lettable area.' • Include new row for the use class 'Family Day Care' with the requirements '2 bays for the dwelling, plus 2 drop off/pick up bays'. • Include new row for the use class 'Fast Food Outlet – Drive Through' with the requirements '2 bays per 2m2 of counter area, plus 1 bay per employee. Where a drive through facility is provided, 4 stacking bays plus 1 waiting bay.' • Include new row for the use class 'Holiday Home – standard' with the requirements 'To be in accordance with the provisions of the Residential Design Codes'. • Include new row for the use class 'Holiday Home – large' with the requirements 'To be in accordance with the provisions of the Residential Design Codes, plus 1 bay.' • Replace the requirements for 'Home Business' with 'To be in accordance with the provisions of the Residential Design Codes, plus 1 bay, plus 1 bay for each employee not resident in the dwelling'. • Replace the requirements for 'Home Occupation' with 'To be in accordance with the provisions of the Residential Design Codes'. • Delete the row for the use class 'Library (use not listed)'. • Include new row for the use class 'Lunch Bar' with the requirements '2 bays per 2m2 of counter area, plus 1 bay per employee.' • Delete the row for the use class 'Motor Vehicle Hire'. • Amend the use class 'Motor Vehicle Repairs and Wrecking' to 'Motor Vehicle and/or Marine Wrecking' and replace the requirements with '1 bay per 50m2 of storage area used for vehicle wrecking.' • Include new row for the use class 'Motor Vehicle Repairs' with the requirements '1 bay per 30m2 of sales/customer service area and office space, plus 2 bays per service bay'. • Amend the use class 'Motor Vehicle Sales' to 'Motor Vehicle, Boat or Caravan Sales' and replace the requirements with '1 bay per 150m2 of site area allocated to vehicle display, 1 bay per 30m2 of sales/customer service area and office space, plus 2 bays per service bay, plus an additional 4 drop off bays if vehicle hire is provided.' • Delete the row for the use class 'Museum' • Replace 'for each two beds the building is designed to accommodate' with 'per bedroom' in the requirements for 'Residential Building'. • Replace the requirements for 'Residential Development...' with 'To be in accordance with Clause 4.3.3 of LPS6 with the exception of grouped and multiple dwellings in Chinatown which is to be in accordance with the Residential Design Codes.' • Replace '4m2' with '6m2' in the requirements for 'Restaurant (including Alfresco dining areas)' and delete '1 bay for each 6m2 of drinking or assembly area, where provided.' • Delete the row for the use class 'Retail Premises-

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				<p>Hire/Shop’.</p> <ul style="list-style-type: none"> • Replace the requirements for ‘Service Station’ with ‘2 vehicle standing points per fuel pump, 2 bays for every service bay and 1 bay for every employee, plus 1 bay per 20m2 net lettable area of retail space’. • Include new row for the use class ‘Shop’ with the requirements ‘1 bay per 20m2 net lettable area.’ • Delete the row for the use class ‘Take Away/Fast Food Outlets (Use not Listed)’. • Delete ‘(Use not listed)’ from the use class ‘Tavern’. • For the use class ‘Tourist Development’: <ul style="list-style-type: none"> a. Replace the requirements for ‘Long stay Units’ with ‘To be in accordance with Clause 4.3.3 of LPS6.’ b. Replace ‘6m2’ with ‘12m2’ in the requirements for ‘Restaurants, cafes and bars’. • Replace ‘professional person’ with ‘treatment/consulting room’ in the requirements for ‘Veterinary Centre.’ • Delete the row for the use class ‘Other uses not listed’. <p>• Table 2 –</p> <ul style="list-style-type: none"> • Replace ‘Bicycle Racks’ in the heading for ‘Table 2’ with ‘Bicycle Parking’. • Replace ‘Bicycle racks’ with ‘Bicycle Parking’. • Replace the requirements for ‘Bicycle parking’ with ‘To be provided in accordance with categories of land use with all land uses not listed at the discretion of the local government: <table border="1"> <thead> <tr> <th>Type of Land Use</th> <th>Visitor Parking Spaces</th> <th>Employee Parking Spaces (Nett Lettable Area)</th> </tr> </thead> <tbody> <tr> <td>Shop</td> <td>2 per 500m2</td> <td>If over 500m2, 2 spaces and end of trip facilities for employee use.</td> </tr> <tr> <td>Showroom</td> <td>2 per 1,000m2</td> <td>If over 1,000m2, 2 spaces and end of trip facilities for employee use.</td> </tr> <tr> <td>Fast Food Outlet – Drive Through, Lunch Bar</td> <td>2 per 50m2</td> <td>If over 150m2, 2 spaces and end of trip facilities for employee use.</td> </tr> <tr> <td>Restaurant, Tavern</td> <td>2 per 100m2 public area</td> <td>If over 150m2, 2 spaces and end of trip facilities for employee use.</td> </tr> <tr> <td>Office</td> <td>2 per 750m2</td> <td>If over 750m2, 2 spaces and end of trip facilities for employee use.</td> </tr> <tr> <td>Medical Centre</td> <td>2 per 4 practitioners</td> <td>If more than 8 practitioners 2 spaces and end of trip facilities for employee use.</td> </tr> <tr> <td>Child Care Centre</td> <td>2 per 8 employees</td> <td>If more than 8 employees 2 spaces and end of trip facilities for employee use.</td> </tr> <tr> <td>Tourist Development</td> <td>2 per 8 accommodation units</td> <td>N/A</td> </tr> <tr> <td>Exhibition Centre, Recreation (Indoor), Health Club, Club Premises, Place of Assembly or Worship</td> <td>4 per 200m2</td> <td>N/A</td> </tr> </tbody> </table> <p>• Table 3 –</p> <ul style="list-style-type: none"> • Delete table heading ‘Table 3 – Dimensions of ACROD, Motorcycle Bays and Bicycle Racks’ and replace with ‘Table 3 – Car, Motorcycle and Bicycle Parking Dimensions’. • Replace ‘ACROD Parking Bays’ with ‘ACROD Car Parking Bays’. • Replace the requirements for ‘ACROD Parking Bays’ 	Type of Land Use	Visitor Parking Spaces	Employee Parking Spaces (Nett Lettable Area)	Shop	2 per 500m2	If over 500m2, 2 spaces and end of trip facilities for employee use.	Showroom	2 per 1,000m2	If over 1,000m2, 2 spaces and end of trip facilities for employee use.	Fast Food Outlet – Drive Through, Lunch Bar	2 per 50m2	If over 150m2, 2 spaces and end of trip facilities for employee use.	Restaurant, Tavern	2 per 100m2 public area	If over 150m2, 2 spaces and end of trip facilities for employee use.	Office	2 per 750m2	If over 750m2, 2 spaces and end of trip facilities for employee use.	Medical Centre	2 per 4 practitioners	If more than 8 practitioners 2 spaces and end of trip facilities for employee use.	Child Care Centre	2 per 8 employees	If more than 8 employees 2 spaces and end of trip facilities for employee use.	Tourist Development	2 per 8 accommodation units	N/A	Exhibition Centre, Recreation (Indoor), Health Club, Club Premises, Place of Assembly or Worship	4 per 200m2	N/A
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				<p>with 'As per Australian Standard AS2890.6 2009'.</p> <ul style="list-style-type: none"> Delete the row for 'Car Parking – Accessible'. Delete the row for 'Car parking – Public Car Parks'. Insert 'Car Parking – not short term parking*', **refer to user class 1 and 1A in AS 2890' and include the following minimum dimensions: <ul style="list-style-type: none"> Width – 2.5 metres, can be reduced to 2.4 metres if parallel parking proposed. Length – parallel parking – 6 metres. Length – angle parking - 5.5 metres. Aisle width/reversing space – minimum 6m. Include new row for 'Car Parking – Public Car Park for short term parking, including parking in the Town Centre zone or parking bays in association with a hospital, consulting rooms/medical centre, shop and service stations land use' and include the following minimum dimensions: <ul style="list-style-type: none"> Width – 2.6 metres, can be reduced to 2.4 metres if parallel parking proposed. Length – parallel parking – 6 metres. Length angle parking – 5.5 metres. Aisle width/reversing space – minimum 6 metres. Include new row for 'Car Parking – Public Car Park within road reserves' and include the following minimum dimensions: <ul style="list-style-type: none"> Width 2.7 metres, can be reduced to 2.4 metres if parallel parking proposed. Length – parallel parking – 6 metres Length – angle parking – 6 metres Aisle width – minimum 6m <p>Correction of Minor Mapping Errors and Omissions –</p> <table border="1"> <thead> <tr> <th>Address</th> <th>Proposed Modification</th> </tr> </thead> <tbody> <tr> <td>Entire Scheme Area</td> <td>Amend all maps to reflect the updated colours for all zones and reserves, where applicable, as set out in Schedule 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</td> </tr> <tr> <td>Lot 240 (No. 71) Robinson Street, Broome. (Map 32)</td> <td>Amend from 'Parks Recreation and Drainage' reserve to 'Public Purposes' reserve with the notation 'M' (Museum').</td> </tr> <tr> <td>Lot 3066 (No. 75) Reid Road, Cable Beach. (Map 30)</td> <td>Amend from 'Parks Recreation and Drainage' reserve to 'Public Purposes' reserve with the notation 'T' (Telecom').</td> </tr> <tr> <td>Portions of Shelduck Way and Dunnart Crescent, Djugun. (Maps 27 and 30)</td> <td>Rezone from 'Residential' zone to 'Local Roads' reserve.</td> </tr> <tr> <td>Lot 728 (No. 2) Blick Drive, Broome. (Map 32)</td> <td>Insert R-Coding 'R30'.</td> </tr> <tr> <td>Lot 45 (No. 14) and Lot 46 (No. 12) Mostyn Place, Broome. (Map 32)</td> <td>Include entirety of lots within R-Coding 'R12.5'.</td> </tr> <tr> <td>Lot 616 (No. 1) Larja Link, Cable Beach. (Map 32)</td> <td>Amend R-Coding from 'R17.5' to 'R30'.</td> </tr> <tr> <td>Lot 629 (No. 39) Woods Drive, Cable Beach. (Map 32)</td> <td>Amend R-Coding from 'R40' to 'R30'.</td> </tr> <tr> <td>Lot 605 Clementson Street, Minyirr. (Map 32)</td> <td>Amend from 'Local Road' to 'Parks Recreation and Drainage' reserve.</td> </tr> <tr> <td>Lots 501 and 502 Frangipani Drive,</td> <td>Amend from 'Tourist' zone to 'Parks Recreation and Drainage'</td> </tr> </tbody> </table>	Address	Proposed Modification	Entire Scheme Area	Amend all maps to reflect the updated colours for all zones and reserves, where applicable, as set out in Schedule 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .	Lot 240 (No. 71) Robinson Street, Broome. (Map 32)	Amend from 'Parks Recreation and Drainage' reserve to 'Public Purposes' reserve with the notation 'M' (Museum').	Lot 3066 (No. 75) Reid Road, Cable Beach. (Map 30)	Amend from 'Parks Recreation and Drainage' reserve to 'Public Purposes' reserve with the notation 'T' (Telecom').	Portions of Shelduck Way and Dunnart Crescent, Djugun. (Maps 27 and 30)	Rezone from 'Residential' zone to 'Local Roads' reserve.	Lot 728 (No. 2) Blick Drive, Broome. (Map 32)	Insert R-Coding 'R30'.	Lot 45 (No. 14) and Lot 46 (No. 12) Mostyn Place, Broome. (Map 32)	Include entirety of lots within R-Coding 'R12.5'.	Lot 616 (No. 1) Larja Link, Cable Beach. (Map 32)	Amend R-Coding from 'R17.5' to 'R30'.	Lot 629 (No. 39) Woods Drive, Cable Beach. (Map 32)	Amend R-Coding from 'R40' to 'R30'.	Lot 605 Clementson Street, Minyirr. (Map 32)	Amend from 'Local Road' to 'Parks Recreation and Drainage' reserve.	Lots 501 and 502 Frangipani Drive,	Amend from 'Tourist' zone to 'Parks Recreation and Drainage'
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		WHEN	BY	
				<p>Cable Beach. (Map 27) reserve.</p> <p>Lots 4-23 and 57-70 Frangipani Drive. (Map 27) Rezone Lots 4-23 and 57-70 Frangipani Drive from 'Tourist' to 'Residential' zone with a density of R10.</p> <p>Lot 366 Gwendoline Crossing, Bilingurr. (Map 27) Amend from 'Local Road' to 'Parks Recreation and Drainage' reserve.</p> <p>Lots 360, 352, 2605, 2606 Fairway Drive, Pt. Lot 9007 Magabala Road and Lots 1024, 1776 and 1224 Locke Street. (Maps 23, 24, and 27) Amend from 'No Zone' to 'Development' zone.</p> <p>Pt Lot 555 Old Broome Road, Djugun. (Map 27) Rezone from 'Development' zone to 'Local Road' reserve.</p> <p>Pt Lot 2242 (No .147) Old Broome Road, Djugun. (Map 27) Amend from 'Local Road' reserve to 'Development' zone.</p> <p>Pt. Lot 730 on Plan 71878, Roebuck. Amend the scheme maps from 'Low Impact Tourism' zone to 'General Agriculture' zone.</p> <p>Pt. Lot 591 Broome Road, Waterbank. (Maps 10 and 16) Amend notation of 'Public Purpose' Reserve from 'WS' (Water Supply) to 'MS' (Motorsport).</p> <p>Lot 3127 Coucal Street, Cable Beach. (Map 27) Amend from 'Parks, Recreation and Drainage' reserve to 'Local Road' reserve.</p> <p>Map Legend Delete the following 'Special Use' notations:</p> <ul style="list-style-type: none"> • F Fisheries • H Hotel • M Motel • O Office • R Residential • O/R Office/Residential • H/M Hotel/Motel • F/R Fisheries/ Residential <p>Lot 6 (No. 5) Sanctuary Road, Cable Beach. (Map 27) Remove the additional use 'A7' designation for 'Service Station'.</p> <p>Lot 241 (No. 73) and Reserve 39111 Robinson St, Broome. Rezone from 'Parks Recreation and Drainage' to 'Public Purposes' reserve with the notation 'S' for Sewerage. Amend the scheme maps.</p> <p>Pt. Lot 730 on Plan 71878 and Pt. Lot 358 on Plan 74358, Roebuck. Amend the scheme maps from 'General Agriculture' to 'Coastal' reserve and 'Special Use' zone.</p> <p>Lots 4-23 and 57-70 Frangipani Drive Rezone from 'Tourist' to 'Residential' zone with a density of R10.</p>
5	09/11/18	13/11/18	MLD	Amend Clause 5.1.1 to insert subclause ix. Insert a new Clause 5.2.9. Amend the Scheme Maps and realign the SCA4 boundary so as not to overlap with the SCA9 boundary.
9	01/10/19	01/10/19	MLD	Remove the Restricted Use designation from Lot No. 97 on Strata Plan No. 57160, located on the NE Corner of Walcott and Saville Streets Broome and amending the

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>Scheme Map accordingly.</p> <p>Amend the Scheme Map by rezoning Lots 30, 31 and 32 Walcott Street, Broome from Residential (R20) to Mixed Use with no R-Code designation.</p>
10	27/03/2020	23/04/2020	MLD	<p>Rezone Lot 3 (No. 3) Hopton Street, Lot 4 (No. 84) and Lot 5 (No. 86) Robinson Street, Broome from 'Residential R10' to 'Mixed Use' and amending the Scheme Map accordingly.</p>

This Local Planning Scheme of the Shire of Broome consists of this Scheme Text, and Scheme Maps and the deemed provisions (as set out in the *Planning and Development (Local Planning Schemes) Regulations*).

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

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

The Shire of Broome

Local Planning Scheme No. 6

The Shire of Broome, under the powers conferred by the *Planning and Development Act 2005*, makes the following local planning scheme.

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Part 1 - PRELIMINARY

1.1 Citation

1.1.1 The Shire of Broome Scheme No. 6 (“the Scheme”) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked:

Name:	Date of Gazettal:
Shire of Broome Town Planning Scheme No. 4	21 December 1999

1.2 Responsible Authority

The Shire of Broome (local government) is the responsible authority for implementing the Scheme. *AMD 4 GG 05/08/16*

1.3 Scheme Area

The Scheme applies to the Scheme area which covers all of the Local Government District of the Shire of Broome shown on the Scheme Map and included offshore islands.

1.4 Contents of the Scheme

AMD 4 GG 05/08/16

Preamble:

‘The Local Planning Scheme of the Shire of Broome consists of this Scheme Text, and Scheme Maps and the deemed provisions (as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*).

1.4.1 The Scheme comprises of:

- (a) the Scheme Text;
- (b) the Scheme Map (Sheets 1 – 34);
- (c) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2; and
- (d) the supplemental provisions contained in Schedule A.

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

1.5 Purposes of Scheme

The purposes of the Scheme are to:

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land and reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;

- (d) control and guide land use and development;
 - (e) set out procedures for the assessment and determination of planning applications;
 - (f) make provision for the administration and enforcement of the Scheme; and
 - (g) address other matters set out in Schedule 7 of the *Planning and Development Act 2005*.
-

1.6 The aims of the Scheme

The aims of this Scheme are:

1.6.1 Place –

- (a) Protecting and enhancing the natural environment, important ecosystems and biodiversity values.
- (b) Supporting the sustainable management of natural resources including water, land, flora, fauna, energy, minerals and basic raw materials.
- (c) Promoting environmentally sustainable land use and development.
- (d) Providing for protection of heritage and culturally significant areas.
- (e) Providing adaptation planning in the Scheme area to address changes in the environment.
- (f) Safeguarding and enhancing the character and amenity of the built environment and urban spaces of the Scheme area.

1.6.2 People –

- (a) Acknowledging Aboriginal heritage and cultural connections to country.
- (b) Supporting a diverse range of housing choice for a varied residential population, to establish and maintain community identity and high levels of amenity.
- (c) Establishing a high quality, diverse and integrated network of open space and providing for the recreational needs of residents and visitors.

1.6.3 Prosperity –

- (a) Assisting employment and economic growth and providing opportunities for the establishment of businesses.
- (b) Providing a range of tourist facilities and accommodation and protecting strategically important tourist sites.
- (c) Providing for convenient, lively, accessible and attractive local activity centres.

- (d) Supporting the diversification of the pastoral, pearling and resource industries.

1.6.4 Infrastructure –

- (a) Ensuring timely and sufficient supply of serviced and suitable land for housing, employment, economic activities, community facilities, recreation and open space.
- (b) Providing for the air, land and water transportation needs by providing, where practical, an integrated transport system that includes public transport, cycling and walking.

1.6.5 Sustainability –

- (a) Providing for the sustainable use and development of land.
- (b) Providing opportunities for planned, contained and sustainable settlements in locations with access to services and infrastructure.
- (c) Promoting the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.

1.6.6 Organisation/Governance –

- (a) Assisting the effective implementation of regional plans and policies endorsed by the local government and the Commission.

1.7 **Definitions**

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

- (a) in the *Planning and Development Act 2005*;
- (b) if they are not defined in that Act –

in the dictionary of defined words and expressions in Schedule 1 or
in the Residential Design Codes

1.7.2 If there is a conflict between the meaning of a word or expression in the dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes:

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in the dictionary of defined words and expressions in Schedule 1 prevails.

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

1.8 **Relationship with local laws**

Where a provision of the Scheme is inconsistent with a local law, the provisions of this Scheme prevail.

1.9 Relationship with other schemes

There are no other schemes of the Shire of Broome which apply to the Scheme area.

Part 2 – RESERVES

2.1 Reserves

2.1.1 Certain lands within the Scheme are classified as Local Reserves.

2.2 Local Reserves

2.2.1 Certain lands within the Scheme are classified as Local Reserves and are delineated and depicted on the Scheme Map according to the legend on the Scheme Map and are listed hereunder:

- (a) Nature Reserves
- (b) Coastal
- (c) Environmental and Cultural Corridor
- (d) Parks, Recreation and Drainage
- (e) Public Purposes
- (f) Highways and Major Roads
- (g) Arterial Roads
- (h) Local Roads
- (i) Airport
- (j) Port

2.3 Use and development of Reserves

2.3.1 A person must not:

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve,

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

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

- (a) the matters set out in clause 67 of the deemed provisions; and
- (b) the ultimate purpose intended for the reserve.

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

2.4 Coastal Reserve

2.4.1 Purpose:

To recognise and protect the environmental integrity, Aboriginal culture and landscape significance of the coastal foreshore and immediate hinterland. Notwithstanding anything in the Scheme or on the maps, the 'Coastal' Reserve extends seaward to the Low Water Mark and includes the offshore islands.

2.4.2 Aims and Objectives:

- (a) Facilitate and manage public access to the coastal foreshore.
 - (b) Provide for compatible recreation opportunities and related development.
 - (c) Encourage Aboriginal cultural tourism, eco-tourism and recreation activities that are compatible with conservation and Aboriginal cultural heritage values.
 - (d) Ensure, wherever possible, that development, activities and facilities are concentrated in nodes, set back from the coastal foreshore, and provided with appropriate services such as reticulated water, sewerage, drainage and electricity.
 - (e) Ensure that any development within a Coastal Reserve does not have an adverse impact on the ecology, areas of Aboriginal cultural or heritage significance or public use of the reserve, reduce the visual amenity, cast shadows on the beach or interrupt cooling breezes.
 - (f) Ensure all development is considered within coastal hazard risk management and adaptation planning processes.
 - (g) Ensure drainage infrastructure does not adversely impacts on water quality and cause degradation through discharge and/or drainage outlets.
-

2.5 Environmental and Cultural Corridor Reserve

2.5.1 Purpose:

To provide for major open space areas which provide fauna and flora habitats, Aboriginal heritage and cultural areas, conservation of the natural environment, major drainage or aquifer recharge areas and outdoor public recreation.

2.5.2 Aims and Objectives:

- (a) Provide environmental and cultural corridors which enhance the open natural vegetation or Aboriginal heritage and culture; and
- (b) Provide space for cooling breezes to penetrate the urban environment and

assist drainage to minimise the effect of the wet season rainfall/storms; and

- (c) Provide for recreation pursuits which are compatible with the natural environment and Aboriginal heritage and culture.
-

2.6 Parks, Recreation and Drainage Reserve

2.6.1 Purpose

To serve the active and passive recreation needs of the local community and allow for the development of sporting facilities and related or compatible uses including recreation buildings, car parking, and to provide for drainage areas that incorporate water sensitive urban design principles.

2.6.2 Aims and objectives:

- (a) Protect and promote Aboriginal culture and heritage where appropriate.
 - (b) Set aside areas of open space within, and in close proximity to, urban development.
 - (c) Integrate open space and drainage networks to allow for effective stormwater management and recreational use.
 - (d) To allow uses in accordance with the relevant Park Management Plan.
-

2.7 Airport

2.7.1 Purpose:

To provide for an international airport with aviation related land use and development appropriate to the airport's function.

2.7.2 Aims and Objectives:

- (a) Provide for the following uses which are directly related to the airport and aviation land uses:
 - i. Runways, taxiways, movement areas, airport navigation aids, airport lighting, associated services, aircraft parking, aprons and aircraft hard standing areas
 - ii. Air traffic control, rescue and fire fighting services, pilot/meteorological briefing and airport radio/radar support facilities
 - iii. Airport passenger terminal, including aerobridges, arrival/departure/transit passenger processing facilities, baggage handling/storage areas, secure areas, airline lounges, airport/airline administration and staff amenities and office accommodation, interview rooms and staff amenities for State and Commonwealth regulatory agencies
 - iv. Aircraft maintenance facilities, aircraft refuelling/storage facilities
 - v. General aviation terminal for use by light aircraft not associated with main passenger terminal

- vi. Aircraft hangers and offices and associated apron/parking areas
 - vii. Flight catering facilities
 - viii. Air freight and cold storage facilities
 - ix. Airline support facilities, including ramp handling storage and maintenance
 - x. Customs, immigration and quarantine building(s) including under-bond storage and animal housing facilities
 - xi. Airport plant and equipment buildings and facilities
 - xii. Standby power generation plant and associated workshops
 - xiii. Airport sewerage disposal/treatment plant
 - xiv. Airport maintenance, mechanical workshops, storage and vehicle parking areas
 - xv. Overnight accommodation for airport management and maintenance staff.
- (b) Provide for the following infrastructure and facilities to support the airport and aviation land uses:
- i. Access roads, footpaths, and parking access for use by the general public
 - ii. Terminal kerbside set down and pick up areas
 - iii. Taxi, coach and limousine parking and holding areas
 - iv. Public short and long term car parks
 - v. Car rental support facilities
 - vi. Valet support facilities and associated parking storage areas
 - vii. Airport administration and associated parking
 - viii. Airline, tenant and concessionaire staff parking
 - ix. Airport service station
 - x. Airport advertising and signage
- (c) Provide for the following other uses only when within the airport terminal or integrated with the terminal complex:
- i. Food and beverage
 - ii. Newsagency and/or gift shop
 - iii. Arts and crafts
 - iv. Duty free
 - v. Terminal advertising
 - vi. Medical rooms and chemist
 - vii. Automatic tellers and Currency Exchange
 - viii. Public Telephones
 - ix. Tourism reception
 - x. Accommodation booking
 - xi. Internet facilities
 - xii. Airport business centre
 - xiii. Car rental counters
 - xiv. Baggage trolley
 - xv. Amusement/vending machines

2.7.3 With regard to development standards, which include the landscaping, layout, design, scale and location of airport buildings and other airport facilities, building setbacks, car parking areas, service areas, access ways and any other aspect of development in the reserve, all uses listed in 2.7.2 will generally comply with the intentions and provisions of the Scheme.

2.8 Port

2.8.1 Purpose:

To provide for industrial uses and activities which are associated with the Port of Broome, in addition to associated administration facilities and recreational uses.

2.8.2 Aims and Objectives

- (a) Provide for land uses which may include noxious and potentially hazardous industry and storage facilities associated with the Port activities;
- (b) Provide for tourism and recreational activities associated with port activities; and
- (c) Ensure all development is considered within coastal hazard risk management and adaptation planning processes.

2.8.3 Site and Development Requirements

- (a) Land use and development within the Port Reserve shall be generally in accordance with an approved structure plan.
 - (b) Where the local government is consulted for the purposes of section 6(3) of the *Planning and Development Act 2005*, the local government shall have regard to any structure plan adopted for the Port Reserve.
 - (c) All development should recognise and preserve the existence of the rare flora (such as *Keraudrenia* Species B plants) and the coastal dune systems which exist within the Port Reserve.
 - (d) Development within the Port Reserve should have regard to the need to protect areas shown as Cultural and Natural Resource in the Local Planning Strategy.
-

Part 3 – ZONES AND THE USE OF LAND

3.1 Zones

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

- (a) Residential
- (b) Rural Residential
- (c) Town Centre
- (d) Local Centre
- (e) Mixed Use
- (f) Service Commercial
- (g) Industry
- (h) Light and Service Industry
- (i) General Agriculture
- (j) Rural Small Holdings
- (k) Culture and Natural Resource Use
- (l) Low Impact Tourist
- (m) Tourist
- (n) Settlement
- (o) Special Use
- (p) Development

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

3.2 Residential Zone

3.2.1 The purpose of the Residential Zone is to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes, as varied by the Scheme and any Local Planning Policy adopted under Part 5 of the Residential Design Codes.

3.2.2 The objectives of the Residential Zone are to:

- (a) allow development in accordance with the Residential Design Codes;
- (b) provide for climatically responsive housing forms that are consistent with energy efficiency and sustainable design principles set out in design guidelines adopted by the local government; and

- (c) ensure the built form is in accordance with Broome-style architecture as specified in clause 4.12 and with applicable local design guidelines.
-

3.3 Rural Residential Zone

3.3.1 The purpose of the Rural Residential Zone is to provide for residential use in a rural environment.

3.3.2 The objectives of the Rural Residential Zone are to:

- (a) provide an area within a rural environment where more subdivision may be permitted to provide for uses such as small scale rural pursuits and rural industries, horticulture, small scale aquaculture, home businesses, bed and breakfast accommodation and private recreation;
 - (b) retain the visual and environmental amenity of the rural landscape in a manner consistent with a rural environment.
 - (c) ensure the siting and scale of dwellings and structures minimises the visual impact to adjoining properties and the surrounding area.
-

3.4 Town Centre Zone

3.4.1 The purpose of the Town Centre Zone is to ensure that the area develops and functions as the principal retail, activity and commercial centre for Broome with retail, office, commercial, residential, social, recreational and community facilities.

3.4.2 The objectives of the Town Centre Zone are to:

- (a) conserve and promote the heritage and aesthetic character and streetscape of the Town Centre Zone;
 - (b) encourage development in accordance with the development strategy and relevant design guidelines.
 - (c) provide for a mix of commercial activity including restaurants, bars and residential development; and
 - (d) encourage residential development within the Town Centre Zone compatible with commercial uses to enhance the safety, vitality and diversity of the Town Centre Zone.
-

3.5 Local Centre Zone

3.5.1 The purpose of the zone is to provide for convenience retailing, health, welfare and community facilities which serve the local neighbourhood, but which do not detract from Chinatown as the principal centre for retail and commercial activity.

3.5.2 The objectives of the Local Centre Zone are to:

- (a) ensure development within the Local Centre Zone, is consistent with the Local Planning Strategy and the Local Commercial Strategy;
 - (b) make provision for development providing a range of convenience goods and services whilst excluding activities which may adversely impact upon the residential amenity, generate large traffic volumes or detract from the role of the Town Centre Zone as the principal centre for retail and commercial activity;
 - (c) ensure that the scale and design of development is consistent with a small scale local centre serving the day to day needs of the immediate locality;
 - (d) guide and control development to achieve optimum levels of safety and accessibility and allow for strategic vehicular, pedestrian, cycling and open space linkages;
 - (e) ensure that land uses and developments and open space areas are of high quality and preserve or enhance the streetscape ; and
 - (f) ensure that the local centre, land uses and developments are complemented by landscaping and other features which enhance the appearance and reflects Broome-style architecture as specified in clause 4.12.
-

3.6 Mixed Use Zone

3.6.1 The purpose of the Mixed Use zone is to provide for residential, tourist, offices and other compatible uses which complement the mixed use character of the zone.

Control will be exercised over the nature of commercial uses and their site layout and design in order to minimise potential conflict with residential uses to ensure that designs respond to the key natural and built features of the area and responds to the local context in terms of bulk and scale. In particular a high level of visual amenity, security and privacy is to be ensured while noise disturbance will be minimised.

3.6.2 The objectives of the Mixed Use Zone are to:

- (a) encourage a range of land uses, particularly office and tourist uses which support the functions of the nearby Town Centre Zone but which do not detract from the Town Centre Zone's role as the principal centre for retail and commercial activity; and
 - (b) encourage development in accordance with relevant development strategies and design guidelines.
-

3.7 Service Commercial Zone

3.7.1 The purpose of the Service Commercial Zone is to provide for a wide range of uses including service industry, warehousing and showrooms which, by reason of their scale, character, operational and/or land requirements, cannot conveniently or economically be accommodated within the Town Centre Zone or Light Industry Zone.

3.7.2 The objectives of the Service Commercial Zone are to:

- (a) encourage a range of land uses, particularly showrooms and warehouses which support the functions of the nearby Town Centre Zone;
 - (b) identify appropriate locations for the orderly development of service commercial activities, having due regard to vehicle, cycling and pedestrian movement, car parking and the appearance of buildings and works;
 - (c) provide for uses which combine the need for showrooms and facilities involving warehousing, wholesaling and distribution;
 - (d) encourage the provision of landscaped areas in a manner that complements and enhances the setting within the surrounding area;
 - (e) provide for uses that will not compete with or detract from the Town Centre Zone as the principal centre for retail and commercial activity; and
 - (f) encourage development in accordance with relevant development strategies and design guidelines.
-

3.8 Industry Zone

3.8.1 The purpose of the zone is to provide for industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separate from residential areas.

3.8.2 The objective of the Industry Zone is to encourage large storage and transport related land uses, noxious, hazardous and port related industry and other land uses which require large land parcels and/or separation from other land uses for health, safety or environmental reasons.

3.9 Light and Service Industry Zone

3.9.1 The purpose of the Light and Service Industry Zone is to provide for light and service industries and associated uses which are compatible with residential uses.

3.9.2 The objectives of the Light and Service Industry Zone are to:

- (a) provide for light industries, service industries, motor vehicle repair, motor vehicle hire, transport depots, recreational activities, showrooms and workshops and activities associated with the construction sector where these land uses can be classified as light industry; and

- (b) restrict the size and location of caretakers dwellings in association with another approved use on site.
-

3.10 General Agriculture Zone

3.10.1 The purpose of the General Agriculture Zone is to provide for a range of rural activities which are compatible with the capability of the land and retain the rural character and amenity of the locality.

3.10.2 The objectives of the General Agriculture Zone are to:

- (a) allow land uses which are compatible with general rural activities and which require large land holdings and/or separation from more intense land use and subdivision;
 - (b) retain the rural nature of the zone for pastoral and grazing activities, predominantly on large scale land holdings;
 - (c) allow small scale tourist related activities which may be associated with a pastoral station; and
 - (d) allow for land uses associated with Aboriginal heritage, traditional law and culture.
-

3.11 Rural Small Holdings Zone

3.11.1 The purpose of the Rural Small Holding Zone is to provide for the sustainable use of land for animal husbandry, crops, horticulture and to protect the long term productive capacity of agriculture land from incompatible land uses (including subdivision).

3.11.2 The objectives of the Rural Small Holdings Zone are to:

- (a) ensure that land is maintained for productive agriculture/horticulture activities with associated rural industry activities;
 - (b) allow activities which may be associated with a rural small holdings activity; and
 - (c) limit the intensity of subdivision and development to protect the groundwater supply.
-

3.12 Culture and Natural Resource Use Zone

3.12.1 The purpose of the Culture and Natural Resource Use Zone is to provide for the use of natural resources, preservation of Aboriginal heritage and cultural areas and the conservation of natural environmental values including significant landscapes and environmental areas.

3.12.2 The objectives of the Culture and Natural Resource Use Zone are to:

- (a) provide for development associated with the extraction of mineral and natural resources;
- (b) ensure the preservation of Aboriginal heritage and culturally significant areas;

- (c) provide for the conservation of significant landscape and environmental areas and values;
 - (d) allow for low impact tourism development including limited tourist accommodation and camping areas; and
 - (e) allow land uses associated with Aboriginal heritage, traditional law and culture.
-

3.13 Low Impact Tourist Zone

3.13.1 The purpose of the Low Impact Tourist Zone is to establish various forms of low impact tourist land uses capable of being combined with other uses having a minimal impact upon the existing amenity and landscape character of the land.

3.13.2 The objective of the Low Impact Tourist Zone is to provide for sustainable low-impact tourist land uses that is of a high standard in terms of design and amenity, which is sympathetic to, and integrated with, the rural and/or natural attributes of the surrounding area so as to ensure that all land uses and development:

- (a) have a minimal adverse impact upon the ecological and landscape values of the land and the environmental qualities of the locality; and
 - (b) are of a high standard in terms of design and amenity.
-

3.14 Tourist Zone

3.14.1 The purpose of the Tourist Zone is to contribute to a desirable tourist destination through provision of visitor accommodation including caravan parks and associated retail and service facilities.

3.14.2 The objectives of the Tourist Zone are to:

- (a) ensure that short term tourist and holiday accommodation are the predominant land uses in this zone;
 - (b) encourage development of a range of tourist activities and accommodation types;
 - (c) promote a high level of connectivity in pedestrian and other movement networks to maximise access to destinations and activity nodes and contribute to a positive tourist experience; and
 - (d) encourage development in accordance with relevant development strategies and design guidelines.
-

3.15 Settlement Zone

3.15.1 The objectives of the Settlement Zone are to identify existing and proposed Aboriginal settlements and to plan for the orderly and proper development of those places by:

- (a) requiring preparation and endorsement of a Layout Plan;

- (b) ensuring that development accords with a Layout Plan;
 - (c) Providing for a mix of land uses typically found in Aboriginal Settlements, including light industrial, tourism, residential, commercial, community, recreation and public utility; protecting sensitive areas such as No Go areas and drinking water source protection areas from inappropriate development.
 - (d) providing for traditional law and culture.
-

3.16 Development Zone

3.16.1 The purpose of the Development Zone is:

- (a) to identify areas requiring comprehensive planning prior to subdivision and development
- (b) to coordinate subdivision, land use and development in areas requiring comprehensive planning.

3.16.2 The objectives of the Development Zone are to:

- (a) provide for a range of mixed land uses and subdivision in accordance with an adopted structure plan;
 - (b) enable the preservation and management of areas of cultural and environmental significance;
 - (c) provide for the coordinated provision of infrastructure, facilities and developable land through relevant structure plans and associated development contribution plans.
-

3.17 Zoning Table

3.17.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.17.2 The symbols used in the cross reference in the Zoning Table have the following meanings:

- (a) 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- (b) 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- (c) 'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with the advertising requirements of clause 64 of the deemed provisions; and

(d) 'X' means a use that is not permitted by the Scheme.

3.17.3 A change in the use of land from one use to another is permitted if:

- (a) the local government has exercised its discretion by granting development approval;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

ZONING TABLE

Zones	Residential		Commercial				Industrial		Rural					Settlement	Special Use	Development
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist AMD 7 GG 29/03/18			
Aged or Dependent Person's Accommodation	D	X	3.D	4.D	5.D	X	X	X	X	D	X	X	X	Permitted Land Use and Development in Accordance with 3.43	Permitted Land Use and Development in Accordance with Schedule 4	When considering land use, due regard shall be given to the zones delineated in a Structure Plan adopted in accordance with the deemed provisions AMD 4 GG 05/08/16
Agriculture – Extensive	X	X	X	X	X	X	X	X	P	P	P	X	X			
Agriculture – Intensive AMD 7 GG 29/03/18	X	2.D	X	X	X	X	X	X	P	D	12.D	X	X			
Agroforestry	X	X	X	X	X	X	X	X	D	D	12.D	X	X			
Airport & Aviation Uses	X	X	X	X	X	X	X	X	X	X	X	X	X			
Amusement Parlour	X	X	A	A	A	X	X	X	X	X	X	A	A			
Ancillary Dwelling AMD 4 GG 05/08/16	P	D	X	X	D	X	X	X	D	D	D	X	X			
Animal Establishment	X	2.A	X	X	X	X	D	D	P	D	12.D	X	X			
Animal Husbandry – Intensive	X	X	X	X	X	X	X	X	D	A	12.A	X	X			
Aquaculture	X	2.A	X	X	X	X	D	D	D	D	12.A	X	X			
Art & Craft Centre AMD 7 GG 29/03/18	X	A	D	P	P	X	X	X	D	A	X	P	P			

Zones	Residential		Commercial				Industrial		Rural							
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist AMD 7 GG 29/03/18	Settlement	Special Use	Development
Bed & Breakfast Accommodation <i>AMD 7 GG 29/03/18</i>	A	A	D	X	D	X	X	X	D	D	D	D	D	Permitted Land Use and Development in Accordance with 3.43	Permitted Land Use and Development in Accordance with Schedule 4	When considering land use, due regard shall be given to the zones delineated in a Structure Plan adopted in accordance with the deemed provisions
Car Park <i>AMD 7 GG 29/03/18</i>	X	X	P	D	D	D	X	X	X	X	X	D	D			
Caravan Park	X	X	X	X	X	X	X	X	A	A	X	P	P			
Caretaker's Dwelling	X	X	3.D	4.D	5.D	D	X	8.D	D	D	X	D	15.D			
Childcare Centre	A	X	D	P	D	X	X	X	X	A	X	D	D			
Cinema/Theatre <i>AMD 7 GG 29/03/18</i>	X	X	P	X	D	X	X	X	X	X	X	P	D			
Civic use <i>AMD 7 GG 29/03/18</i>	D	D	P	P	D	D	X	X	X	X	X	P	P			
Club Premises <i>AMD 7 GG 29/03/18</i>	A	X	P	P	D	A	X	X	X	X	X	P	P			
Community Living	A	A	X	X	X	X	X	X	D	D	A	X	16.D			
Community Purposes <i>AMD 7 GG 29/03/18</i>	D	X	P	P	D	D	X	X	X	X	X	P	P			
Consulting Room	X	X	P	P	P	X	X	X	X	X	X	D	D			
Department Store	X	X	D	X	X	A	X	X	X	X	X	X	X			
Display Home	D	X	X	X	X	X	X	X	X	X	X	X	X			

Zones	Residential		Commercial				Industrial		Rural							
Use Class	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist AMD 7 GG 29/03/18	Settlement	Special Use	Development
Display Home Village	D	X	X	X	X	X	X	X	X	X	X	X	X	Permitted Land Use and Development in Accordance with 3.43	Permitted Land Use and Development in Accordance with Schedule 4	When considering land use, due regard shall be given to the zones delineated in a Structure Plan adopted in accordance with the deemed provisions
Dry Cleaning Premises AMD 7 GG 29/03/18	X	X	D	D	X	D	P	P	X	X	X	D	D			
Educational Establishment AMD 7 GG 29/03/18	A	A	D	D	D	D	A	D	D	D	D	D	D			
Exhibition Centre	X	X	D	X	D	D	X	X	X	X	X	D	D			
Family Day care	A	A	X	X	A	X	X	X	X	X	X	X	X			
Fast Food Outlet (Drive-through)	X	X	A	D	X	P	X	X	X	X	X	D	D			
Fuel Depot	X	X	X	X	X	X	P	D	X	X	X	X	X			
Funeral Parlour AMD 7 GG 29/03/18	X	X	X	X	X	D	X	P	X	X	X	X	X			
Grouped Dwellings	P	X	3.P	4.P	5.D	X	X	X	X	D	X	13.D	16.D			
Health Club AMD 7 GG 29/03/18	X	X	P	P	D	D	X	P	X	X	X	P	P			
Holiday Home (Large)	X	X	D	D	5.A	X	X	X	X	A	X	D	D			
Holiday Home (Standard)	X	X	D	D	5.A	X	X	X	X	A	X	D				
Home Business	A	D	P	P	P	X	X	X	D	D	D	D	D			

Zones	Residential		Commercial				Industrial		Rural							
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist AMD 7 GG 29/03/18	Settlement	Special Use	Development
Home Occupation	D	D	P	P	P	X	X	X	D	D	D	D	D	Permitted Land Use and Development in Accordance with 3.43	Permitted Land Use and Development in Accordance with Schedule 4	When considering land use, due regard shall be given to the zones delineated in a Structure Plan adopted in accordance with the deemed provisions
Home Office <i>AMD 4 GG 05/08/16</i>	P	P	P	P	P	X	X	X	P	P	P	P	P			
Hospital	X	X	D	X	D	X	X	X	X	X	X	D	D			
Hotel <i>AMD 7 GG 29/03/18</i>	X	X	P	X	D	X	X	X	X	X	X	P	A			
Industry – Cottage <i>AMD 7 GG 29/03/18</i>	A	D	D	D	P	D	P	P	D	D	D	D	P			
Industry – Extractive	X	X	X	X	X	X	X	X	D	D	X	X	X			
Industry – General <i>AMD 7 GG 29/03/18</i>	X	X	X	X	X	X	P	D	X	X	X	X	X			
Industry – Light	X	X	A	X	X	D	D	P	X	X	X	X	X			
Industry – Rural	X	2.A	X	X	X	X	D	P	D	D	D	X	X			
Industry – Service	X	X	A	X	X	D	D	P	X	X	X	X	X			
Industry- Hazardous	X	X	X	X	X	X	A	X	X	X	X	X	X			
Industry- Noxious	X	X	X	X	X	X	A	X	X	X	X	X	X			
Landing Strip	X	X	X	X	X	X	X	X	D	D	X	X	A			
Liquor Store <i>AMD 7 GG 29/03/18</i>	X	X	D	A	X	D	X	X	X	X	X	A	A			

Zones	Residential		Commercial				Industrial		Rural							
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist AMD 7 GG 29/03/18	Settlement	Special Use	Development
Lunch Bar <i>AMD 7 GG 29/03/18</i>	X	X	P	P	D	X	D	X	X	X	X	P	P	Permitted Land Use and Development in Accordance with 3.43	Permitted Land Use and Development in Accordance with Schedule 4	When considering land use, due regard shall be given to the zones delineated in a Structure Plan adopted in accordance with the deemed provisions
Marine Filling Station	X	X	X	X	X	A	A	A	X	A	X	X	A			
Market	X	A	P	D	A	X	X	X	X	A	X	P	D			
Medical Centre	X	X	D	D	D	X	X	X	X	X	X	D	D			
Motel <i>AMD 7 GG 29/03/18</i>	X	X	D	X	D	X	X	X	X	X	X	P	A			
Motor Vehicle and/or Marine Wrecking	X	X	X	X	X	X	D	D	X	X	X	X	X			
Motor Vehicle Repairs	X	X	X	X	X	D	P	P	X	X	X	X	X			
Motor Vehicle Wash	X	X	X	D	X	P	P	P	X	X	X	X	X			
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	X	P	X	D	X	X	X	X	X			
Multiple Dwellings	P	X	3.P	4.P	5.D	X	X	X	X	D	X	13.D	16.D			
Museum <i>AMD 7 GG 29/03/18</i>	A	X	P	X	D	X	X	X	X	A	X	P	P			
Nightclub <i>AMD 7 GG 29/03/18</i>	X	X	D	X	X	A	X	X	X	X	X	A	A			
Occasional Use	X	X	P	D	D	D	X	X	X	A	X	D	D			

Zones	Residential		Commercial				Industrial		Rural							
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist AMD 7 GG 29/03/18	Settlement	Special Use	Development
Office <i>AMD 7 GG 29/03/18</i>	X	X	P	D	D	6.D	7.D	9.D	X	X	X	14.D	17.D	Permitted Land Use and Development in Accordance with 3.43	Permitted Land Use and Development in Accordance with Schedule 4	When considering land use, due regard shall be given to the zones delineated in a Structure Plan adopted in accordance with the deemed provisions
Place of Assembly – and Worship <i>AMD 7 GG 29/03/18</i>	A	A	D	P	A	D	X	D	X	A	X	D	D			
Plant Nursery <i>AMD 7 GG 29/03/18</i>	X	2.A	X	X	X	D	X	P	A	D	D	X	A			
Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P			
Reception Centre	X	A	D	D	D	D	X	X	A	D	D	D	D			
Recreation – Indoor <i>AMD 7 GG 29/03/18</i>	X	X	D	P	D	D	X	P	X	X	X	P	P			
Recreation – Outdoor	X	A	D	D	D	A	X	X	D	D	D	D	D			
Recreation – Private <i>AMD 7 GG 29/03/18</i>	X	A	D	A	A	A	X	A	D	D	D	P	P			
Residential Building	A	X	3.P	X	5.D	X	X	X	X	D	X	13.D	16.D			
Restaurant <i>AMD 7 GG 29/03/18</i>	X	X	P	P	D	D	X	X	X	D	X	D	D			
Restricted premises	X	X	A	X	X	A	X	A	X	X	X	X	X			
Rural Pursuit	X	2.D	X	X	X	X	X	X	P	P	12.D	X	D			
Service Station	X	X	A	D	X	P	D	D	X	A	X	X	A			
Shop	X	X	P	P	D	A	X	D	X	X	X	D	D			

Zones	Residential		Commercial				Industrial		Rural							
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist AMD 7 GG 29/03/18	Settlement	Special Use	Development
Showroom	X	X	D	X	X	P	7.D	9.D	X	X	X	X	X	Permitted Land Use and Development in Accordance with 3.43	Permitted Land Use and Development in Accordance with Schedule 4	When considering land use, due regard shall be given to the zones delineated in a Structure Plan adopted in accordance with the deemed provisions
Single House	P	1.P	X	X	5.D	X	X	X	10.P	P	11.P	13.D	16.D			
Stable	X	D	X	X	X	X	X	X	P	P	D	X	A			
Staff Accommodation AMD 7 GG 29/03/18	X	X	D	X	X	D	X	X	10.D	A	D	D	16.D			
Stockyards	X	X	X	X	X	X	D	X	P	P	12.A	X	X			
Storage Facility, Depot, Laydown area	X	X	X	X	X	X	P	P	A	A	X	X	X			
Tavern AMD 7 GG 29/03/18	X	X	P	A	A	X	X	X	X	X	X	D	D			
Telecommunications Infrastructure	X	A	A	A	A	A	D	D	A	A	A	A	A			
Tourist Development AMD 7 GG 29/03/18	X	X	D	X	D	X	X	X	X	A	X	P	A			
Tourist Development-Low Impact	X	X	X	X	X	X	X	X	D	D	X	D	P			
Transport Depot	X	X	X	X	X	A	P	D	D	A	X	X	X			
Transport Overnight Facility	X	X	X	X	X	A	D	D	D	A	X	X	X			
Vehicle Hire AMD 7 GG 29/03/18	X	X	D	D	X	P	A	D	X	D	X	A	D			

Zones	Residential		Commercial				Industrial		Rural							
Use Class	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist AMD 7 GG 29/03/18	Settlement	Special Use	Development
Veterinary Centre	X	X	D	D	A	D	X	P	D	X	D	X	X	Permitted Land Use and Development in Accordance with 3.43	Permitted Land Use and Development in Accordance with Schedule 4	When considering land use, due regard shall be given to the zones delineated in a Structure Plan adopted in accordance with the deemed provisions
Warehouse	X	X	X	X	X	P	P	P	X	X	X	X	X			
Winery	X	A	X	X	X	X	X	D	D	D	D	X	D			
Zoological Gardens	X	X	X	X	X	X	X	X	D	D	12.A	X	A			

Footnote:

1. Refer Clauses 3.31.1 (a) and (b) Site and Development Requirements (Development in the Rural Residential Zone)
2. Refer Clause 3.31.1 (g) Site and Development Requirements (Development in the Rural Residential Zone)
3. Refer Clause 3.32.1 (d) Site and Development Requirements (Development in Town Centre Zone)
4. Refer Clause 3.33.1 (e) Site and Development Requirements (Development in the Local Centre Zone)
5. Refer Clause 3.34.3 (b) Site and Development Requirements (Development in the Mixed Use Zone)
6. Refer Clause 3.35.1 (b) Site and Development Requirements (Development in the Service Commercial Zone)
7. Refer Clause 3.36.1 (b) Site and Development Requirements (Development in the Industry Zone)
8. Refer Clauses 3.37.2 (a) and (b) Caretaker's Dwellings (Development in the Light and Service Industry Zone)
9. Refer Clause 3.37.1 (b) Site and Development Requirements (Development in the Light and Service Industry Zone)
10. Refer Clause 3.38.1 (a) Site and Development Requirements (Development in the General Agriculture Zone)
11. Refer Clauses 3.39.1 (a) and (b) Site and Development Requirements (Development in the Rural Small Holdings Zone)
12. Refer Clause 3.39.1 (d) Site and Development Requirements (Development in the Rural Small Holdings Zone)
13. Refer Clauses 3.42.1 (c) and (d) Site and Development Requirements (Development in the Tourist Zone)
14. Refer Clause 3.42.1 (g) Site and Development Requirements (Development in the Tourist Zone)
15. Refer Clause 3.41.1 (i) Site and Development Requirements (Development in the Low Impact Tourist Zone)
16. Refer Clause 3.41.1 (j) Site and Development Requirements (Development in the Low Impact Tourist Zone)
17. Refer Clause 3.41.1 (h) Site and Development Requirements (Development in the Low Impact Tourist Zone)

Note:

The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 67 of the deemed provisions.

The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

3.18 Interpretation of the Zoning Table

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

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

- (a) determine that the use is consistent with the purpose and objectives of the particular zone and is therefore permitted;
 - (b) determine that the use may be consistent with purpose and the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or
 - (c) determine that the use is not consistent with the purpose and objectives of the particular zone and is therefore not permitted.
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3.19 Additional Uses

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

Note:

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

3.20 Restricted Uses

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

Note:

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

3.21 Special Use Zones

3.21.1 Special Use Zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

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

Note:

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

3.22 Non-conforming Use Rights

3.22.1 Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or
 - (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
 - (c) the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.
-

3.23 Extension of a Non-Conforming Use

3.23.1 A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the development approval of the local government under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme. All applications for development approval under this clause will be subject to notice under clause 64 of the deemed provisions and the local government shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.

3.24 Change of Non-Conforming Use

3.24.1 Notwithstanding anything contained in the Zoning Table, the local government may grant its development approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the local government, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone or reserve.

3.25 Discontinuance of Non-Conforming Use

- 3.25.1 When a non-conforming use of any land or buildings has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.
-

3.26 Termination of a Non-Conforming Use

- 3.26.1 The local government may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.
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3.27 Destruction of Non-Conforming Use Buildings

- 3.27.1 When a building used for a non-conforming use is destroyed to 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the local government.
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3.28 Register of Non-Conforming Uses

- 3.28.1 The local government to keep a Register of non-conforming uses at the offices of the local government which shall be made available for public inspection during office hours.
- 3.28.2 A person who wishes the local government to record that a non-conforming use exists may submit to the local government in writing full details of the nature, location and extent of the non-conforming use claimed.
- 3.28.3 Where the local government is satisfied that a non-conforming use exists, it shall record details of the non-conforming use on the Register.
- 3.28.4 Non-conforming use does not cease to exist if it is not registered on the Register.
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3.29 Development standards and requirements for specific zones

- 3.29.1 Specific development standards and requirements to which the development is subject to are incorporated into the Scheme by Schedule 8.
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3.30 Development in the Residential Zone

- 3.30.1 Site and Development Requirement:
- (a) All residential development shall conform with the Residential Design Codes subject to any variations referred to in clause 4.3 and any variations contained in a local planning policy adopted for the purpose of Part 5 of the *Residential Design Codes*.
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3.31 Development in the Rural Residential Zone

3.31.1 Site and Development Requirements:

- (a) With respect to residential development, no more than one single house with ancillary accommodation is permitted on a lot within the Rural Residential Zone.
- (b) A single house is not permitted unless an adequate water supply is provided either by connection to a reticulated water supply or the provision of a bore or other connection to a potable water supply with a minimum storage capacity of 92,000 litres.
- (c) The maximum aggregate floor area of outbuilding(s) on a lot should not exceed 200m² and an outbuilding shall not exceed a wall height of 4.5 metres and a ridge height of 6 metres. *AMD 7 GG 29/03/18*
- (d) An increase in the floor area or wall height and ridge height may be approved at the local government's discretion. When considering such an application, the local government shall have regard for; the approved land use on site and the demand for the outbuilding, and the use of the proposed outbuilding/s and any existing outbuildings, and the impact of increased floor area and an increase in the number of outbuildings on the amenity of the site and locality, and the objective and policies of the Rural Residential zone *AMD 7 GG 29/03/18*
- (e) Existing natural vegetation shall be retained within all setback areas.
- (f) Natural vegetation may only be removed where clearing is required to provide for approved development or land use, firebreak or drainage requirements or where vegetation is dead, dangerous or diseased. All other removal of natural vegetation requires local government approval.
- (g) Rural Industry and outbuildings used for rural purposes are not permitted unless they are associated with an approved rural pursuit on the lot.
- (h) The development of rural pursuits, rural industry, plant nursery, aquaculture and community living is not permitted unless the availability of water has been determined and access to water approved by the Department of Water.

3.31.2 Subdivision Requirements:

- (a) The subdivision of land which proposes additional lots or reduces the size of existing lots, will not be supported by the local government unless –
 - i. a structure plan has been approved for the land proposed to be subdivided; or
 - ii. the subdivision is in conformity with clauses 3.31.2(c), (d) and (e) when land is within the precincts referred to in those clauses.
- (b) With the exception of the Coconut Wells precinct, the local government may support a proposed subdivision that represents a minor variation from a structure plan where the variation does not

prejudice the orderly and proper planning of the area.

AMD 4 GG 05/08/16

(c) Twelve Mile –

Lot sizes should not be less than 2 hectares in the Twelve Mile Rural Residential precinct. The local government may recommend to the Commission that a minor reduction in the lot size be permitted if the local government considers that the minor reduction will not prejudice the intent of the Rural Residential Zone.

(d) Coconut Wells –

Lot sizes in the Coconut Wells Precinct, inclusive of Lots 40 and 41 McGuigan Road, Waterbank (Dampier Location 4), should not be less than 4 hectares. .

(e) Bilingurr and Wattle Drive –

Lot sizes in the Bilingurr Precinct and Wattle Drive Precinct should not be less than 1 hectare with the exception of Lots 404 and 407 Lullfitz Drive (Bilingurr Precinct) which are subject to flooding and have no further subdivision potential below the existing 2 hectare lot size.

(f) Reticulated water supply is required to be connected for subdivision within the Rural Residential Zone of the Bilingurr Precinct (Hidden Valley to Broome Road) and the Wattle Drive Precinct (Wattle Drive to Broome Road).

3.32 Development in the Town Centre Zone

3.32.1 Site and Development Requirements:

- (a) All land use and development shall be consistent with the Chinatown Development Strategy and relevant design guidelines.
 - (b) In considering applications for development approval, the local government shall have regard to the Obstacle Limitation Surfaces (Schedule 11) and Australian Noise Exposure Forecast (ANEF) contours for the Broome International Airport (Schedule 10).
 - (c) Within the Town Centre zone residential development may be undertaken to a density coding of R50 in accordance with the Residential Design Codes.
 - (d) Notwithstanding the provisions of the zoning table residential development will not be permitted at street level unless provided for in an adopted development strategy.
 - (e) When determining site and development requirements for residential development, the local government shall have regard to the 'Mixed Use Development' provisions of the Residential Design Codes.
-

3.33 Development in the Local Centre Zone

3.33.1 Site and Development Requirements:

- (a) All land use and development shall be consistent with the relevant design guidelines.
 - (b) Landscaping for all development within the Local Centre Zone shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary or an equivalent area provided within the site.
 - (c) Within the 'Local Centre' zone residential development may be undertaken to a density coding of R50 in accordance with the Residential Design Codes.
 - (d) When determining site and development requirements for all residential development, the local government shall have regard to the 'Mixed Use Development' provisions of the Residential Design Codes.
 - (e) Notwithstanding anything within the Scheme and Table 1, new residential development is not permitted unless located above or behind existing or new commercial development on-site.
-

3.34 Development in the Mixed Use Zone

3.34.1 Site and Development Requirements:

- (a) Development standards for both commercial and residential buildings shall be consistent with the desired future character as stated in the relevant local planning framework or, where no local planning framework is applicable shall be consistent with the style and character of existing development with the local context.

3.34.2 Tourist Development

- (a) Tourist development is to be regarded as residential development and may be developed to a maximum density of the R40 Residential Design Code unless otherwise indicated on the Scheme Maps and the local government will have regard to the relevant policy when considering such proposals. *AMD 7 GG 29/03/18*

3.34.3 Residential Development

- (a) Residential development within the Mixed Use zone shall be developed to a maximum density of R40 Residential Design Code unless otherwise indicated on the Scheme Maps.
- (b) Notwithstanding anything within the Scheme and Section 3.17 - Table 1, for lots coded R20 and above, new residential development including 'holiday homes- standard' or 'holiday homes- large' is not permitted unless located above or behind existing or new commercial development on the lot.
- (c) When determining site and development requirements for all residential development, the local government shall have regard to the 'Mixed Use Development' provisions of the Residential Design Codes.

3.35 Development in the Service Commercial Zone

3.35.1 Site and Development Requirements:

- (a) All land use and development shall be consistent with the relevant design guidelines.
 - (b) Notwithstanding anything within the Scheme and Table 1, offices are not permitted in the Service Commercial Zone unless the office is incidental to another approved land use.
 - (c) Development proposals for land within the Service Commercial Zone will be considered having regard to –
 - i. the nature of the use and development on nearby properties;
 - ii. the likely impact of the proposed development on the streetscape;
 - iii. the impact on nearby properties in terms of amenity and character of established land uses and development; and
 - iv. where land uses not contained within buildings are proposed, the degree to which the activities on the site will impact upon or be compatible with land uses and development on nearby properties.
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3.36 Development in the Industry Zone

3.36.1 Site and Development Requirements:

- (a) Landscaping shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary.
- (b) Notwithstanding anything within the Scheme and Table 1, showrooms and/or offices are not permitted in the Industry Zone unless the showroom and/or office is incidental to another approved land use.

3.36.2 Subdivision Requirements:

- (a) The local government will not support subdivision which proposes lots with an area of less than 6,000m². If the local government considers that a minor reduction below 6,000 m² in lot area will not prejudice the intent of the Industry Zone, the local government may recommend to the Commission that subdivision be approved for lots with an area less than 6,000 m².
 - (b) The local government will not support subdivision within the Broome Road Industrial Area unless the subdivision is in accordance with an endorsed Structure Plan, or considered to be minor subdivision or boundary realignment.
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3.37 Development in the Light and Service Industry Zone

3.37.1 Site and Development Requirements:

- (a) Landscaping shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary.
- (b) Notwithstanding anything within the Scheme and Table 1, showrooms and/or offices are not permitted in the Light and Service Industry Zone unless the showroom and/or office is incidental to another approved land use.

3.37.2 Caretakers' Dwellings

- (a) Notwithstanding the provisions of the Zoning Table, a caretaker's dwelling is not permitted unless it is associated with an approved light industry or service industry on the same site.
- (b) Notwithstanding the provisions of the Zoning Table and the relevant policy, a caretaker's dwelling or any other form of residential land use is not permitted on the south side of Clementson Street.

3.37.3 Subdivision Requirements

The local government will not support subdivision where lot areas less than 2,000m² are proposed.

3.38 Development in the General Agriculture Zone

3.38.1 Site and Development Requirements:

- (a) A single house and staff accommodation are not permitted unless an adequate water supply is provided either by connection to a reticulated water supply or provision of a bore or other connection to a potable water supply which has a minimum storage capacity of 92,000 litres.

3.38.2 Subdivision Requirements:

- (a) The local government will not recommend to the Commission that it approves subdivision of land which proposes additional lots or reduces the size of existing lots unless a structure plan or rural strategy has been approved for the site or part of the site proposed to be subdivided.
- (b) The local government may support the subdivision of land in the absence of an approved structure plan, where the local government considers the purpose of the proposed subdivision is a minor boundary alteration and does not propose the creation of new lots.

AMD 4 GG 05/08/16

- 3.38.3 Notwithstanding the provisions of the zoning table, 'Tourist Development' and 'Tourist Development- Low Impact' will not be permitted unless a local development plan has been prepared.

3.39 Development in the Rural Smallholdings Zone

3.39.1 Site and Development Requirements:

- (a) With respect to residential development, no more than one single house with ancillary accommodation is permitted per lot within the Rural Smallholdings Zone.
- (b) Residential development is not permitted unless an adequate water supply is provided either by connection to a reticulated water supply, or the provision of a bore or other connection to a potable water supply with a minimum storage capacity of 92,000 litres.
- (c) Where rural agricultural activities or other approved land uses propose the sale of produce and goods from the site to the public and/or provide an associated education centre or educational tours, then public car parking shall be provided on site with the number of required car parking bays being at the local government's discretion.
- (d) The development of rural pursuits, rural industry, plant nursery, aquaculture and community living is not permitted unless the availability of water has been determined and access to water approved by the Department of Water.

3.39.2 Subdivision Requirements:

- (a) The local government will not recommend to the Commission that it approves the subdivision of land which proposes any additional lot or reduces the size of existing lots unless a structure plan or rural strategy has been approved for the land or part of the land proposed to be subdivided.
- (b) The local government may support the subdivision of land in the absence of an approved structure plan, where the local government considers the proposed subdivision is a minor boundary alteration and does not propose the creation of new lots.

AMD 4 GG 05/08/16

3.40 Development in the Culture and Natural Resource Use Zone

3.40.1 Site and Development Requirements:

- (a) Development will not be approved by the local government, and the local government will not support subdivision unless a structure plan or a layout plan has been approved for the relevant part of the zone.
- (b) The local government may support the subdivision or development of land in the absence of an approved structure plan or layout plan, where the local government considers the proposed development, land use or subdivision represent a minor extension to an existing land use or building or minor additional land use or minor land use change or minor subdivision.
- (c) Development shall be in accordance with any adopted layout plan or structure plan.
- (d) Notwithstanding the provisions of the zoning table, 'Tourist Development' and 'Tourist Development – Low Impact' will not be permitted unless a local development plan has been prepared.

AMD 4 GG 05/08/16

3.41 Development in the Low Impact Tourist Zone

3.41.1 Site and Development requirements:

- (a) Development and land use is not permitted unless a layout plan or local development plan has been approved for the entire site or that part of the site on which the development or use is proposed.
- (b) The local government may support the subdivision of land in the absence of an approved structure plan, where the local government considers the proposed development represents a minor extension to an existing land use or building or minor additional land use or minor land use change. *AMD 4 GG 05/08/16*
- (c) Development should not adversely impact on the environmental or landscape qualities of the locality and should maximise the retention of any native vegetation on the site;
- (d) Buildings and structures should be located to avoid ridgelines, escarpments or visually exposed sites when viewed from any adjoining public or private land or public roads and is situated to maximise screening of the development by vegetation and/or existing landform features;
- (e) As far as possible buildings and structures should be located to minimise any adverse impacts on existing native vegetation, creeks, watercourses, soil and existing adjacent land uses including agricultural land uses;
- (f) A minimum setback of 100 metres is required from any adjoining State Reserve or existing agricultural land use unless the local government, Department Environment Conservation and the Department of Fire and Emergency Services are satisfied that the State Reserve or existing agricultural land use will not be adversely impacted by the proposal;
- (g) Development should be of a scale and nature that will be sustainable on the lot by demonstrating that the development will not require any significant modification or up-grading of existing infrastructure including water, sewer, and road networks.
- (h) Notwithstanding anything within the Scheme and Table 1, offices are not permitted in the Low Impact Tourist Zone unless the office is associated with another 'P' land use.
- (i) Tourism development shall include provision for an on-site caretaker.
- (j) The local government may approve a combination of tourist land uses and permanent residential development on the same site provided that:
 - i. the tourist land use is the predominant use of the site and will occupy not less than 80% of the site area and 80% of the total number of units;
 - ii. the residential development is located and designed to protect and enhance privacy and amenity; and
 - iii. the residential development should provide for staff accommodation.

- 3.41.2 The local government will not support subdivision and strata titling of land within the Low Impact Tourist zone unless it is consistent with any relevant local development plan or any other relevant plan or strategy endorsed by the local government and, where necessary, the Commission. *AMD 7 GG 29/03/18*
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3.42 Development in the Tourist Zone

3.42.1 Site and Development Requirements:

- (a) Development shall be consistent with any relevant endorsed development strategy and any relevant design guidelines.
- (b) The local government may require the preparation and adoption of a local development plan prior to considering a development application, or making a recommendation to the Commission regarding the application for approval of subdivision or strata subdivision of land, unless the development or subdivision is minor.
- (c) The local government may approve a combination of tourist land uses and permanent residential development on the same site provided that:
 - i. the tourist land use is the predominant use of the site and will occupy not less than 60% of the site area and 60% of the total number of units;
 - ii. the residential development is integrated with a tourist land use on the same site;
 - iii. the residential development is located and designed to protect and enhance privacy and amenity;
 - iv. the residential development is in the form of medium density grouped dwellings or multiple dwellings and shall not include any single house;
 - v. the residential development complies with the Residential Design Codes R40 provisions unless varied by the relevant design guidelines or structure plan;
 - vi. if the development is to be staged, the residential development will not precede tourist land use;
 - vii. the tourism character and function of the Tourist Zone is protected and enhanced;
 - viii. the tourist land use is in a form that provides resort style facilities; and
 - i. the residential development may provide for staff accommodation.
- (d) Where a tourist land use and permanent residential development are developed on the same site the protection of the residential amenity through careful design of both forms of development shall occur in order to minimise disturbance and conflicts between land uses.
- (e) Setbacks and density for all development within the Tourist Zone shall be in accordance with the provisions of the Residential Design Codes that apply to a density of R40.
- (f) Landscaping for all development within the Tourist Zone shall be provided and maintained abutting all street boundaries to a minimum depth of 3 metres from the boundary and within side setback areas or an equivalent area within the site.

- (g) Notwithstanding anything within the Scheme and Table 1, offices are not permitted in the Tourist Zone unless the office is associated with another 'P' land use.

3.42.2 Subdivision Requirements:

- (a) The local government will not support the subdivision of land in the Tourist Zone to create lots less than 1 hectare in area in the Cable Beach Tourist Precinct other than lots for commercial or retail purposes in accordance with the Local Planning Strategy and Local Commercial Strategy.
- (b) The local government will not support subdivision and strata titling of land within the 'Tourist' zone unless it is consistent with the relevant design guidelines, any relevant local development plan, any other relevant plan or strategy endorsed by the local government and, where necessary, the Commission.

3.43 **Development in the Settlement Zone**

3.43.1 Site and Development Requirements:

- (a) Proposed development is to comply with a Layout Plan prepared in accordance with State Planning Policy 3.2.
- (b) In the instance that development is proposed for a place that does not have a Layout Plan prepared in accordance with State Planning Policy 3.2, the local government is to consider the proposal having regard to the aims of this scheme.

3.44 **Development in the Development Zone**

3.44.1 Site and Development Requirements:

- (a) Development approval will not be granted and subdivision will not be supported unless a structure plan has been adopted for all or part of the zone under Part 4 of the deemed provisions.
- (b) The local government may support the subdivision or the development of land in the absence of an approved structure plan, where the local government considers the proposed development, land use or subdivision is a minor extension to an existing land use or building, a minor additional land use, a minor land use change or is a minor subdivision. *AMD 4 GG 05/08/16*
- (c) In considering an application for development approval for land within the Development zone, due regard shall be given to an approved structure plan. *AMD 4 GG 05/08/16*
- (d) Where appropriate, due regard will be given to the general development requirements of Part 5 and the development requirements of a specific zone that most closely equates to the proposed land use and development. *AMD 4 GG 05/08/16*

Part 4 – GENERAL DEVELOPMENT REQUIREMENTS

4.1 Compliance with development standards and requirements

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

4.2 Residential Design Codes

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

- 4.3.1 The provisions of the Residential Design Codes may be varied by:
- (a) through an adopted Local Development Plan;
 - (b) a local planning policy adopted by local government and approved by the Commission in accordance with clause 7.3.2 of the Residential Design Codes; and
 - (c) a scheme amendment. *AMD 4 GG 05/08/16*
- 4.3.2 Where:
- (a) a lot with an area of 2,000m² or greater has a Residential Design Code density of R10; and
 - (b) the location of an existing dwelling, building or significant tree on the site would preclude approval of a two lot subdivision or strata subdivision or two grouped dwellings and the local government considers that the existing dwelling, building or tree is worthy of retention,
- the local government may –
- (c) approve two grouped dwellings and recommend that the Commission approves a two lot strata subdivision with one of the strata lots having a minimum area of 800m²;
 - (d) recommend that the Commission approves a subdivision with either or both lots having areas of no less than 900m².

- 4.3.3 Notwithstanding anything within this Scheme or the Residential Design Codes all dwellings including a single house, grouped dwellings, multiple dwellings and single bedroom dwellings shall have a minimum of two car parking bays provided on site. Where ancillary accommodation is proposed an additional third car parking bay shall be provided which may not be in tandem with the other two bays. These requirements are in substitution for clause 5.3.3 and clause 6.3.3 of the Residential Design Codes.
- 4.3.4 Outbuildings that do not exceed a wall height of 3.2m and a ridge height of 5.0m are considered to meet the deemed to comply provisions of the Residential Design Codes. These requirements are in substitution for clauses 5.4.3 C3 (iv) and (v) of the Residential Design Codes.
- 4.3.5 A floor level of no more than 0.65m above natural ground level is considered to meet the deemed to comply provisions for the Privacy Requirements of the Residential Design Codes. This requirement is in substitution for the requirement for a floor level no more than 0.5m above natural ground level in clause 5.4.1, C1.1 of the Residential Design Codes.
- 4.3.6 The height of residential development must not exceed a wall height of six and a half (6.5) meters and a building height of ten and a half (10.5) meters. This replaces the deemed to comply provisions 5.1.6 C6 Category B of table 3 of the Residential Design Codes.
- 4.3.8 The setbacks for Lots 4-23 and 57-70 Frangipani Drive under clause 5.1.2 and 5.1.3 of the Residential Design Codes are to be calculated at the R40 standards.

AMD 7 GG 29/03/18

4.4 Variations to site and development requirements

- 4.4.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

AMD 4 GG 05/08/16

- 4.4.2 In considering an application under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to:

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

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

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

4.5 Restrictive covenants

- 4.5.1 Subject to clause 4.5.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.
- 4.5.2 Where clause 4.5.1 operates to extinguish or vary a restrictive covenant the local government is not to grant development approval for the development of the land which would, but for the operation of clause 4.5.1, have been prohibited unless the application has been dealt with as an “A” use and has complied with all of the advertising requirements of clause 64 of the deemed provisions.

4.6 Environmental conditions

- 4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are subject are incorporated into the Scheme by Schedule 6.
- 4.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol ‘EC’ to indicate that environmental conditions apply to the land.
- 4.6.3 The local government is to –
- (a) maintain a register of all relevant statements published under sections 48F and 48G of the *Environmental Protection Act*; and
 - (b) make the statements available for public inspection at the offices of the local government.

Note:

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

4.7 Car parking

- 4.7.1 Land within the Scheme area shall not be used or developed for any purposes unless car parking bays, bicycle racks and motorcycle bays are provided on site in accordance with Schedule 9.
- 4.7.1.1 Where land is to be developed or used for a purpose not mentioned in Schedule 9, or where a standard or requirement is not specified in Schedule 9, the local government shall determine in each case the required number of car parking bays, bicycle racks and motorcycle bays to be provided on the land having regard to the:
- (a) nature of the proposed development;
 - (b) number of employees or others likely to be employed or engaged in the use of the land;
 - (c) anticipated demand for visitor parking;

- (d) orderly, proper and sustainable planning of the area;
- (e) the parking requirements under the Scheme for uses of a similar nature (if any).

4.7.2 Reciprocal parking

4.7.2.1 Where on any lot, different land uses have been or are to be established and those uses operate at different times to each other, the local government, upon being satisfied that the operating times will be permanent and will form the subject of conditions under which a development approval will be granted, may reduce the total number of bays required to be provided for those uses as set out under Schedule 9, or as specified by the local government, on a reciprocal use basis having regard to the greatest number of vehicles that may need to be accommodated on the land during periods of peak usage of the site.

4.7.3 Calculation of car parking requirements

4.7.3.1 Except as provided in clause 4.7.2.1, for developments involving a number of uses, the car parking requirement shall be the sum of the number required for each use.

4.7.4 Construction of parking areas

4.7.4.1 Except as may otherwise be approved by the local government, all parking areas shall be provided with: –

- (a) a surface that will render the parking area capable of use at all times;
- (b) drainage and connection to a legal point of discharge;
- (c) surface lines or similar edging marked out to show the manner in which the parking area is to be used; and
- (d) landscaping of external parking areas to reduce the heat retention of paved areas is to include landscaping in the form of shade trees at the rate of every 4 consecutive bays or 12 meters, whichever is the lesser.

4.7.5 Pedestrian movement for parking areas

4.7.5.1 In instances where parking areas accommodate 20 vehicles or more, provision shall be made, for safe demarcated pedestrian movement through the parking areas to connect with other pedestrian movement routes in the locality.

4.7.5.2 Pedestrian access shall be separated from car parking areas to provide safe access to and within the car parking areas.

4.7.6 Cash-in-lieu of car parking

4.7.6.1 (a) Where the local government so decides, cash payments in lieu of the provision of parking spaces on the site of any proposed development may be accepted but the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the scheme plus the value, as estimated by the local government, of that area of the land which would have been occupied by the parking spaces:

(b) Payments under this clause shall be paid into a parking fund to be used for the provision and maintenance of public car parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.

4.7.7 The local government may waive or vary requirements for on-site car parking if it is satisfied that adequate constructed car parking has been provided in close proximity to the proposed development.

4.7.8 Change of use and parking provisions

4.7.8.1 Where a parking area has been provided as part of an approved development and a later application for development approval is lodged with the local government to change a use within the development to one which generates the need for additional parking, the local government may –

(a) accept a cash-in-lieu of parking in the event that the additional parking cannot be provided on site; or

(b) require the provision of additional parking either on site or in a location nearby acceptable to the local government.

4.7.9 Car parking for tourist uses

4.7.9.1 Car parking for development comprised of tourist land uses and residential development shall be located in an area which is separate from any car parking for commercial uses and is to be exclusively used for the residential development and tourist land uses.

4.7.9.2 Provision for buses shall be provided on site, or in close proximity to a tourist land use.

4.8 **Service areas**

4.8.1 All commercial tourist and industrial developments are to make provision onsite for storage areas, bin areas and general service areas for loading and unloading of goods and these areas must be screened from view of any street. The service area and associated service vehicle movement should not conflict with on-site parking and manoeuvring of staff and patron vehicles.

4.8.2 On site manoeuvring space for service vehicles is to be provided in association with the service areas.

4.9 Land use and noise control

Land uses which have the potential to generate significant noise levels due to machinery, amplified music or announcements or any other ambient noise may be the subject of conditions which require an acoustic report to be prepared by the applicant and any noise attenuation controls recommended by the report to be implemented.

4.10 Controlled access

4.10.1 Roads under the control of Main Roads Western Australia

Where development is proposed that requires access from highways or major roads under the control of Main Roads Western Australia, then the local government and Main Roads Western Australia are to control the location, number, size and construction standards of access points onto that road. Formal approval is required by Main Roads Western Australia in consultation with the local government prior to construction of the access.

4.10.2 Roads under the control of local government

Where development is proposed that requires access to roads under the control of the local government the local government may control the location, number, size and construction standards of local roads. Controlled access will apply to arterial roads shown on the Scheme Maps.

4.11 Height of buildings

4.11.1 The local government's objective is to control building height so as to preserve the existing character of the Broome townsite, and to ensure the amenity of the Scheme area is protected.

4.11.2 The height of non-residential development must not exceed a wall height of ten (10) metres and a building height of fourteen (14) metres with the exception of Lot 451 Hamersley Street where the wall height shall not exceed 6.5 metres and the building height must not exceed 10.5 metres.

4.11.3 The local government must not exercise the power in Clause 4.4.1 to vary the height limits clause 4.11.2 unless the local government is satisfied that the variation will not prejudice the amenity and the low scale character of the general area of the proposed development. When considering variations to the height limit, the local government must have regard to all of the following:

- (a) the topography and elevation of the subject site in relation to adjoining properties and the street;
- (b) the impact of the building bulk and height on the area and existing views;
- (c) the location of the site;
- (d) the impact of the height on public areas and the landscape values of an area for the public;
- (e) the surrounding land uses and the scale and height of existing surrounding buildings; and

- (f) the Aboriginal and non-Aboriginal heritage value of surrounding buildings and sites.
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4.12 Broome-style architecture

- 4.12.1 The provisions of this clause only apply to development within the Town Centre, Local Centre, Mixed Use, Tourist, Service Commercial and Residential Zones.
 - 4.12.2 The building style of all buildings within the Scheme area are to be a low scale of building bulk and have regard for local climatic conditions and traditional architecture features, including a pitched roof, single and multiple hipped roof, gables, colourbond roof, and predominant wall materials of colourbond or timber.
 - 4.12.3 Verandahs, shutters, and similar features should be included in development to reduce solar penetration and increase access to prevailing breezes.
 - 4.12.4 Materials of concrete, brick, zincalume or rendered walls must be painted and /or treated to reduce the impact of thermal heatload.
-

4.13 Inappropriate or incongruous development

- 4.13.1 Where, in the opinion of the local government, any proposed development, would not be in harmony with existing buildings or the landscape of the locality in which the proposed development is to be located by virtue of the use, design or appearance of the development, the colour or type of materials to be used on exposed surfaces, the height, bulk and mass of any building, the local government may:
 - (a) refuse its approval for the development notwithstanding that it otherwise complies with the provisions of the Scheme; or
 - (b) impose conditions on any development approval granted for the proposed development to ensure that it will be in harmony with existing buildings and the landscape quality of the locality in which the development is to be located.
-

4.14 Landscaping and existing trees

- 4.14.1 When considering an application, the local government is to determine whether any tree has landscape significance and should be retained.
- 4.14.2 For the purpose of retaining significant tree the local government may:
 - (a) impose a condition on a development approval requiring trees to be retained;
 - (b) request the Commission to impose a subdivision condition for the retention of trees and/or for additional trees to be planted on the site,
 - (c) impose a condition requiring a modification of the development to ensure retention of significant trees, and/or

- (d) permit a variation of the applicable site and development requirements or recommend to the Commission a variation of subdivision requirements.

4.14.3 A landscaping plan which details the retention of existing tree/s and proposed landscaping on site and within the abutting road reserve may be required as a condition of development approval for developments.

4.15 Heavy vehicles and boats, caravans and trailers in residential areas

4.15.1 Except as provided elsewhere in the Scheme, no person, on any lot within the Residential or Development Zones, shall:

- (a) repair, service or clean or allow to remain or park a heavy vehicle for a continuous period of greater than 24 hours; or
- (b) keep, park, allow to remain, repair, service or maintain any boat, caravan, trailer or heavy vehicle in the road reserve

without the prior written approval of the local government.

4.16 Derelict vehicles

4.16.1 Notwithstanding any other provisions of the Scheme, the wrecking of any derelict, damaged and unserviceable vehicle on, or the storage of any such vehicle within privately owned land is prohibited within the Scheme area unless it is approved as 'Motor Vehicle and/or Marine Wrecking' or where it is stored within an approved outbuilding or provided with screening and is not visible from the street or adjoining property.

4.17 Telecommunications infrastructure

4.17.1 An application for development approval to the local government is required for the development of all telecommunications infrastructure excluding those which are low impact of facilities within the meaning of the *Commonwealth Telecommunications (Low Impact Facilities) Determination 1997*.

4.17.1.1 Applications for development approval for telecommunications infrastructure shall be accompanied by plans and information required for applications for development approval under clause 63 of the deemed provisions and will be considered having regard to the following:

- (a) consistency of the telecommunications infrastructure with the objectives and purpose of the zone or reserve;
- (b) social and economic benefits of the telecommunications infrastructure;
- (c) the impact of the telecommunications infrastructure on the landscape, heritage, environmental and amenity values of the locality;
- (d) co-location with other services; and

- (e) any relevant local planning policy adopted by the local government.

4.17.2 Applications for telecommunications infrastructure on Crown land must be accompanied by written consent of the Department of Regional Development and Lands and any applicable management body under the *Land Administration Act 1997*.

4.18 Bush fire hazard and Fire Management Plans

4.18.1 Where:

- (a) in any development approval granted under the Scheme; or
- (b) in any structure plan or other similar plan adopted under the Scheme; or
- (c) under a condition of an approval granted by the Commission to subdivide land;

a fire management plan is required to be prepared and endorsed by the Department of Fire and Emergency Services and the local government, the owners of the land to which the fire management plan relates will be responsible for the ongoing implementation of the “land owners responsibilities” specified in that fire management plan.

4.19 Dwellings without regulated water service provision

4.19.1 Where any dwelling is proposed to be constructed within the Scheme area which cannot be connected to a regulated water service provision, that dwelling shall be provided with potable water and a water storage tank with a minimum capacity of 92,000 litres prior to occupation unless alternative arrangements are made to the satisfaction of the local government for a supply of potable water. Where ancillary accommodation is provided in association with such a dwelling, the ancillary accommodation is to be provided with an additional water storage tank with a minimum capacity of 85,000 litres.

4.19.2 Where, in addition to the requirements of clause 4.19.1 for a supply of potable water for any dwelling and ancillary accommodation additional water supplies are also required for fire fighting purposes, the capacity of each water storage tank shall include an additional 15,000 litres and be fitted with an appropriate gate valve to enable fire fighting appliances to draw water for fire fighting purposes.

4.20 Caretaker's dwellings

4.20.1 Caretaker's dwellings

- (a) are limited to one caretaker's dwelling per lot and are not permitted on lots within a strata scheme;
- (b) shall be limited in floor area to a maximum of 100 square metres; and

- (c) may not be used until such time as the land upon which it is to be established is developed and/or is in use for a purpose requiring oversight by a caretaker.
-

4.21 Management of construction sites

4.21.1 In addition to any requirements which may be imposed as conditions of development approval, construction sites are to be managed so as to minimise soil erosion or the degradation of any water resource due to the action of wind or water and protect as far as practicable, the natural resource values of the site and of the adjacent area. Native vegetation cleared on sites shall be mulched and redistributed on site.

4.22 Community living

4.22.1 Community living development will not be permitted unless a layout plan or local development plan has been adopted by local government which includes the site for which the community living development is proposed.

Part 5 – SPECIAL CONTROL AREAS

5.1 Operation of Special Control Areas

5.1.1 The following Special Control Areas are shown on the Scheme Map as (SCA) with a number as detailed below –

- i. Existing Broome International Airport Environs (SCA 1)
- ii. Future Broome International Airport Environs (SCA 2)
- iii. Essential Services Buffer Areas (SCA 3)
- iv. Flood Prone Areas (SCA 4)
- v. Public Drinking Water Source Protection Areas (SCA 5)
- vi. Drainage Aquifer Recharge Areas (SCA 6)
- vii. Landscape Protection Areas (SCA 7)
- viii. Aboriginal Communities (SCA 8)
- ix. Coastal Hazard Risk Area (SCA 9)

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

5.1.3 Notwithstanding any other provision of the Scheme, development is prohibited on land within any of the Special Control Areas referred to in clause 5.1.1 without the prior approval of the local government. For the purpose of this clause, development is to be taken as including:

- (a) clearing, draining, excavating or filling any land and the construction of any road other than where such works are authorised by subdivision approval or development approval;
- (b) development for the purpose of agriculture – extensive; and
- (c) the erection of a building (including a dwelling).

- 5.1.4 Development in Special Control Areas will not be approved unless the local government is satisfied that the relevant matters referred to in clause 5.2 pertaining to specific Scheme Control Areas have been included and satisfactorily addressed in the application.
-

5.2 Special Control Areas

5.2.1 Existing Broome International Airport Environs (SCA 1)

5.2.1.1 Objective:

To control development within close proximity to the airport to ensure the ongoing safe operation of the airport.

5.2.1.2 In determining applications for approval of all new land uses and development, the local government shall have regard to the Australian Noise Exposure Forecast Contours in Schedule 10.

5.2.1.3 All new development including towers, antennae, and any alterations to roof lines and any increase to building heights on land must not exceed the height restrictions in the Broome Airport Obstacle Limitation Surface Plan contained in Schedule 11.

5.2.1.4 In determining applications for approval, the local government may consult the Civil Aviation Safety Authority and the operator of the airport.

5.2.1.5 In relation to advertisements above a roof line, flashing lights on buildings or land within the approach areas to the airport which are situated within the Town Centre Zone or Coastal Reserve, the local government may consult the Civil Aviation Safety Authority and the operator of the airport.

5.2.2 Future Broome International Airport Environs (SCA 2)

5.2.2.1 Objective:

To control development within close proximity to the airport to ensure the airport will be able to operate at its full potential.

5.2.2.2 In determining applications for approval of all land use and development, the local government shall have regard to Australian Noise Exposure Forecast Contours and Obstacle Limitation Surface Plan.

5.2.2.3 Despite any other provisions of this Scheme, the local government must not grant development approval for any development unless it is satisfied that such development will not constitute an obstruction, hazard or potential hazard to the future operation of the airport and may consult with and consider the advice of the Civil Aviation Safety Authority in making such determination.

5.2.3 Essential Service Buffer Areas (SCA 3)

5.2.3.1 Objective:

To control development within close proximity of a site which may be considered a nuisance or offensive by virtue of noise, odour, health concerns and visual amenity and to control development so that it does not jeopardise or conflict with the ongoing operations of the essential services.

5.2.3.2 Clementson Street Wastewater Treatment Plant

- (a) The local government will not generally support or approve development which involves the preparation of food on land which is within the identified buffer boundaries.
- (b) Any residential development or caretaker's dwelling is not permitted on land in the light and service industry zone situated on the south side of Clementson Street.
- (c) The local government shall not approve applications for approval of development until it has consulted with the Water Corporation, Department of Environment Regulation, Department of Water and the Environmental Protection Authority for consideration of the offsite impacts and any conditions to be imposed on approval.

5.2.3.3 Buckley's Road Waste Management Facility

- (a) The local government may impose on any development approval, conditions for the use or development of land which is within the identified buffer boundaries and may recommend to the Commission conditions in respect of the subdivision of any such land. These may include –
 - i. Reducing the density of subdivision and development with minimum lot sizes of 4 hectares;
 - ii. Requiring the provision of open space or local reserves;
 - iii. Restricting development on lots to only one residential dwelling and associated domestic outbuildings; and
 - iv. Imposing conditions which require the orientation of buildings and major openings away from the refuse site.

5.2.3.4 Crab Creek Waste Water Treatment Plant and Refuse Recycling Facility

- (a) Despite the provisions of the Zoning Table no residential development or caretaker's dwelling or tourist land use is permitted within the identified buffer boundaries.
- (b) In considering an application for development approval the local government is to have regard to –
 - i. whether the proposed development is compatible with odour emissions; and

- ii. any other relevant planning or environmental considerations or policies or advice including, including those of the Commission and Department of Environment Regulation and Department of Water.
- (c) In consideration of 5.2.3.4(a) the local government may at its discretion refer any development application to the operator of the wastewater treatment plant or refuse recycling facility requesting their advice.

5.2.3.5 McDaniel Road Power House

- (a) The power house generates noise which may create a nuisance to surrounding sensitive land uses. Consequently, the local government may –
 - i. impose conditions on any development approval with regard to noise attenuation for development on land which is situated within the nearby industrial area and/or the environmental cultural reserve; and
 - ii. limit the development within the environmental cultural reserve in order to minimise noise disturbance.
-

5.2.4 Flood Prone Land (SCA 4)

5.2.4.1 Objective:

To minimise flood damage, ensure off-site impacts on adjoining land and receiving water bodies is limited, and to manage drainage for development.

5.2.4.2 Potential for flooding exists in the following areas –

- (a) Chinatown and areas immediately west of Broome Road;
- (b) Bilingurr - Lots north of Pearl Coast Road on Lullfitz Drive and Sands St;
- (c) Port Drive – lots in the southern portion of the Industry Zone; and
- (d) any land below 6.0m A.H.D.

5.2.4.3 The local government may impose conditions in granting development approval for development and land use on land within the flood prone land (SCA) relating to any of the following matters-

- (a) building floor and fill levels (absolute minimum fill level to be 5.3m A.H.D and minimum floor level of 5.7m A.H.D);
- (b) fill or drainage requirements and financial contribution to drainage works;
- (c) limitations/restrictions on filling in areas required to hold stormwater;

- (d) location, construction style and/or orientation of buildings on site;
 - (e) density and site cover;
 - (f) landscaping and open space;
 - (g) location and style of fencing;
 - (h) lot access requirements; and
 - (i) the type and location of on site effluent disposal systems.
-

5.2.5 Public Drinking Water Source Protection Areas (SCA 5)

5.2.5.1 Objective:

To control land use and development which has the potential to adversely impact or prejudice the quality of water supplies for public use. To ensure the quality of public drinking water is protected from contamination from inappropriate land use or development and to ensure off-site impacts from stormwater are appropriately managed.

5.2.5.2 Despite the provisions of the Zoning Table, only uses designated a 'P' use in the Zoning Table are permitted within this area.

5.2.5.3 In considering an application for development approval, the local government is to have regard to-

- (a) the potential impact of the proposed development or use on the quality of the water resource;
- (b) the practicability and cost of any ameliorative measures proposed for the protection of the water resource;
- (c) the existing level of protection provided for the water resource, with reference to management of land and location of the proposed development;
- (d) the nature, location and performance of any existing or proposed effluent disposal system;
- (e) the drainage characteristics of the land, including surface and groundwater flow and the adequacy of proposed measures to manage run-off and drainage; and
- (f) the requirements of the WAPC and any advice received from the Department of Water and Department of Environment Regulation.

5.2.5.4 The local government may:

- (a) refuse any application for development approval or impose conditions on any development approval so as to protect the resource; or

- (b) when it grants development approval, impose a condition requiring the registration of a notification under section 70A of the Transfer of Land Act 1893 on the title of the land giving notice of any limitations or constraints associated with the protection of water resources, at the applicant's cost.

Note:

There will be a general presumption against development or use of land, which is not compatible with Public Drinking Water Source Areas or which involves a significant risk to the water resource. The onus will be on the proponent of development to demonstrate that the proposed activity will not prejudice the water resource.

5.2.6 Drainage Aquifer Recharge Areas (SCA 6)

5.2.6.1 Objective:

To control the extent of development to ensure that drainage provisions are adequately accommodated, and that any off-site impacts of development do not adversely affect the recharge area.

5.2.6.2 Land situated within the Drainage Aquifer Exchange Area is required principally for the purpose of a drainage compensation area and aquifer recharge area. The intensity of development within this area is to be limited at the discretion of the local government to an extent which does not detrimentally affect the drainage and recharge purpose of the area.

5.2.7 Landscape Protection Areas (SCA 7)

5.2.7.1 Objective:

- (a) To ensure that landscape protection areas are preserved and conserved in recognition of their environmental and ecological importance.
- (b) Landscape protection areas include the following:
 - i. Monsoon Vine Thickets
 - ii. RAMSAR sites

5.2.7.2

- (a) A person must not fill, clear, drain or carry out earthworks, construct any building or levee, damage a tree, shrub, or indigenous vegetation, on land within a Landscape Protection Area except with the prior approval of the local government.
- (b) A person must not fill, clear, drain or carry out earthworks, construct any building or levee, damage a tree, shrub, or indigenous vegetation, on land which has the potential for the off-site impacts to effect the Landscape Protection Area except with the prior approval of the local government.

5.2.7.3

- (a) If land the subject of a development application includes land in a Landscape Protection Area and other land outside that area the development shall, wherever possible, be carried out on that part of the land which is not within the area.
- (b) The local government shall not support a subdivision application unless each allotment to be created for the purpose of the erection of a building is outside the Landscape Protection Area.

5.2.7.4 The local government may grant development approval for development on land within (wholly or partly) the Landscape Protection Area where it is satisfied that:

- (a) the characteristics of the land, where the development is proposed, are different from the general characteristics on which the delineation of the special control area was based; and
- (b) there are no other reasonable or practical alternatives in the circumstances.

5.2.7.5 The local government shall not grant development approval for development on land within a Landscape Protection Area unless it is satisfied that:

- (a) the development is essential for the reasonable economic use of the land, the provision of utility services or to reduce the risk of bushfires; and
- (b) the development is proposed to be carried out in a manner which minimises:
 - i. visual and scenic impact; and
 - ii. the risk of soil erosion (including erosion by wind); and
 - iii. the risk of water pollution, through increased siltation or otherwise; and
 - iv. the destruction of rare or locally important vegetation systems; and
- (c) appropriate measures are proposed to retain parts of existing vegetation or to create offsets at the rate of two to one.

5.2.7.6 The local government may require that a statement of environmental effects be prepared to accompany a development application for development within a Landscape Protection Area or development within proximity to a Landscape Protection Area that has the potential to create off site impacts. To enable the local government to consider fully the environmental effects of the proposed development the statement of environmental effects should include:

- (a) A full description of the proposed development.
- (b) A statement of the objectives of the proposed development.

- (c) A full description of the existing environment likely to be affected by the proposed development if carried out.
- (d) An identification and analysis of the likely interactions between the proposed development and the environment.
- (e) An analysis of the likely environmental impacts or consequences of carrying out the proposed development, including the effect on:
 - i. the growth of native plant communities;
 - ii. the survival of native wildlife populations;
 - iii. the provision and quality of habitats for both indigenous and migratory species; and
 - iv. the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including acidity, salinity and water quality.
- (f) Whether adequate safeguards and rehabilitation measures have been, or will be, taken to protect the landscape protection area.
- (g) Any feasible alternatives to the carrying out of the proposed development and the reasons for choosing the latter.
- (h) The consequences of not carrying out the proposed development.
- (i) Details of any landscape protection areas surrounding the land to which the development application relates and the appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those surrounding areas.

5.2.7.7 The local government may consult with the Department of Environment Regulation, the Department of Water and the Water Corporation in regard to any proposal that may have environmental impact.

5.2.8 Aboriginal Communities (SCA 8)

5.2.8.1 Objective:

To ensure the orderly and proper development of areas within or in proximity to existing and proposed Aboriginal settlements which may be located outside of the extents of the 'Settlement' zone.

5.2.8.2 Proposed development within the Aboriginal Communities SCA is to comply with a Layout Plan prepared in accordance with State Planning Policy 3.2.

5.2.8.3 In the instance that development is proposed for a place within the Aboriginal Communities SCA that does not have a Layout Plan prepared in accordance with State Planning Policy 3.2, the local government is to consider the proposal having regard to the aims of this scheme.

5.2.9 Coast Hazard Risk Area (SCA9)

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5.2.9.1 Objectives:

- a) To ensure land in the coastal zone is continuously provided for coastal foreshore management, public access, recreation and conservation.
- b) To ensure public safety and reduce risk associated with coastal erosion and inundation.
- c) To avoid inappropriate land use and development of land at risk from coastal erosion and inundation.
- d) To ensure land use and development does not accelerate coastal erosion or inundation risks; or have a detrimental impact on the functions of public reserves.
- e) To ensure that development addresses the Broome Townsite Coastal Hazard Risk Management and Adaptation Plan prepared in accordance with State Planning Policy No. 2.6 State Coastal Planning Policy (as amended) and any relevant local planning policy prepared in accordance with this Scheme.

5.2.9.2 Additional Provisions:

- (a) Notwithstanding the provisions of Clause 5.1.3 development approval is not required within SCA9 for the following development, if such development is otherwise exempt from requiring development approval under the Scheme:
 - i. temporary or non-permanent structures not used for human habitation;
 - ii. extensions to an existing single, grouped or multiple dwelling where the gross floor area of the proposed extensions is no more than 50m²; and
 - iii. a change of use to a 'P' use where no new structures are proposed.

5.3 Development Contribution Plan Areas

5.3.1 Development Contribution Areas

5.3.1.1 The Development Contribution Areas are shown on the scheme map as DCA with a number and included in Schedule 7.

5.3.1.2 Objectives –

- (a) To provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) To ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) To coordinate the timely provision of infrastructure.

5.3.1.3 A development contribution plan is required to be prepared for each development contribution area.

5.3.2 **Development contribution plan part of scheme**

5.3.2.1 The development contribution plan is incorporated in schedule 7 as part of the Scheme.

5.3.3 **Guiding principles for development contribution plans**

5.3.3.1 The development contribution plan for any development contribution area is to be prepared in accordance with the following principles –

- (a) **Need and the nexus** - The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
- (b) **Transparency** - Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.
- (c) **Equity** - Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.
- (d) **Certainty** - All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.
- (e) **Efficiency** - Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.
- (f) **Consistency** - Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.
- (g) **Right of consultation and review** - Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.
- (h) **Accountable** - There must be accountability in the manner in which development contributions are determined and expended.

5.3.4 Recommended content of development contribution plans

5.3.4.1 The development contribution plan is to specify –

- (a) the development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items to be funded through the development contribution plan;
- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

5.3.5 Period of development contribution plan

5.3.5.1 A development contribution plan must specify the period during which it is to operate.

5.3.6 Land excluded

5.3.6.1 In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for –

- (a) existing public open space;
- (b) existing government primary and secondary schools; and
- (c) such other land as is set out in the development contribution plan is to be excluded.

5.3.7 Development contribution plan report and cost apportionment schedule

5.3.7.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

5.3.7.2 The development contribution plan report and the cost apportionment schedule must set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and must take into account any proposed staging of the development.

5.3.7.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 76 of the deemed provisions.

5.3.8 Cost contributions based on estimates

5.3.8.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs

available to the local government and adjusted accordingly, if necessary.

5.3.8.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government –

- (a) in the case of land to be acquired, in accordance with clause 5.3.10; and
- (b) in all other cases, in accordance with the best and latest information available to the local government,

until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

5.3.8.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.

5.3.8.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government –

- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
- (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

5.3.8.5 Where an owner's cost contribution is adjusted under clause 5.3.9.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

5.3.8.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

5.3.8.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined –

- (a) by any method agreed between the local government and the owner; or
 - (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 2012*, with the costs to be shared equally between the local government and owner.
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5.3.9 Valuation

5.3.9.1 Clause 5.3.10 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

5.3.9.2 In clause 5.3.10–

- (a) 'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell. The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 7. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.
- (b) 'Valuer' means a licensed valuer agreed by the local government and the owner, or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

5.3.9.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.

5.3.9.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined –

- (c) by any method agreed between the local government and the owner; or
- (d) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

5.3.10 Liability for cost contributions

5.3.10.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 5.3.

5.3.10.2 An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of –

- (a) the Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
- (b) the commencement of any development on the owner's land within the development contribution area;
- (c) the approval of any strata plan by the local government or Commission on the owner's land within the development contribution area; or

- (d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

5.3.10.3 Despite clause 5.3.11.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

5.3.10.4 Where a development contribution plan expires in accordance with clause 5.3.6, an owner's liability to pay the owner's cost contribution under that development contribution plan must be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

5.3.11 Payment of cost contribution

5.3.11.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by –

- (a) cheque or cash;
- (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
- (c) the provision of physical infrastructure;
- (d) some other method acceptable to the local government; or
- (e) any combination of these methods.

5.3.11.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

5.3.11.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's liability under the development contribution plan and the local government is to provide certification in writing to the owner of such discharge if requested by the owner.

5.3.12 Charge on land

5.3.12.1 The amount of any cost contribution for which an owner is liable under clause 5.3.11, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

5.3.12.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 5.3.13.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

5.3.12.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 5.3.13.

5.3.13 Administration of funds

5.3.13.1 The local government is to establish and maintain a reserve account in accordance with *the Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

5.3.13.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 5.3.14.1 is to be applied in the development contribution area to which the reserve account relates.

5.3.13.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

5.3.14 Shortfall or excess in cost contributions

5.3.14.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may –

- (a) make good the shortfall;
- (b) enter into agreements with owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution,

but nothing in paragraph 5.3.15.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

5.3.14.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds must be applied, to the provision of additional facilities or improvements in that development contribution area.

5.3.15 Powers of the local government

5.3.15.1 The local government in implementing the development contribution plan has the power to –

- (a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

5.3.16 **Arbitration**

Subject to clauses 5.3.10.3 and 5.3.10.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 2012*.

AMD 7 GG 29/03/18

SCHEDULE A

Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions for Local Planning Schemes

AMD 4 GG 05/08/16

Supplemental provisions to the deemed provisions

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.

Clause 8(5) *Notwithstanding the above clauses, the Shire of Broome's Municipal Inventory will form the heritage list until a separate list is prepared and adopted under this Part.*

Clause 61(1)(k) *the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone where the R-Codes do not apply, in which that lot is located and where the development standards set out in the Scheme for that particular zone are satisfied, unless the development is located in a place that is:*

- (i) entered in the Register of Heritage Places under the Heritage Act of Western Australia 1990; or*
- (ii) the subject of an order under the Heritage Act of Western Australia 1990 Part 6;*
- (iii) included on a heritage list prepared in accordance with this Scheme; or*
- (iv) within an area designated under the Scheme as a heritage area; or*
- (v) the subject of a heritage agreement entered into under the Heritage Act of Western Australia 1990 section 29.*

Clause 61(1)(l) *the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio or pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone where the R-Codes do not apply and where the development standards set out in the Scheme for that particular zone are satisfied, unless the development is located in a place that is:*

- (i) entered in the Register of Heritage Places under the Heritage Act of Western Australia 1990; or*
- (ii) the subject of an order under the Heritage Act of Western Australia 1990 Part 6;*
- (iii) included on a heritage list prepared in accordance with this Scheme; or*
- (iv) within an area designated under the Scheme as a heritage area; or*
- (v) the subject of a heritage agreement entered into under the Heritage Act of Western Australia 1990 section 29.*

Clause 61(1)(m) *the erection on a lot within the General Agricultural zone of a single house including any extension, ancillary outbuilding and swimming pools and any building associated with Agricultural - Extensive use of the land except where the building or structure is contrary to any provisions of the scheme and schedules.*

Clause 61(2)(g) *the carrying out of any activities associated with traditional use and law.*

Clause 63(4)

- (a) Where in respect of any application for development approval, the accompanying material is, in the opinion of the local government, insufficient for a proper planning evaluation to be made for the purposes of this Scheme, the local government shall, within a period of 21 days of receiving the application, notify the applicant in writing that additional information is required and specify the type and form of the information to be submitted.
- (b) Where notice has been served pursuant to subclause 63(4)(a) of the deemed provisions, the unexpired portions of periods for calculating whether or not an application may be deemed to have been refused for the purpose of clause 75(2) of the deemed provisions shall cease to run until such time as the additional information has been received by the local government or the applicant has refused to provide the required information and has requested that the application be determined as submitted in accordance with Part 9 of the deemed provisions.
- (c) On the receipt of the requested information, or where the information is not received within 21 days, the local government may proceed to determine the application in accordance with the requirements of the Scheme.

SCHEDULE 1 – DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

AMD 4 GG 05/08/16

General Definitions

In the Scheme –

“**absolute majority**” shall have the same meaning as given to the term in and for the purposes of the *Local Government Act 1995*.

“**administrative costs**” means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

“**administrative items**” means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

“**aged person**” has the same meaning as in the Residential Design Codes

“**Australian Noise Exposure Forecast – (ANEF)**” means contour maps that show a forecast of aircraft noise levels that are expected to exist in the future.

“**battle-axe lot**” has the same meaning as is given to the term in the Residential Design Codes.

“**Broome Townsite**” means all areas within the Gazetted Townsite of Broome.

“**building**” has the same meaning as is given to the term in the Residential Design Codes.

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

“**bulky goods**” means a building or place used primarily for sale by retail, wholesale, auction of (hire and display of) bulky goods, being goods that are of such a size and weight as to require:

- a) a large area for handling and storage; and
 - b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading and unloading such goods into or from their vehicles after purchase or hire, but does not include a building or place used for the sale of foodstuffs or clothing.
-

“**caravan**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*.

“Chinatown” means the area bounded by Hamersley Street to the west, Frederick Street to the south and Dampier Creek to the north and east.

“commercial vehicle” means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.

“Commission” means the Western Australian Planning Commission established under the Act.

“conservation” has the same meaning as in the *Heritage of Western Australia Act 1990*.

“cost apportionment schedule” means a schedule prepared and distributed in accordance with clause 6.3.8.

“cost contribution” means the contribution to the cost of infrastructure and administrative costs.

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

“dependant person” has the same meaning as in the Residential Design Codes.

“development” has the same meaning given to the term in and for the purpose of the Act.

“development area” means an area included in the Development zone.

“development contribution area” means area shown on the scheme map as DCA with a number and included in Schedule 14.

“district” means the local government district of the Shire of Broome.

“façade” means the exposed face of a building orientated towards any road or open space, or the outward appearance of a building.

“firebreak” means the minimum area of land required to be cleared and be maintained as a firebreak for a firebreak to comply with the *Bush Fires Act 1954* and the local government firebreak requirements.

“floor area” has the same meaning as in the *Building Code of Australia*.

“frontage”, when used in relation to a building that is used for -

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

“Gazettal date”, in relation to a Scheme, means the date on which the Scheme is published in the *Government Gazette* under section 81(4) of the Act.

“gross floor area” shall have the same meaning as floor area in the *Building Code of Australia*.

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

“height, building”

- (a) when used in relation to a building that is used for residential purposes, has the same meaning given to it in and for the purposes of the Residential Design Codes; or
 - (b) means the vertical distance at any point from natural ground level to the upper most part of the building above that point (roof ridge, parapet or wall), excluding minor projections above that point.
-

“height, wall”

- (a) when used in relation to a building that is used for residential purposes, has the same meaning given to it in and for the purposes of the Residential Design Codes of Western Australia; or
 - (b) when used in relation to a building that is used for purposes other than residential purposes, means the measurement taken from the natural ground level to the level of the top of the eave, parapet or flat roof, whichever is the highest.
-

“heritage area” means an area which is of cultural heritage significance and of such distinctive nature or character that special controls are considered necessary to retain and/or enhance that character, even though each individual place in the area may not itself be of significance.

“heritage list” means a list of those places which, in the opinion of the local government, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted and unless the contrary is specifically indicated the term has the same meaning as the

Municipal Inventory prepared and maintained pursuant to section 45 of the Heritage of Western Australia Act 1990.

“heavy vehicle” means a vehicle with a mass limit (tonnes) exceeding 15 tonnes and includes trailers.

“incidental use” means a use of premises which is ancillary and subordinate to the predominant use.

“infrastructure” means the standard infrastructure items and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of clause 6.3.

“infrastructure costs” means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

“land” has the same meaning as in the Act and includes houses, buildings and other works and structures.

“Layout Plan” means a land use plan for Aboriginal settlement.

“Local Development Plan” means a plan prepared and approved under clause 5.31.

“lot” has the same meaning as in the Act but does not include a strata or survey strata lot.

“minerals” has the same meaning as in the *Mining Act 1978*.

“Minister” means the Minister for Planning.

“net lettable area (nla)” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas;

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

“non-conforming use” has the same meaning as it has in section 172 of the Act.

“obstacle limitation surface (OLS)” 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.

“park management plan” means a management plan adopted under the *Land Administration Act 1997*.

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

“plot ratio” has the same meaning as in the Residential Design Codes.

“precinct” means a definable area where particular planning policies, guidelines or standards apply.

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

“resort style” means development that appear to be integrated, purpose-built luxury or experiential premises for predominantly short-stay guests comprising accommodation units and on-site tourist facilities such as reception, restaurant and leisure facilities such as swimming pool, gymnasium and tennis courts.

“retail” means the sale or hire of goods or services to the public.

“setback” means the horizontal distance between a wall at any point and the adjacent lot boundary, measured at right angles (90 degrees) to the boundary.

“settlement” has the same meaning as ‘aboriginal settlement’ in attachment 1 of *State Planning Policy 3.2: Aboriginal Settlements* published by the Western Australian Planning Commission.

“short stay” means the occupation of premises from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period not exceeding 3 months in any one 12 month period;

“strata lot” has the same meaning as in the Residential Design Codes.

“sustainable development” means development that meets the needs of current and future generations through an integration of environmental protection, social advancement, and economic prosperity.

“survey strata lot” has the same meaning as in the Residential Design Codes.

“traditional law and culture” means structures and/or activities associated with traditional Australian Aboriginal law and culture.

“wastewater disposal” means land used to accommodate any part of the infrastructure associated with a reticulated wastewater disposal system and includes sewerage ponds.

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

LAND USE DEFINITIONS

In the Scheme –

“aged or dependent person’s accommodation” means a dwelling or dwellings designed for aged or dependant persons which incorporate appropriate provision for the special needs of their prospective occupants.

“agriculture – extensive” means the use of any land or building for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive.

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

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

“agro forestry” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare.

“Airport and aviation uses” means a licensed international/domestic airport for the arrival and departure of aircraft, the processing of air freight and passengers travelling by air, the use of the airport facilities by the general public and the development of direct and indirect aviation facilities and infrastructure.

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

“ancillary dwelling” means a special purpose dwelling as provided for in the Residential Design Codes of WA (2013).

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

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

“aquaculture” has the same meaning as given to the term in and for the purposes of the *Fish Resources Management Act 1994*. *Note: Refer Agriculture - Intensive.*

“art and craft centre” means premises used to manufacture on-site, display, and sell, works of art or craft.

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

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

“carpark” means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale.

“caretaker’s dwelling” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.

“childcare centre” means premises used for the care of children for remuneration. The term does not include crèche facilities which may be provided in any business for the benefit of employees or family day care.

“childcare premises” has the same meaning as in the *Community Services (Child Care) Regulations 1988*. *Note: Refer Child Care Centre.*

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

“civic use” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purpose.

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

“community living” means the use and occupation of a single lot with a minimum area of 5 hectares, for permanent and/or temporary residential and associated uses, by a group of persons or by a corporate body representing a group of persons and which may include –

- (a) more than one dwelling for families and unrelated groups of Aboriginal and/or non-Aboriginal people;
 - (b) camping facilities for temporary accommodation;
 - (c) buildings for shared and/or self contained accommodation; and
 - (d) associated uses such as administration office, kiosk, open space.
-

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

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

“department store” means a shop which consists of a substantial number of different departments carrying a significant range of goods in each department.

“display home” means a dwelling which is intended to be open for viewing by prospective buyers.

“display home village” means a group of two or more dwellings which are intended to be open for viewing by prospective buyers.

“dry cleaning premises” means any land or building used for the cleaning of garments and other fabrics by chemical processes.

“educational establishment” means premises used for the purposes of education and includes a school, tertiary institution, business collage, academy or other educational centre.

“exhibition centre” means premises used for the display, or display and sale, of materials of an artistic, cultural or historic nature, and includes a museum or art gallery.

“family day care” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*. *Note: Refer Child Care Centre*

“fast food outlet” *DELETED BY AMD 7 GG 29/03/18*

“fast food outlet - drive through” means any land or buildings used for the preparation, sale and serving of food to customers in cars in a form ready to be eaten without further preparation 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 a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises.

“funeral parlour” means premises used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.

“grouped dwelling” has the same meaning as in the Residential Design Codes.

“health club” means any land or building used for physical exercise and associated activities. *Note: Refer Recreation – Indoor.*

“home business” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ more than 2 people not members of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 50 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle of more than 3.5 tonnes tare weight;
 - (g) does not involve the use of an essential service of greater capacity than normally required in the zone; and
 - (h) does not detract from the residential appearance of the dwelling house or domestic outbuilding.
-

“home occupation” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;

- (c) does not occupy an area greater than 20 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single house or an increase in traffic volume in the neighbourhood;
 - (g) does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;
 - (h) does not involve the use of essential service of greater capacity than normally required in the zone; and
 - (i) does not detract from the residential appearance of the dwelling house or domestic outbuilding.
-

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

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

“holiday home (standard)” means a dwelling, which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

“holiday home (large)” means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.

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

“hotel” means premises used for the overnight accommodation of patrons, and may include facilities for consumption of beverages, or a restaurant, or a betting agency or facilities for entertainment, and which is or is intended to be the subject of a hotel licence granted under the provisions of *the Liquor Licensing Act 1988*, and does not include a Motel or Tavern.

“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for –

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

incidental to any of those industrial operations.

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

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

“industry – extractive” means an industry which involves –

- (a) the extraction, quarrying or removal of sand, gravel, clay, soil, rock, stone, or similar material from the land and includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products; and
 - (b) the production of salt by the evaporation of salt water.
-

“industry - general” means an industry other than a cottage, extractive, hazardous, light, noxious, mining, rural or service industry.

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

“industry – light” means an industry –

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
 - (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.
-

“industry- noxious”- means an industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Act 1986.

“industry – rural” means –

- (a) an industry handling, treating, processing or packing rural products: or
 - (b) a workshop servicing plant or equipment used for rural purposes for produce grown solely on the lot.
-

“industry – service” means an ‘industry – light’ carried out from premises which may have a minor/ancillary retail shop front not exceeding 50sqm and –

- (a) from which goods manufactured on the premises may be sold or
- (b) is used as a depot for receiving goods to be serviced.

“landing strip” means land used for the aircraft and aviation purposes which does not fall within the definition of Airport and Aviation Use.

“liquor store” means any land and building the subject of or intended to be the subject of a store licence granted under the provisions of the *Liquor Licensing Act 1988*.

“lodging house” shall have the same meaning as is given to the term in and for the purposes of the *Health Act 1911*. *AMD 7 GG 29/03/18*

“lunch bar” means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas. *AMD 7 GG 29/03/18*

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

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

“market” means premises used for the display and sale of goods from stalls by independent vendors which may also provide entertainment and can include such uses as a farmers’ or producers’ market, or a swap-meet.

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

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

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

“motor vehicle and/or marine wrecking” means land or buildings used for the storage, breaking up or dismantling of motor vehicles, caravans and marine vessels

and includes the sale of second hand motor vehicle and marine accessories and spare parts.

“motor vehicle repair” means premises used for or in connection with –

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

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

“motor vehicle wash” means premises where the primary use is the washing of motor vehicles.

“multiple dwelling” has the same meaning as in the Residential Design Code.

“museum” means premises used to exhibit cultural or historical artefacts *Note: Refer Exhibition Centre.*

“night club” means premises –

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

“occasional use” means the use of premises on an occasional basis for the purpose of recreation, entertainment, community or other similar activity which does not in the opinion of the local government prejudice the orderly and proper planning or the preservation of the amenity of the locality in which the land or building is situated. The term includes a swap-meet, market or fair, the profits of which (if any) are to be employed for charitable or community purposes.

“office” means premises used for the administration of clerical, technical, professional or other like business activities.

“open air display” means the use of a site external to a building for the display and/or sale of goods and equipment.

“place of assembly and worship” means premises where people assemble for a public activity and includes premises used for religious activities such as a church, chapel, mosque, synagogue or temple.

“plant nursery” means premises used for the propagation, rearing, and/or sale of plants and the storage and sale of products associated with horticultural and garden activities.

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

“recreation – indoor” means the use of any building for sports including but without limiting the generality of the term, swimming, ice skating, ten pin bowling, cricket, tennis, squash, soccer, billiards and similar activities, and includes use for a health club.

“recreation – outdoor” means the use of any land for outdoor recreation purposes and includes water slides and theme parks.

“reception centre” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

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

“residential building” has the same meaning as the Residential Design Codes.

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

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

- (a) publications that are classified as restricted under the *Censorship Act 1996*; and
 - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.
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“rural pursuit” means any premises used for –

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

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

“service station” means premises used for –

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

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

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

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

“single house” has the same meaning as is given to the term Single House/Dwelling in the Residential Design Codes of WA

“stable” means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

“staff accommodation” means shared self contained living accommodation, used for the accommodation of persons directly employed in an approved activity carried out on the lot.

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

“storage facility/depot,/laydown area” means any land, buildings or other structures used for the storage of goods including salvaged items, the assembling of prefabricated components of products and includes earthworks contracting yards and salvage yards.

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

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

“tourist development” means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period.

“tourist development - low impact” means development predominantly of a tourist nature for the accommodation of short stay guests that has been designed in such a manner to have minimal impact on the natural environment.

“tourist land uses” means one or more of the following: bed and breakfast, hotel, motel, holiday home standard, holiday home large and includes tourist development.

“trade display” means premises used for the display of trade goods and equipment for the purposes of advertisement.

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

“transport overnight facility” means any land or buildings used for overnight accommodation of drivers, which is incidental to a transport depot.

“vehicle hire” means the use of any land or building for the display and hire of motor vehicles, motor-cycles, or recreational vehicles, caravan, boat or recreational watercraft, and includes the storage and cleaning of vehicles, but does not include mechanical repairs or servicing of such vehicles on the site.

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

“warehouse” means premises used to store or display goods and may include sale by wholesale.

“winery” means land and buildings used in the processing of grapes or fruit to produce wine, cider or similar products either alcoholic or non-alcoholic, and includes the sale of the products produced on the premises directly to the public.

“zoological gardens” means any land or buildings used for the keeping, breeding or display of animals including crocodiles, wildlife park, and the term includes zoo but does not include a dog kennel or a cattery, animal husbandry-intensive or animal establishment.

SCHEDULE 2 – ADDITIONAL USES

No.	Description of Land	Additional Use	Conditions
A1	Lot 732 Blick Drive	Restaurant	As determined by the local government
A2	Lot 728 Blick Drive	Shop	As determined by the local government
A3	Lot 2094 Clemenston Street	Fish curing	As determined by the local government
A4	Lot 2101 Clemenston Street	Lunch bar, Delicatessen	As determined by the local government
A5	Lot 417 Lullfitz Drive	Health Centre, Natural Healing workshops, short term residential accommodation and ancillary uses and residential house	As determined by the local government
A6	Lot 50 Coucal Street	A second dwelling	As determined by the local government
A7	Lot 6 Sanctuary Road	<i>DELETED BY AMD 7 GG 29/03/18</i>	
A8	Lot 10 Archer Street	Go Kart track and Ancillary Uses	As determined by the local government
A9	Lot 11 Walcott Street	Service Station	As determined by the local government
A10	Lot 202 Frederick Street (Boulevard Shopping Centre)	Showrooms	As determined by the local government
A11	Lot 3000 Broome Road Skuthorpe	Camping and Caravan Park, Lodging House	<ol style="list-style-type: none"> 1. The predominant use of the site is to remain agricultural purposes. 2. The additional uses are to be limited to short stay accommodation by any person for no longer than three months in any twelve month period. 3. Appropriate separation buffers must be provided within this lot to address the potential for land use conflict from nearby agricultural land uses. 4. Adequate water supply is to be provided to the additional uses.
A12	Lot 300 Lullfitz Drive	Veterinary Centre, Caretakers Dwelling	As determined by the local government
A13	Lot 4 Kanagae Drive	Restaurant	As determined by the local government
A14	Lot 20 Yamashita Street	Restaurant	As determined by the local government
A15	Lot 213, 214 and 216 Hamersley Street and	Grouped Dwellings and Multiple Dwellings	<ol style="list-style-type: none"> 1. Clause 4.34.3(b) does not apply to these lots.

	Lot 215 Louis Street		2. All other conditions as determined by the local government.
A16	Lot 17 Yamashita Street	Restaurant	As determined by the local government
A17	Lot 413 Yamashita Street	Zoological Gardens	As determined by the local government
A18	Lot 108 Coghlan Street	Motor Vehicle, Boat or Caravan Sales	As determined by the local government
A19	Lot 3 and 4 Coghlan Street	Motor Vehicle, Boat or Caravan Sales, Motor Vehicle Repairs	As determined by the local government
A20	Lot 1 Macpherson Street	Motor Vehicle, Boat or Caravan Sales, Motor Vehicle Repairs	As determined by the local government
A21	Lot 8 Frederick Street	Motor Vehicle, Boat or Caravan Sales	As determined by the local government
A22	Lot 54 Coghlan Street	Motor Vehicle, Boat or Caravan Sales	As determined by the local government
A23	Lot 12 Coghlan Street	Motor Vehicle, Boat or Caravan Sales	As Determined by the local government
A24	Lot 238 Willie Creek	Customs	<ol style="list-style-type: none"> 1. Uses may include: <ul style="list-style-type: none"> • Residential buildings for Fisheries Department • Customs activities 2. All other conditions as determined by the local government.
A25	Lot 222 Lullfitz Drive <i>AMD 3 GG 03/11/17</i>	Tourist Development-Low Impact	<p>The additional use shall be considered an 'A' use-the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with the advertising requirements of clause 64 of the deemed provisions.</p> <p>Total development (including the additional use) on Lot 222 Lullfitz Drive shall not exceed 10% site coverage.</p>
A26	Lot 302 Fairway Drive, Bilingurr <i>AMD 3 GG 17/11/17</i>	Zoological Gardens	<ol style="list-style-type: none"> 1. The additional use shall be considered an 'A' use - the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with the advertising requirements of clause 64 of the deemed provisions. 2. Total development (including the additional use) on Lot 302 Fairway Drive shall not exceed 10% site coverage. 3. Any land or buildings used for the display of animals is restricted to camels only.

SCHEDULE 3 – RESTRICTED USES

No.	Description of Land	Restricted Use	Conditions
RU 1	Lot 947 Carnarvon Street	Hotel / Motel	As determined by the local government
RU 2	Lot 1 Louis Street	Hotel	As determined by the local government
RU 3	Lot 51 Robinson Street	Motel	<ol style="list-style-type: none"> 1. Site and Development Requirements - As determined by the local government. 2. A nightclub will not be permitted to be incorporated into the motel use. 3. Units situated adjacent to residential zoned land on Walcott Street must be designed so that there are no major openings, habitable rooms or outside living areas including balconies and verandahs located on the western side. 4. Landscaping is required within the side setback area of the motel.

SCHEDULE 4 – SPECIAL USE ZONES

Notation	Description of Land	Special Use	Conditions
CF	Lot 351 Broome Road	Crocodile Farm	<ol style="list-style-type: none"> 1. Development on site may include a wildlife retreat and associated tourist uses. 2. Site and Development Requirements - As determined by the local government
AU	Lot 100, 102 & 259 Broome Road	Aboriginal use, offices and ancillary uses	As determined by the local government
BO	Lot 400 Crab Creek Road (Reserve 41066)	Bird observatory	As determined by the local government
V	Lot 1225 & Lot 640 Dora Street, Anne Street & Paddy Street	Various	<ol style="list-style-type: none"> 1. Development may include: <ol style="list-style-type: none"> a. Aboriginal Use; b. Offices; c. Medical Rooms; d. Residential accommodation e. Associated uses 2. Site and Development Requirements - As determined by the local government
CP	Lot 2813 Robinson Street (Reserve 17132)	Caravan Park	As determined by the local government
CP	Lot 1539 Great Northern Highway (Eighty Mile Beach)	Caravan Park	As determined by the local government
CP	Lot 3130 Sanctuary Road	Caravan Park	As determined by the local government
CP	Lot 1 Wattle Drive	Caravan Park	As determined by the local government
PF	Lot 154 Willie Creek Road <i>AMD 7 GG 29/03/18</i>	Pearl Farm	<ol style="list-style-type: none"> 1. Uses may include: <ol style="list-style-type: none"> a. Pearl Farm and ancillary uses. b. Tourist Display. c. Office. d. Shop. e. Caretaker's accommodation.

			2. Site and development requirements – as determined by local government.
PF	Lot 361 (Dampier Peninsula – Arrow Pearls)	Pearl Farm	As determined by the local government
PF	Lot 84, 87 & 215 Cygnet Bay Road	Pearl Farm	<ol style="list-style-type: none"> 1. Uses may include: <ol style="list-style-type: none"> a. Pearl Farm and ancillary use. b. Tourist Development-Low Impact c. Staff Accommodation d. Restaurant 2. Site and Development requirements – as determined by local government and set out in a the local development plan
RH	Lot 136 Broome Road	Road House	<ol style="list-style-type: none"> 1. Uses may include: <ol style="list-style-type: none"> a. Caravan and Camping Grounds b. Service Station c. Convenience retail d. Restaurant e. Associated uses f. Caretakers dwelling g. Staff accommodation h. Liquor store i. Motor vehicle repairs j. Transport overnight facility 2. Site and Development Requirements - As determined by the local government
CC	Lot 101 Sanderling Drive	Child Care	As determined by the local government
AS	Pt. Lot 297 on Plan No. P093256 and Pt. Reserve 20927	Airstrip	As determined by the local government
TD	Lot 100 Cable Beach Road	Tourist Development	As determined by the local government
RH	Lot 6 Great Northern Highway	Road House	<ol style="list-style-type: none"> 1. Uses may include: <ol style="list-style-type: none"> a. Caravan and Camping Grounds b. Service Station c. Restaurant d. Caretakers dwelling e. Staff accommodation f. Liquor Store g. Convenience Retail h. Motor vehicle repairs

			<ul style="list-style-type: none"> i. Transport overnight facility j. Associated Uses <p>2. Site and Development requirements – As determined by the local government</p>
C	Reserve 21709, Waterbank	Camping	As determined by the local government
MB	Lot 1642(Strata Lots 1-10) Frederick Street and Lot 1343 Frederick Street	Mixed Business	<ol style="list-style-type: none"> 1. Development shall provide a range of wholesaling, showrooms, trade and professional services which, by reason of their scale, character and operational land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within Mixed Use or Service Commercial zones. 2. Site and Development Requirements As determined by the local government with due regard to the Scheme and Policy requirements. 3. New developments must be strategically justifiable in the context of the local planning framework.
BH	Barn Hill Pt Lot 730 and 358 on Plan 71878, Roebuck AMD 7 GG 29/03/18	Caravan Park Tourist Development – Low Impact	As determined by the local government.

**SCHEDULE 7 – COMMUNITY INFRASTRUCTURE DEVELOPMENT
CONTRIBUTION PLAN FOR DEVELOPMENT**

Reference No.	.DCP1
Area Name	DCA XX
Relationship to other planning instruments	
Infrastructure and administrative items to be funded	
Method for calculating contributions	
Period of operation	
Priority and timing	
Review process	

SCHEDULE 7A – Statutory Static Feasibility Assessment Model

Gross realisation

Net lot yield @ average market value per lot
 "x" lots @ "\$Y" per Lot \$ (1)

Less GST @ standard/normal rates

(1) multiplied by GST rate/(100+GST rate) \$ (2)
 (1-2) \$ (3)

Less selling, marketing, advertising and settlement fees

@market % multiplied by (1) \$ (4)
 Add back Input Tax Credit on selling fees
 (4) Multiplied by GST rate/ (100+GST rate) \$ (5)
 (4-5) \$ (6)
 Balance after selling costs etc and Input Tax Credit (3-6) \$ (7)

Less adjusted profit and risk allowance as per SPP3.6

Market determined profit & risk allowance % (8)
 Less fixed profit allowance per SPP3.6 10% (9)
 Risk rate applied (8-9) = % (10)
 EXPLANATION: (10) to be expressed as a whole number eg 15%=15
 Ie Risk = (7) multiplied by (10)/100+(10) \$ (11)
 Balance after profit and risk factor (7-11) \$ (12)

Less development costs @ "X" lots multiplied by "\$Z" per lot\$ (13)

Add back Input Tax Credit on (13)
 (13) Multiplied by GST rate/ (100+GST rate) \$ (14)
 Develop cost after Input Tax Credit (13-14) \$ (15)

Add interest on net development costs (15)

For ½ development and ½ selling term

@ Applicable market rates

(15) Multiplied by % rate \$ (16)

(15+16) \$ (17)

Balance after deduction of development costs 7 interest (12-17) \$ (18)**Less interest on land value, rates and taxes and stamp duty**

Assessed over ½ development and ½ selling term

@ applicable market rates

(18) Multiplied by (%rate/100+%rate) \$ (19)

Balance after interest on land (18-19) \$ (20)

Less rates and taxes

Balance after rates and taxes (20-21) \$ (21)

Less Stamp Duty @ current statutory rates

(22) Multiplied by stamp duty rate/(100+stamp duty rate) \$ (23)

Residual Land Value prior to GST consideration (22-23) \$ (24)

Add GST (24) +GST at prevailing statutory rate \$ (25)

ASSESSED STATUTORY CONTRIBUTION PER SPP3.6

(22+23) \$

The Static Feasibility Model is based on:

1. The number of lots yielded from the land will have a gross sale price which, when multiplied by the number of lots created, establishes the Gross realisation (i).
2. GST will be calculated by the standard/normal method.
3. Selling, marketing, advertising and settlement fees expressed as a percentage shall be added and then expressed as a total percentage against the gross realisation.
4. The adjusted risk component in the model is the established market profit and risk at the date of valuation less fixed 10% profit applied in SPP3.6.
5. Development costs will be established as an appropriate servicing cost per lot at the date of valuation, multiplied by the lots realised from the land.
6. Interest against the development costs will be established by the application of bank lending rates for such projects at the date of valuation.
7. Interest against the land in the development will be established by the application of bank lending rates for such development acquisitions at the date of valuation.
8. Rates and taxes will be applied for a full term of acquisition, development and sale.
9. Stamp Duty will be applied at the statutory rate as applicable at the date of valuation.
10. GST will be applied at the appropriate rate adopted at the date of valuation.

SCHEDULE 8 – DEVELOPMENT STANDARDS

(Clause 3.29)			Setback				
Zone	Site Coverage %	Plot Ratio	Front (metres)	Secondary Street (metres)	Rear (metres)	Side (metres)	Special Conditions/Comments
Residential	As per the Residential Design Codes or relevant adopted and endorsed Design Guidelines, Structure Plans or local development plans.						
Rural Residential <i>AMD 7 GG 29/03/18</i>	N/A	0.1	20	10	10	10	Existing natural vegetation shall be retained within all setback areas.
Town Centre	75	1	Nil	Nil	*	Nil	Landscaping along street frontage within the road reserve is a requirement.
Mixed Use <i>AMD 7 GG 29/03/18</i>	55	0.6	*	*	*	*	Landscaping along street frontage within the road reserve is a requirement. For all development on properties identified with a density coding of R10 on the Scheme maps, site coverage and setbacks are to be as per the provisions of the Residential Design Codes that apply to a density of R10. Landscaping for all development shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary. Where a nil setback is proposed landscaping is to be provided in the adjacent road reserve.
Service Commercial <i>AMD 7 GG 29/03/18</i>	75	0.75	10	5	Nil	Nil*	Landscaping along street frontage within the road reserve is a requirement.
Local Centre <i>AMD 7 GG 29/03/18</i>	50	1	3	3	*	Nil	Landscaping for all development within the Local Centre zone shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary or an equivalent area provided within the site.
Industry <i>AMD 7 GG 29/03/18</i>	75	0.75	9	4.5	*	Nil*	Landscaping along street frontage is a requirement.
Light & Service Industry <i>AMD 7 GG 29/03/18</i>	75	0.75	9	4.5	*	Nil*	
General Agriculture	N/A	N/A	30	N/A	20	20	
Cultural & Natural Resources	N/A	N/A	30	N/A	20	20	
Rural Small Holdings	N/A	N/A	30	N/A	20	20	
Tourist <i>AMD 7 GG 29/03/18</i>	55	0.6	As per the provisions of the Residential Design Codes that apply to a density of R40				Nil front setbacks may be provided where indicated supported in an endorsed development strategy.
(Clause 3.29)			Setback				
Zone	Site	Plot	Front	Secondary	Rear	Side	Special Conditions/Comments

	Coverage %	Ratio	(metres)	Street (metres)	(metres)	(metres)	
Low Impact Tourist Development	10	N/A	20	10	10	*	See clause 4.13
Settlement	As per the corresponding zone as specified on the relevant Layout Plan. Where the relevant zone is not specified on the Layout Plan the development standards will be determined by the Local Government using the most appropriate zone standard as a guide.						
Port	As per the corresponding zone as specified on the relevant Structure Plan. Where not specified on the Structure Plan the development standards will be determined by the Local Government using the most appropriate zone standard as a guide.						
Special Use	See Schedule 4						
Development	As per the corresponding zone as specified on the relevant Structure Plan. Where not specified on the Structure Plan the development standards will be determined by the Local Government using the most appropriate zone standard as a guide.						
* Standard to be set by the local government in each case having regard to the likely impact of a planning proposal on adjoining properties, the requirements of the Scheme in relation to the subject land.							

SCHEDULE 9 – CAR, MOTORCYCLE AND BICYCLE RATIOS

Table 1 – Minimum number of car Parking Bays

Use Class	Minimum Number of Parking Bays
	'TOWN CENTRE' zone – (CHINATOWN) <i>AMD 7 GG 29/03/18</i>
Residential (all types), Residential Building, Backpackers' Hostel, Motel and the accommodation section of a Hotel	Shall comply with the use class requirements as listed below with the exception of residential development which can be considered under the provisions of the Residential Design Codes. <i>AMD 7 GG 29/03/18</i>
All other development	1 bay per 25m ² net lettable area
	'LOCAL CENTRE', 'MIXED USE', 'TOURIST', 'LIGHT & SERVICE INDUSTRY', , 'INDUSTRY', 'SPECIAL USE', 'DEVELOPMENT', 'SETTLEMENT', 'GENERAL AGRICULTURE', 'RURAL SMALLHOLDINGS', 'RURAL RESIDENTIAL', 'TOWN CENTRE (exluding Chinatown)', 'LOW IMPACT TOURIST', 'SERVICE COMMERCIAL' and 'CULTURE AND NATURAL RESOURCE USE' zones <i>AMD 7 GG 29/03/18</i>
Aquaculture	1 bay per employee Plus 2 additional bays Plus where public access/tours are provided: <ul style="list-style-type: none"> ▪ an additional 1 bay per 40 m² of display area and 1 bay per 4 seats provided in any demonstration or lecture area.
Art and Craft Centre	1 bay per 25 m ² of net lettable area Plus 1 bay per employee
Art Gallery	<i>DELETED BY AMD 7 GG 29/03/18</i>
Bed and Breakfast Accommodation	To be in accordance with the provisions of the Residential Design Codes Plus 1 car bay for each guest bedroom.
Caravan Parks <i>AMD 7 GG 29/03/18</i>	A minimum of 1 bay per caravan site and 1 bay for every 2 camp sites which can be provided as part of the caravan or camp site. Plus visitor parking, of 1 bay per 20 sites with a minimum of 2 bays. All visitor bays shall be outside of any security fences/barriers.
Caretaker's Dwelling	2 bays
Child Care Centre	1 bay for every 10 children the centre is approved to accommodate, plus 1 bay per employee with a minimum of 5 bays required. <i>AMD 7 GG 29/03/18</i>
Cinema/Theatre	1 bay per every 4 seats Plus 1 bay for each employee
Civic Use	1 bay per 40m ² net lettable area Plus 1 bay per staff member
Community Purposes/Club	1 bay per 4 persons capable of being accommodated

Premises <i>AMD 7 GG 29/03/18</i>	
Consulting Room/Medical Centre <i>AMD 7 GG 29/03/18</i>	4 bays for each health consultant room.
Dry Cleaning Premises	4 customer bays Plus 1 bay per employee
Education Establishment <i>AMD 7 GG 29/03/18</i>	1 bay per staff member Plus adequate pickup/set down areas on site; Plus provision of on-site bus standing and turning areas; If students are of driving age, adequate provision for student onsite parking at the discretion of the local government.
Exhibition Centre <i>AMD 7 GG 29/03/18</i>	1 bay per 40m ² of net lettable area.
Family Day Care <i>AMD 7 GG 29/03/18</i>	2 bays for the dwelling, plus 2 drop off/pick up bays.
Fast Food Outlet – Drive Through <i>AMD 7 GG 29/03/18</i>	2 bays per 2m ² of counter area, plus 1 bay per employee. Where a drive through facility is provided, 4 stacking bays plus 1 waiting bay.
Fuel Depot	1 bay per 30m ² of ancillary office floor area, with a minimum of 2 bays, Plus 1 bay per employee. Adequate parking and manoeuvring for heavy vehicles shall also be provided, at the discretion of the local government.
Funeral Parlour	1 bay per 30m ² of administration and customer service area. Plus 1 bay per 4 persons capable of being accommodated for any memorial service areas. Where bodies are stored and/or prepared for service or cremation, an additional 2 bays.
Holiday Home – Large <i>AMD 7 GG 29/03/18</i>	To be in accordance with the provisions of the Residential Design Codes, plus 1 bay.
Holiday Home – Standard <i>AMD 7 GG 29/03/18</i>	To be in accordance with the provisions of the Residential Design Codes.
Home Business <i>AMD 7 GG 29/03/18</i>	To be in accordance with the provisions of the Residential Design Codes, plus 1 bay, plus 1 bay for each employee not resident in the dwelling.
Home Occupation <i>AMD 7 GG 29/03/18</i>	To be in accordance with the provisions of the Residential Design Codes.
Hotel	1 bay for each bedroom Plus 1 bay for each 6m ² of bar, lounge or other areas designated for the public (including function rooms), Plus 1 bay for each staff member
Industry (all types)	1 bay per 50m ² of net lettable area in all zones except the “Industry”

	zone where 1 car bay per 100m ² of net lettable area shall be provided. Plus 1 bay per 30m ² of ancillary office floor area
Library (Use not listed)	<i>DELETED BY AMD 7 GG 29/03/18</i>
Liquor Store	1 bay per 15m ² net lettable area
Lunch Bar <i>AMD 7 GG 29/03/18</i>	2 bays per 2m ² of counter area, plus 1 bay per employee.
Market	At the discretion of the local government.
Motel	1 bay for each bedroom Plus 1 bay per 25m ² net lettable area of service building.
Motor Vehicle Hire	<i>DELETED BY AMD 7 GG 29/03/18</i>
Motor Vehicle and/or Marine Wrecking <i>AMD 7 GG 29/03/18</i>	1 bay per 50m ² of storage area used for vehicle wrecking.
Motor Vehicle Repairs <i>AMD 7 GG 29/03/18</i>	1 bay per 30m ² of sales/customer service area and office space, plus 2 bays per service bay.
Motor Vehicle, Boat or Caravan Sales <i>AMD 7 GG 29/03/18</i>	1 bay per 150m ² of site area allocated to vehicle display, 1 bay per 30m ² of sales/customer service area and office space, plus 2 bays per service bay, plus an additional 4 drop off bays if vehicle hire is provided.
Museum	<i>DELETED BY AMD 7 GG 29/03/18</i>
Nightclub	1 bay for each 6m ² public drinking area.
Office	1 bay per 30m ² gross leasable area.
Place of Assembly/Worship	1 bay for every 4 persons being accommodated
Plant nursery	1 bay per employee and Where selling occurs 1 bay per 50m ² of publicly accessible sales area
Poultry Farm	1 bay per employee Plus 2 additional bays
Public Utility	1 bay per 25m ² with a minimum of 2 bays
Recreation — Outdoor/Indoor/Private	1 bay per 3 spectator seats in a sporting venue. 3 bays per tennis or squash court. 15 bays per bowling green. 1 bay per 25m ² of net lettable area in a gym, health club or basketball court(s), or the like. All other recreation types at the discretion of the local government.
Residential Building <i>AMD 7 GG 29/03/18</i>	1 bay per bedroom. Plus 1 bay for any caretaker/manager
Residential Development (single, grouped, multiple and special purpose dwellings) <i>AMD 7 GG 29/03/18</i>	To be in accordance with Clause 4.3.3 of LPS6 with the exception of grouped and multiple dwellings in Chinatown which is to be in accordance with the Residential Design Codes.
Restaurant (including Alfresco dining areas) <i>AMD 7 GG 29/03/18</i>	1 bay per 6m ² of dining area
Retail Premises— Hire/Shop	<i>DELETED BY AMD 7 GG 29/03/18</i>
Rural Pursuit	1 bay per employee Plus 2 additional bays
Service Station <i>AMD 7 GG 29/03/18</i>	2 vehicle standing points per fuel pump, 2 bays for every service bay and 1 bay for every employee, plus 1 bay per 20m ² net lettable area

	of retail space.
Shop <i>AMD 7 GG 29/03/18</i>	1 bay per 20m ² net lettable area.
Showroom	1 bay per 50m ² of net lettable area
Stockyards	1 bay per employee Plus 2 additional bays. Where sales/auctions are undertaken, an additional 1 bay per 20m ² of sales/display area. Adequate parking and manoeuvring for heavy vehicles shall also be provided.
Take Away/Fast Food Outlets (Use not listed)	<i>DELETED BY AMD 7 GG 29/03/18</i>
Tavern (Use not listed)	<i>DELETED BY AMD 7 GG 29/03/18</i>
Tourist Development <i>AMD 7 GG 29/03/18</i>	<p><u>Short stay Units :</u></p> <p>1 bay for every two keyed units.</p> <p>Plus 1 visitor bay for every five keyed units.</p> <p><u>Back Packers</u></p> <p>1 bay for every 6 beds.</p> <p><u>Long stay Units:</u></p> <p>To be in accordance with Clause 4.3.3 of LPS6. <u>Restaurants, cafés and bars:</u></p> <p>1 bay per 12m² of seating area</p> <p><u>Commercial development:</u></p> <p>1 car bay per 25m² of gross lettable area.</p> <p><u>Day spas:</u></p> <p>1.5 bays per spa/massage/treatment room with a minimum of two bays.</p> <p><u>Employee Parking</u></p> <p>1 bay for each restaurant, café, bar or commercial component</p> <p>1 accessible bay for every disabled keyed unit</p>
Transport Depot	1 bay per 30m ² of ancillary office floor area, with a minimum of 4 bays, Plus 1 bay per employee. Adequate parking and manoeuvring for heavy vehicles shall also be

	provided.
Veterinary Centre <i>AMD 7 GG 29/03/18</i>	4 bays for each treatment/consulting room, Plus 1 for each other employee
Warehouse	1 bay per 50m ² of net lettable area.
Workers' Accommodation	1 bay for every bedroom
Zoological Gardens	1 bay per employee Plus 2 additional bays. Where public access/tours are provided, an additional 1 bay per 40m ² of indoor display and 1 bay per 80m ² of outdoor area and 1 bay per 4 seats provided in any demonstration or lecture area.
Other uses not listed	<i>DELETED BY AMD 7 GG 29/03/18</i>

Table 2 –Number of ACROD, Motorcycle Bays and Bicycle Parking

AMD 7 GG 29/03/18

ACROD Parking Bays	To be provided at a rate of 1 bay for every 50 parking bays or part thereof.	
Motor Cycle bays	Normally to be provided in groups according to demand and a maximum of 10% of the required number of parking bays may be provided as motorcycle bays. Ref: AS 2890:5 1993 and AS 2890:1 2004	
Bicycle Parking <i>AMD 7 GG 29/03/18</i>	To be provided in accordance with categories of land use with all land uses not listed at the discretion of the local government:	
	Type of Land Use	Visitor Parking Spaces (Net Lettable Area)
	Shop	2 per 500m ²
	Showroom	2 per 1,000m ²
	Fast Food Outlet – Drive Through, Lunch Bar	2 per 50m ²
	Restaurant, Tavern	2 per 100m ² public area
	Office	2 per 750m ²
	Medical Centre	2 per 4 practitioners
	Child Care Centre	2 per 8 employees
		Employee Parking Spaces (Net Lettable Area)
		If over 500m ² , 2 spaces and end of trip facilities for employee use.
		If over 1,000m ² , 2 spaces and end of trip facilities for employee use.
		If over 150m ² , 2 spaces and end of trip facilities for employee use.
		If over 150m ² , 2 spaces and end of trip facilities for employee use.
		If over 750m ² , 2 spaces and end of trip facilities for employee use.
		If more than 8 practitioners 2 spaces and end of trip facilities for employee use.
		If more than 8 employees 2 spaces and end of trip facilities for employee use.

			use.
	Tourist Development	2 per 8 accommodation units	N/A
	Exhibition Centre, Recreation (Indoor), Health Club, Club Premises, Place of Assembly or Worship	4 per 200m ²	N/A

Table 3- Car, Motorcycle and Bicycle Parking Dimensions

AMD 7 GG 29/03/18

Parking Type	Minimum Dimensions
ACROD Car Parking Bays <i>AMD 7 GG 29/03/18</i>	As per Australian Standard AS2890.6 2009.
Bicycle Parking Ref: As 2890.3-1993	Length – 1.7 metres Double sided rails <ul style="list-style-type: none"> ▪ Width either side of rail – 0.6 metres ▪ Width – if located near fence or wall – 0.9 metres Single sided rails <ul style="list-style-type: none"> ▪ Distance from fence or wall 0.1 metres Width of park side of rail – 0.6 metres
Boat Parking	Length - 10 metres Width – 3.2 metres
Car Parking – Accessible	<i>DELETED BY AMD 7 GG 29/03/18</i>
Car Parking – Public Car Parks	<i>DELETED BY AMD 7 GG 29/03/18</i>
Car Parking – not short term parking* **refer to user class 1 and 1A in AS 2890 <i>AMD 7 GG 29/03/18</i>	Width – 2.5 metres, can be reduced to 2.4 metres if parallel parking proposed. Length – parallel parking – 6 metres. Length – angle parking - 5.5 metres. Aisle width/reversing space – minimum 6m.
Car Parking – Public Car Park for short term parking, including parking in the Town Centre zone or parking bays in association with a hospital, consulting rooms/medical centre, shop and service stations land use <i>AMD 7 GG 29/03/18</i>	Width – 2.6 metres, can be reduced to 2.4 metres if parallel parking proposed. Length – parallel parking – 6 metres. Length angle parking – 5.5 metres. Aisle width/reversing space – minimum 6 metres.
Car Parking – Public Car	Width 2.7 metres, can be reduced to 2.4 metres if parallel

<p>Park within road reserves</p> <p><i>AMD 7 GG 29/03/18</i></p>	<p>parking proposed.</p> <p>Length – parallel parking – 6 metres</p> <p>Length – angle parking – 6 metres</p> <p>Aisle width – minimum 6m</p>
<p>Car Parking – Residential</p>	<p>In accordance with the provisions of the Residential Design Codes</p>
<p>Motor Cycle Parking</p>	<p>Width – 1.2 metres</p>
<p>Ref: AS 2809:5, AS 2890:1</p>	<p>Length – 2.5 metres</p>

* “ACROD” means the Australian Council of Rehabilitation Organisation of Disability.

SCHEDULE 10 – AUSTRALIAN NOISE EXPOSURE FORECAST CONTOURS

Building Site Acceptability Based on ANEF Zones

Appendix 1 of *State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport*
Adapted from AS 2021, Table 2.1: *Building Site Acceptability Based on ANEF Zones*

Building Type	ANEF zone of site		
	Acceptable	Conditionally acceptable	Unacceptable
House, home unit, flat, caravan park	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note2)	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF (Note 1)	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF (Note 1)	20 to 30 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

Notes:

- 1 The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths. Because of this, the procedure of Clause 2.3.2 of AS 2021 may be followed for building sites outside but near to the 20 ANEF contour.
- 2 Within 20 ANEF to 25 ANEF, some people may find that the land is not compatible with residential or educational uses. Land use authorities may consider that the incorporation of noise control features in the construction of residences or schools is appropriate.
- 3 There will be cases where a building of a particular type will contain spaces used for activities which would generally be found in a different type of building (eg an office in an industrial building). In these cases Table 2.1 should be used to determine site acceptability, but internal design noise levels within the specific spaces should be determined by table 3.3.
- 4 This standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary within existing built up areas designated as unacceptable, it is recommended that such development should achieve the required ANR determined according to Clause 3.2 of AS 2021. For residences, schools etc, the effect of aircraft noise on outdoor areas associated with the buildings should be considered.
- 5 In no case should new development take place in greenfield sites deemed unacceptable because such development may impact airport operations.

Indoor Design Sound Levels

Appendix 2 of *State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport*
Excerpt from AS 2021: Table 3.3: *Indoor Design Sound Levels* for Determination of Aircraft Noise Reduction.*

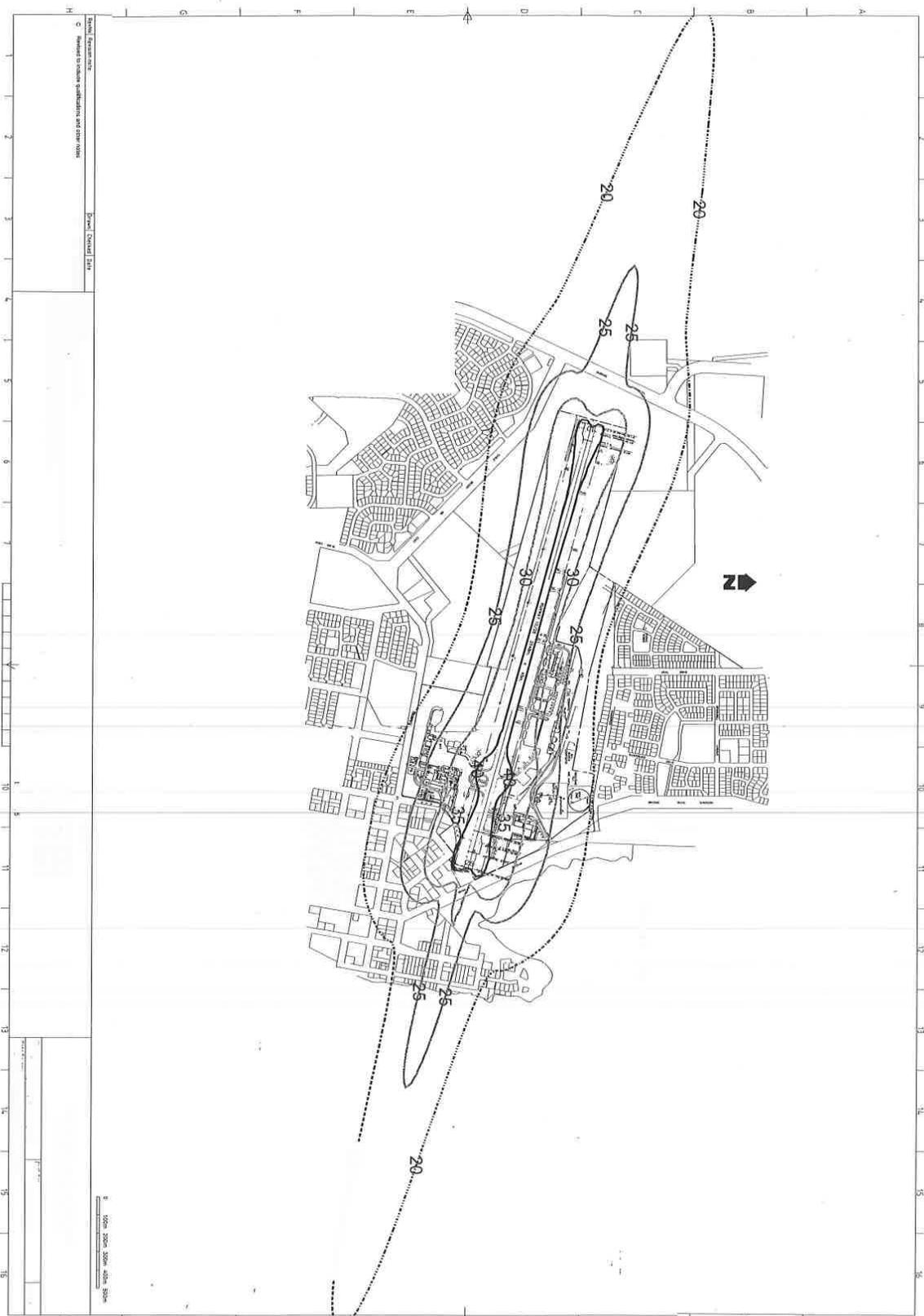
Building type and activity	Indoor design sound level*, dB(A)
<i>Houses, home units, flats, caravan parks</i>	
Sleeping areas, dedicated lounges	50
Other habitable spaces	55
Bathrooms, toilets, laundries	60

<i>Hotels, motels, hostels</i> Relaxing, sleeping Social activities Service activities	55 70 75
<i>Schools, universities</i> Libraries, study areas Teaching areas, assembly areas (see Note 5) Workshops, gymnasias	50 55 75
<i>Hospitals, nursing homes</i> Wards, theatres, treatment and consulting rooms Laboratories Service areas	50 65 75
<i>Public buildings</i> Churches, religious activities Theatres, cinemas, recording studios (see Note 4) Court houses, libraries, galleries	50 40 50
<i>Commercial buildings, offices and shops</i> Private offices, conference rooms Drafting, open offices Typing, data processing, shops, supermarkets, showrooms	55 65 75
<i>Industrial</i> Inspection, analysis, precision work Light machinery, assembly, bench work Heavy machinery, warehouse, maintenance	75 80 85

*These indoor design sound levels are not intended to be used for measurement of adequacy of construction. For measurement of the adequacy of construction against noise intrusion see Appendix C of AS 2021.

NOTES:

- 1 The indoor design sound levels in Column 2 are hypothesized values based on Australian experience. A design sound level is the maximum level (dB(A)) from an aircraft flyover which, when heard inside a building by the average listener, will be judged as not intrusive or annoying by that listener while carrying out the specified activity. Owing to the variability of subjective responses to aircraft noise, these figures will not provide sufficiently low interior noise levels for occupants who have a particular sensitivity to aircraft noise.
- 2 Some of these levels, because of the short duration of individual aircraft flyovers, exceed some other criteria published by Standards Australia for indoor background noise levels (see AS 2107).
- 3 The indoor design sound levels are intended for the sole purpose of designing adequate construction against aircraft noise intrusion and are not intended to be used for assessing the effects of noise. Land use planning authorities may have their own internal noise level requirements which may be used in place of the levels above.
- 4 For opera and concert halls and theatres, and for recording, broadcast and television studios and similar buildings where noise intrusion is unacceptable, specialist acoustic advice should always be obtained.
- 5 Certain activities in schools may be considered particularly noise sensitive and 50 dB(A) may be a more desirable indoor sound level to select for any teaching areas used for such activities. However, the effect of other noise sources should be considered.
- 6 The provisions of this Standard relating to different internal design sound levels for different indoor spaces could result in the use of different construction and materials in contiguous spaces, and require the construction of substantial barriers between habitable spaces, e.g. heavy self-closing internal doors, detracting from the amenity of the building. Therefore consideration should be given to a uniform perimeter insulation approach.

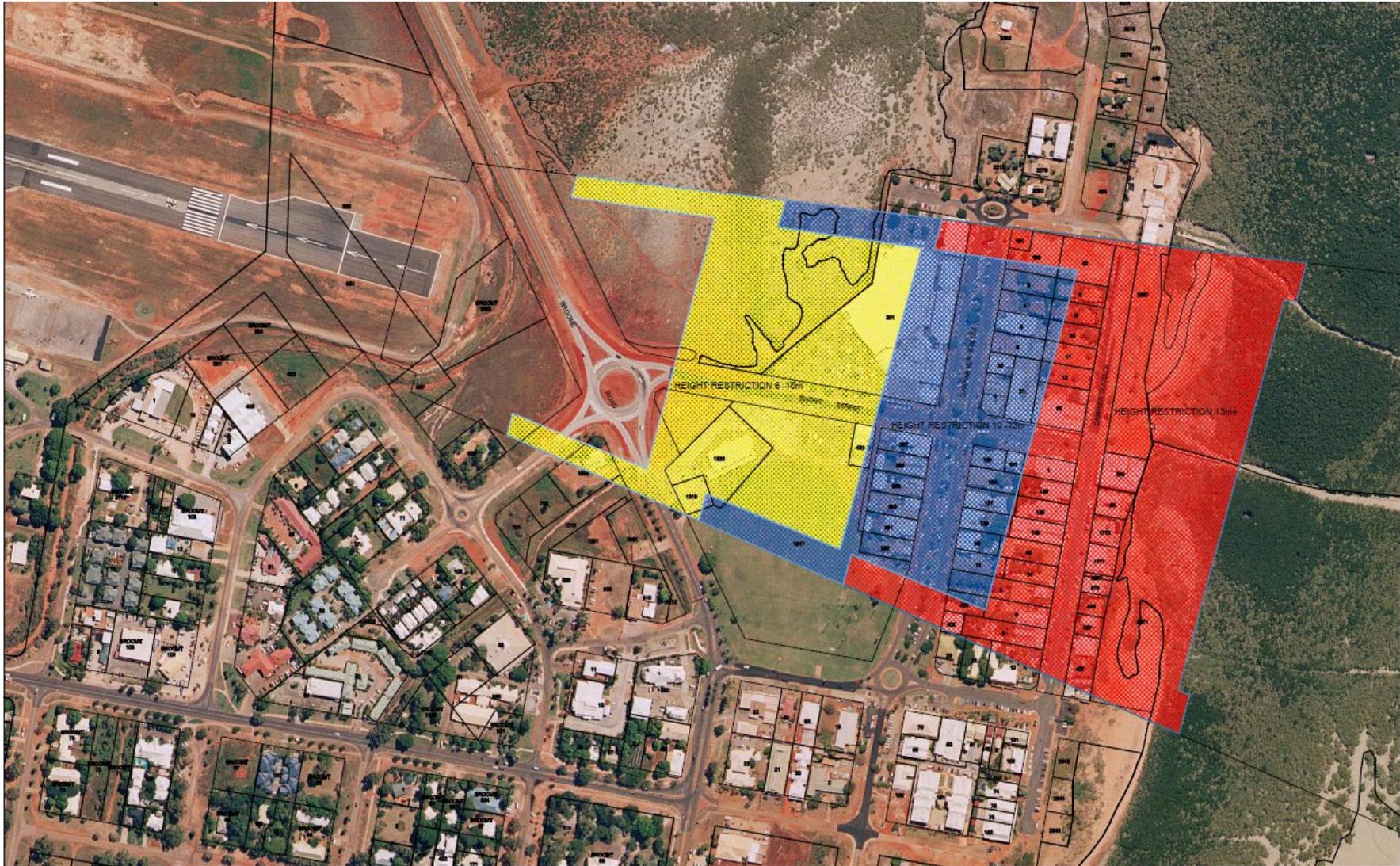


SCHEDULE 11 – OBSTACLE LIMITATION SURFACE

Obstacle Limitation Surface (OLS). A surface that establishes the limit to which objects may project into the airspace associated with an aerodrome so that aircraft operations at the aerodrome may be conducted safely. Obstacle limitation surfaces consist of the following:

1. Outer surface. A surface located in a horizontal plane above an aerodrome and its environs.
2. Take-off/Approach surface. An inclined plane beyond the end of a runway and preceding the threshold of a runway.

Transitional surface. A complex surface along the side of the strip and part of the side of the approach surface, that slopes upwards and outwards to the outer surface, when provided.



■ HEIGHT RESTRICTION 6 - 10m
■ HEIGHT RESTRICTION 10 - 13m
■ HEIGHT RESTRICTION 13m+

BROOME INTERNATIONAL AIRPORT

DATE	1/2020	PROJECT	0611172
CLIENT	AKIS	OWNER	AKIS
MANAGER	MICHAEL	DESIGNER	MI
SURVEYOR	NA	SURVEYOR	AT
PROJECT	NA	PLAN NO.	P180110.OLS.H181
ZONE	6M TO OLS	REFERENCE	OLS 6M FACES
SCALE	OLS 6M FACES		

Suite 1, 2 MacPherson Street
 PO Box 4420
 BROOME WA 6720

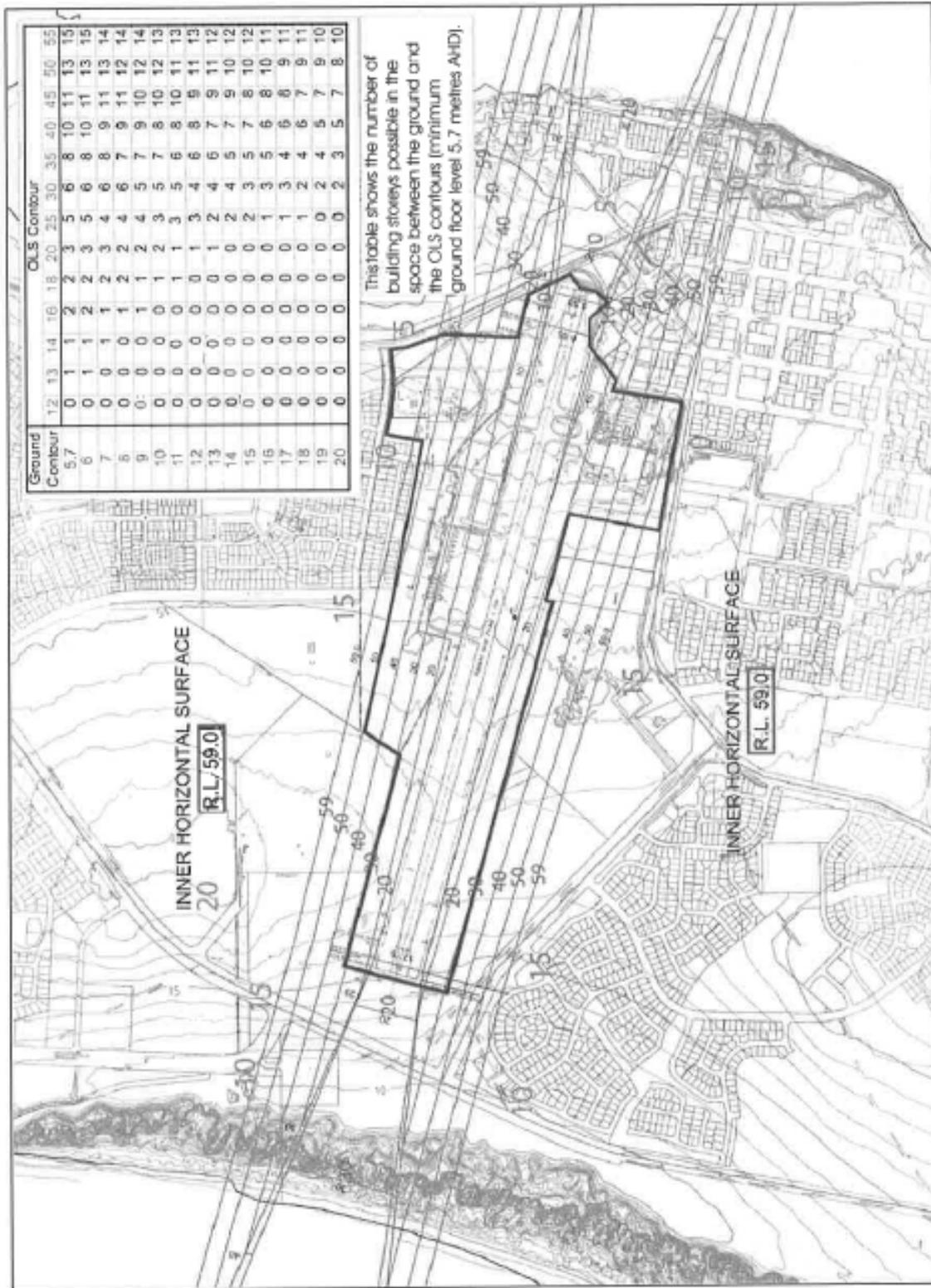
survey north
 Telephone (08) 9182 0512
 Perth (08) 9155 0384
 Email info@surveynorth.com.au

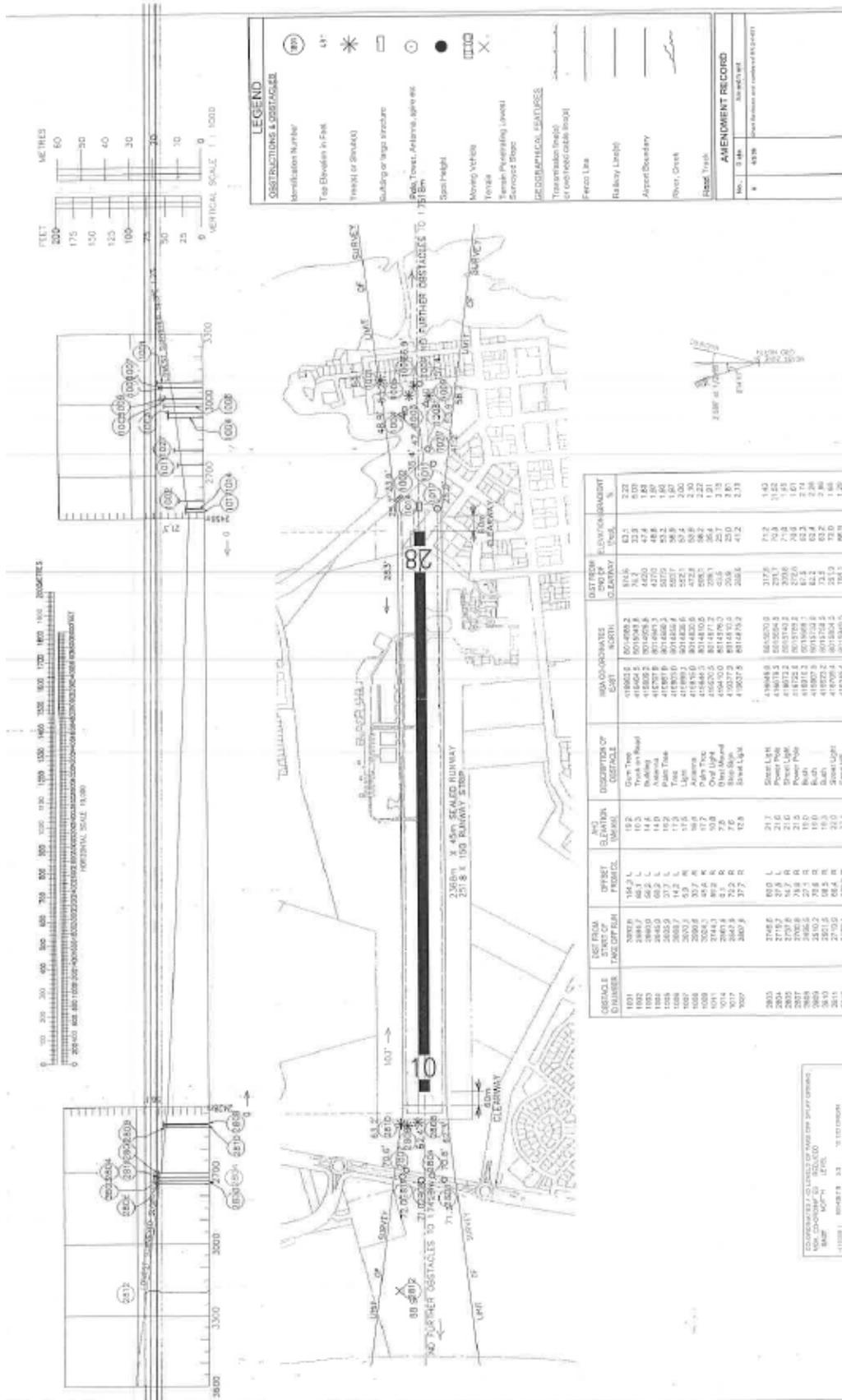
4 Challenging Way
 PO Box 1288
 BUNBURY WA 6230
 Telephone (08) 9480 9480
 Perth (08) 9428 141 810
 Email info@surveynorth.com.au

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OLS CLEARANCE PLAN - CHINA TOWN
 6m AHD to OLS HEIGHT DIFFERENCE
 BROOME AIRPORT

Broome Airport Obstacle Limitation Surface (OLS) in Vicinity of Airport





LEGEND

OBSTRUCTIONS & OBSTACLES

- Identification Number
- Tower Elevations in Feet
- Towers (or SHALAS)
- Building or large structure
- Power, Tower, Airplane, services
- Spot Height
- Moving Vehicle
- Vehicle
- Vehicle (Pending Level)
- Surface Stop

GEOGRAPHICAL FEATURES

- Transmission Height of Geographical Feature
- Ferret Line
- Railway Line
- Airport Boundary
- River, Creek
- Road, Track

AMENAGEMENT RECORD

No. 1 046 2010/10/10

No. 2 046 2010/10/10

AERODROME DESIGN PYLE
CLASSIFICATION

Ph. (08) 9226 457
Mobile 9497 300 38
Email: (08) 9226 457
Fax: (08) 9226 457
www.broomeairport.com.au

Broome
80 km
Cairns
Cairns
Cairns

AERODROME OBSTACLE CHART - ICAO ANNEX 4 TYPE A (OPERATING LIMITATIONS)
BROOME INTERNATIONAL AIRPORT, AUSTRALIA
RUNWAY 10/28

NOTE: TO BE READ IN CONJUNCTION WITH CURRENT NOTAMS
BROOME SHEET OF EDITION H - FEBRUARY 2008 1:10,000 @ A2
BROOME AIRPORT No. BR-24-001 Rev.H

OBSTACLE IDENTIFICATION NUMBER	MSL ELEVATION (FEET)	AGL ELEVATION (FEET)	OFFSET FROM CENTERLINE (FEET)	OFFSET FROM END OF RUNWAY (FEET)	DESCRIPTION OF OBSTACLE	MSL CO-ORDINATES (Easting, Northing)	DIST FROM END OF RUNWAY (FEET)	OBSTACLE IDENTIFICATION NUMBER
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1093	2884.0	68.0	L	14.0	Truck on Road	418662.2 8014088.2	312.6	222
1094	2884.0	68.0	L	14.0	Truck on Road	418662.2 8014088.2	312.6	222
1095	2884.0	68.0	L	14.0	Truck on Road	418662.2 8014088.2	312.6	222
1096	2884.0	68.0	L	14.0	Truck on Road	418662.2 8014088.2	312.6	222
1097	2884.0	68.0	L	14.0	Truck on Road	418662.2 8014088.2	312.6	222
1098	2884.0	68.0	L	14.0	Truck on Road	418662.2 8014088.2	312.6	222
1099	2884.0	68.0	L	14.0	Truck on Road	418662.2 8014088.2	312.6	222
1100	2884.0	68.0	L	14.0	Truck on Road	418662.2 8014088.2	312.6	222

RWY 10/28 - DECLARED DISTANCES

RWY ID	ALTERNATIVE DATA	REF ID
1005	1005 (1005) (1005)	2308
1010	1010 (1010) (1010)	2309
1015	1015 (1015) (1015)	2310
1020	1020 (1020) (1020)	2311
1025	1025 (1025) (1025)	2312

NOTES

1. OBSTACLES TO BE READ IN CONJUNCTION WITH CURRENT NOTAMS

2. BROOME AIRPORT No. BR-24-001 Rev.H

3. BROOME AIRPORT No. BR-24-001 Rev.H

4. BROOME AIRPORT No. BR-24-001 Rev.H

5. BROOME AIRPORT No. BR-24-001 Rev.H

6. BROOME AIRPORT No. BR-24-001 Rev.H

7. BROOME AIRPORT No. BR-24-001 Rev.H

8. BROOME AIRPORT No. BR-24-001 Rev.H

9. BROOME AIRPORT No. BR-24-001 Rev.H

10. BROOME AIRPORT No. BR-24-001 Rev.H

11. BROOME AIRPORT No. BR-24-001 Rev.H

12. BROOME AIRPORT No. BR-24-001 Rev.H

13. BROOME AIRPORT No. BR-24-001 Rev.H

14. BROOME AIRPORT No. BR-24-001 Rev.H

15. BROOME AIRPORT No. BR-24-001 Rev.H

16. BROOME AIRPORT No. BR-24-001 Rev.H

17. BROOME AIRPORT No. BR-24-001 Rev.H

18. BROOME AIRPORT No. BR-24-001 Rev.H

19. BROOME AIRPORT No. BR-24-001 Rev.H

20. BROOME AIRPORT No. BR-24-001 Rev.H

21. BROOME AIRPORT No. BR-24-001 Rev.H

22. BROOME AIRPORT No. BR-24-001 Rev.H

23. BROOME AIRPORT No. BR-24-001 Rev.H

24. BROOME AIRPORT No. BR-24-001 Rev.H

25. BROOME AIRPORT No. BR-24-001 Rev.H

26. BROOME AIRPORT No. BR-24-001 Rev.H

27. BROOME AIRPORT No. BR-24-001 Rev.H

28. BROOME AIRPORT No. BR-24-001 Rev.H

29. BROOME AIRPORT No. BR-24-001 Rev.H

30. BROOME AIRPORT No. BR-24-001 Rev.H

31. BROOME AIRPORT No. BR-24-001 Rev.H

32. BROOME AIRPORT No. BR-24-001 Rev.H

33. BROOME AIRPORT No. BR-24-001 Rev.H

34. BROOME AIRPORT No. BR-24-001 Rev.H

35. BROOME AIRPORT No. BR-24-001 Rev.H

36. BROOME AIRPORT No. BR-24-001 Rev.H

37. BROOME AIRPORT No. BR-24-001 Rev.H

38. BROOME AIRPORT No. BR-24-001 Rev.H

39. BROOME AIRPORT No. BR-24-001 Rev.H

40. BROOME AIRPORT No. BR-24-001 Rev.H

41. BROOME AIRPORT No. BR-24-001 Rev.H

42. BROOME AIRPORT No. BR-24-001 Rev.H

43. BROOME AIRPORT No. BR-24-001 Rev.H

44. BROOME AIRPORT No. BR-24-001 Rev.H

45. BROOME AIRPORT No. BR-24-001 Rev.H

46. BROOME AIRPORT No. BR-24-001 Rev.H

47. BROOME AIRPORT No. BR-24-001 Rev.H

48. BROOME AIRPORT No. BR-24-001 Rev.H

49. BROOME AIRPORT No. BR-24-001 Rev.H

50. BROOME AIRPORT No. BR-24-001 Rev.H

51. BROOME AIRPORT No. BR-24-

Schedule 2 — Deemed provisions for local planning schemes

[r. 10(4)]

Part 1 — Preliminary

1. Terms used

In this Scheme —

Act means the *Planning and Development Act 2005*;

advertisement means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

- (a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and
- (b) any airborne device anchored to any land or building used for the display of advertising; and
- (c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;

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

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

built heritage conservation means conservation as defined in the *Heritage of Western Australia Act 1990* section 3(1);

cultural heritage significance has meaning given in the *Heritage of Western Australia Act 1990* section 3(1);

development contribution plan means a development contribution plan, prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 7, that applies to land in the Scheme area;

local government means the local government responsible for this Scheme;

local government CEO means the chief executive officer of the local government;

local planning strategy means the local planning strategy for this Scheme prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3, as amended from time to time;

owner, in relation to land, means —

- (a) if the land is freehold land —
 - (i) a person whose name is registered as a proprietor of the land; and
 - (ii) the State, if registered as a proprietor of the land; and
 - (iii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land; and
 - (iv) a person who is the holder of a freehold interest in land vested in an executor or administrator under the *Administration Act 1903* section 8;

and

- (b) if the land is Crown land —
 - (i) the State; and
 - (ii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land;

premises means land, buildings or part of land or a building;

R-Codes means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time;

region planning scheme means a region planning scheme that applies in respect of part or all of the Scheme area;

reserve means land reserved under this Scheme for a public purpose;

Scheme area means the area to which this Scheme applies;

special control area means an area identified under this Scheme as an area subject to special controls set out in this Scheme;

substantially commenced means that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed;

works, in relation to land, means —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; and
- (b) the carrying out on the land of any excavation or other works; and
- (c) in the case of a place to which a Conservation Order made under the *Heritage of Western Australia Act 1990* section 59 applies, any act or thing that —
 - (i) is likely to damage the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration to the fabric of any building;

zone means a portion of the Scheme area identified on the Scheme Map as a zone for the purpose of indicating the controls imposed by this Scheme on the use of, or the carrying out of works on, land, but does not include a reserve or special control area.

Part 2 — Local planning framework

Division 1 — Local planning strategy

2. Local planning strategy

Where a local planning strategy for the Scheme area has been prepared by the local government in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3 the local planning strategy sets out the long-term planning directions for the Scheme area.

Division 2 — Local planning policies

3. Local planning policies

- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

- (2) A local planning policy —
 - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
 - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
- (4) The local government may amend or repeal a local planning policy.
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

4. Procedure for making local planning policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
 - (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —
 - (i) the subject and nature of the proposed policy; and
 - (ii) the objectives of the proposed policy; and
 - (iii) where the proposed policy may be inspected; and
 - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;
 - (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
 - (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

- (3) After the expiry of the period within which submissions may be made, the local government must —
 - (a) review the proposed policy in the light of any submissions made; and
 - (b) resolve to —
 - (i) proceed with the policy without modification; or
 - (ii) proceed with the policy with modification; or
 - (iii) not to proceed with the policy.
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.
- (5) A policy has effect on publication of a notice under subclause (4).
- (6) The local government —
 - (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of each of those local planning policies on the website of the local government.

5. Procedure for amending local planning policy

- (1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.
- (2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

6. Revocation of local planning policy

A local planning policy may be revoked —

- (a) by a subsequent local planning policy that —
 - (i) is prepared in accordance with this Part; and
 - (ii) expressly revokes the local planning policy;
- or

- (b) by a notice of revocation —
 - (i) prepared by the local government; and
 - (ii) published in a newspaper circulating in the Scheme area.

Part 3 — Heritage protection

7. Terms used

In this Part —

heritage area means an area designated as a heritage area under clause 9;

heritage list means a heritage list established under clause 8(1);

place has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

Note:

The purpose of this Part is to provide for the identification of places and areas of heritage value so that development in the Scheme can, as far as possible, be consistent with the conservation of heritage values.

8. Heritage list

- (1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.
- (2) The heritage list —
 - (a) must set out a description of each place and the reason for its entry in the heritage list; and
 - (b) must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and
 - (c) may be published on the website of the local government.
- (3) The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government —

- (a) notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and
 - (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and
 - (c) carries out any other consultation the local government considers appropriate; and
 - (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.
- (4) If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modification to —
- (a) the Heritage Council of Western Australia; and
 - (b) each owner and occupier of the place.

9. Designation of heritage areas

- (1) If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area to which this Scheme applies, the local government may, by resolution, designate that area as a heritage area.
- (2) If the local government designates an area as a heritage area the local government must adopt for the area a local planning policy that sets out the following —
 - (a) a map showing the boundaries of the heritage area;
 - (b) a statement about the heritage significance of the area;
 - (c) a record of places of heritage significance in the heritage area.
- (3) The local government must not designate an area as a heritage area unless the local government —
 - (a) notifies in writing each owner of land affected by the proposed designation and provides the owner with a copy of the proposed local planning policy for the heritage area; and
 - (b) advertises the proposed designation by —

- (i) publishing a notice of the proposed designation in a newspaper circulating in the Scheme area; and
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) publishing a copy of the notice of the proposed designation on the website of the local government;
 - and
 - (c) carry out any other consultation the local government considers appropriate.
- (4) Notice of a proposed designation under subclause (3)(b) must specify —
- (a) the area that is the subject of the proposed designation; and
 - (b) where the proposed local planning policy for the proposed heritage area may be inspected; and
 - (c) to whom, in what form and in what period submissions may be made.
- (5) The period for making submissions in relation to the designation of an area as a heritage area must not be less than a period of 21 days commencing on the day on which the notice of the proposed designation is published under subclause (3)(b)(i).
- (6) After the expiry of the period within which submissions may be made, the local government must —
- (a) review the proposed designation in the light of any submissions made; and
 - (b) resolve —
 - (i) to adopt the designation without modification; or
 - (ii) to adopt the designation with modification; or
 - (iii) not to proceed with the designation.
- (7) If the local government designates an area as a heritage area the local government must give notice of the designation to —
- (a) the Heritage Council of Western Australia; and
 - (b) each owner of land affected by the designation.

- (8) The local government may modify or revoke a designation of a heritage area.
- (9) Subclauses (3) to (7) apply, with any necessary changes, to the amendment to a designation of a heritage area or the revocation of a designation of a heritage area.

10. Heritage agreements

- (1) The local government may, in accordance with the *Heritage of Western Australia Act 1990* section 29, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.
- (2) The local government may not enter into an agreement with the owner or occupier of land or a building that relates to heritage matters other than in accordance with subclause (1).

11. Heritage assessment

- (1) Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a place entered in the heritage list.
- (2) A heritage assessment must be in a form approved by the Heritage Council of Western Australia.

12. Variations to local planning scheme provisions for heritage purposes

- (1) The local government may vary any site or development requirement specified in this Scheme to —
 - (a) facilitate the built heritage conservation of a place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the heritage list; or
 - (b) enhance or preserve heritage values in a heritage area.
- (2) A variation under subclause (1) may be unconditional or subject to any conditions the local government considers appropriate.

- (3) If the local government is of the opinion that the variation of site or development requirements is likely to affect any owners or occupiers in the general locality of the place or the heritage area the local government must —
- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64; and
 - (b) have regard to any views expressed prior to making its determination to vary the site or development requirements under this clause.

13. Heritage conservation notice

- (1) In this clause —

heritage conservation notice means a notice given under subclause (2);

heritage place means a place that is on the heritage list or located in a heritage area;

properly maintained, in relation to a heritage place, means maintained in a way that ensures that there is no actual or imminent loss or deterioration of —

- (a) the structural integrity of the heritage place; or
 - (b) an element of the heritage place that is integral to —
 - (i) the reason set out in the heritage list for the entry of the place in the heritage list; or
 - (ii) the heritage significance of the area in which it is located, as set out in a statement in the local planning policy for the area adopted in accordance with clause 9(2).
- (2) If the local government forms the view that a heritage place is not being properly maintained the local government may give to a person who is the owner or occupier of the heritage place a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given.
- (3) If a person fails to comply with a heritage conservation notice, the local government may enter the heritage place and carry out the repairs specified in the notice.

- (4) The expenses incurred by the local government in carrying out repairs under subclause (3) may be recovered as a debt due from the person to whom the notice was given in a court of competent jurisdiction.
- (5) The local government may —
 - (a) vary a heritage conservation notice to extend the time for carrying out the specified repairs; or
 - (b) revoke a heritage conservation notice.
- (6) A person who is given a heritage conservation notice may apply to the State Administrative Tribunal for a review, in accordance with Part 14 of the Act, of a decision —
 - (a) to give the notice; or
 - (b) to require repairs specified in the notice to be carried out; or
 - (c) to require repairs specified in the notice to be carried out by the time specified in the notice.

Part 4 — Structure plans

14. Term used: structure plan

In this Part —

structure plan means a plan for the coordination of future subdivision and zoning of an area of land.

15. When structure plan may be prepared

A structure plan in respect of an area of land in the Scheme area may be prepared if —

- (a) the area is —
 - (i) all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and
 - (ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken;
- or
- (b) a State planning policy requires a structure plan to be prepared for the area; or

- (c) the Commission considers that a structure plan for the area is required for the purposes of orderly and proper planning.

16. Preparation of structure plan

- (1) A structure plan must —
 - (a) be prepared in a manner and form approved by the Commission; and
 - (b) include any maps, information or other material required by the Commission; and
 - (c) unless the Commission otherwise agrees, set out the following information —
 - (i) the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
 - (ii) the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;
 - (iii) any major land uses, zoning or reserves proposed by the plan;
 - (iv) estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings, retail floor space or other land uses;
 - (v) the population impacts that are expected to result from the implementation of the plan;
 - (vi) the extent to which the plan provides for the coordination of key transport and other infrastructure;
 - (vii) the proposed staging of the subdivision or development covered by the plan.
- (2) The local government may prepare a structure plan in the circumstances set out in clause 15.
- (3) A person may make an application to the local government for a structure plan prepared by the person in the circumstances set out in clause 15 to be assessed and advertised if the person is —

- (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
- (b) an agent of a person referred to in paragraph (a).

17. Action by local government on receipt of application

- (1) On receipt of an application for a structure plan to be assessed and advertised, the local government —
 - (a) must consider the material provided by the applicant and advise the applicant in writing —
 - (i) if the structure plan complies with clause 16(1); or
 - (ii) if further information from the applicant is required before the structure plan can be accepted for assessment and advertising;
 - and
 - (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The structure plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice to the applicant of its decision by the latest of the following days —
 - (a) 28 days after receipt of an application;
 - (b) 14 days after receipt of the further information requested under subclause (1)(a)(ii);
 - (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day the applicant pays the fee.

18. Advertising structure plan

- (1) The local government must, within 28 days of preparing a structure plan or accepting an application for a structure plan to be assessed and advertised —
 - (a) advertise the proposed structure plan in accordance with subclause (2); and
 - (b) seek comments in relation to the proposed structure plan from any public authority or utility service provider that the local government considers appropriate; and

- (c) provide to the Commission —
 - (i) a copy of the proposed structure plan and all accompanying material; and
 - (ii) details of the advertising and consultation arrangements for the plan.
- (2) The local government must advertise the structure plan in one or more of the following ways —
 - (a) by giving notice of the proposed structure plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the structure plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed structure plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
 - (c) by publishing a notice of the proposed structure plan on the local government website including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
 - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the proposed structure plan giving notice of the proposed plan for a period of not less than 14 days and not more than 28 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the sign is erected.

- (3) The local government —
 - (a) must make a structure plan advertised under subclause (2) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the structure plan and the material accompanying it on the website of the local government.
- (4) If a local government fails to advertise a structure plan in accordance with this clause, the Commission may take reasonable steps to ensure that the plan is advertised.
- (5) All costs incurred by the Commission in the exercise of the power conferred by subclause (4) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

19. Consideration of submissions

- (1) The local government —
 - (a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and
 - (b) may consider submissions made to the local government after that time; and
 - (c) may request further information from a person who prepared the structure plan; and
 - (d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.
- (2) If a local government makes a decision under subclause (1)(d) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the structure plan.
- (3) Modifications to a structure plan may not be advertised on more than one occasion without the approval of the Commission.

20. Local government report to Commission

- (1) The local government must prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days after the day that is the latest of —
 - (a) the last day for making submissions specified in a notice given or published under clause 18(2); or
 - (b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or
 - (c) a day agreed by the Commission.
- (2) The report on the proposed structure plan must include the following —
 - (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);
 - (b) any comments by the local government in respect of those submissions;
 - (c) a schedule of any proposed modifications to address issues raised in the submissions;
 - (d) the local government's assessment of the proposal based on appropriate planning principles;
 - (e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

21. Cost and expenses incurred by local government

The costs and expenses incurred by the local government in giving a report under clause 20(1), are, to the extent that they are not payable by a person who prepared a structure plan under the *Planning and Development Regulations 2009* regulation 49, to be borne by the local government.

22. Decision of Commission

- (1) On receipt of a report on a proposed structure plan, the Commission must consider the plan and the report and may —
 - (a) approve the structure plan; or
 - (b) require the local government or the person who prepared the structure plan to —
 - (i) modify the plan in the manner specified by the Commission; and
 - (ii) resubmit the modified plan to the Commission for approval;or
 - (c) refuse to approve the structure plan.
- (2) Before making a decision under subclause (1), the Commission may, if the Commission considers that major modifications have been made to the structure plan since it was advertised, direct the local government to readvertise the structure plan in the manner specified by the Commission.
- (3) The Commission may not direct the local government to readvertise the structure plan on more than one occasion.
- (4) If the Commission is not given a report on a proposed structure plan in accordance with clause 20(1), the Commission may make a decision on the proposed structure plan under subclause (1) in the absence of the report.
- (5) The Commission is to be taken to have refused to approve a structure plan if the Commission has not made a decision under subclause (1) within —
 - (a) 120 days of the day on which the local government provides the report to the Commission, excluding any period between the Commission requiring modifications to the structure plan and the resubmission of the modified plan; or
 - (b) a longer period agreed in writing between the Commission and the person who prepared the proposed structure plan.
- (6) Despite subclause (5), the Commission may decide whether or not to approve a structure plan after the period applicable under

subclause (5) has expired, and the validity of the decision is not affected by the expiry.

- (7) The Commission must give the local government and any person who prepared the proposed structure plan written notice of its decision to approve or to refuse to approve a structure plan.

23. Further services or information from local government

- (1) The Commission may direct the local government to give to the Commission technical advice and assistance or further information in writing in connection with the application if —
- (a) the local government does not provide a report on a structure plan within the timeframe referred to in clause 20(1); or
 - (b) the local government provides a report on a structure plan that does not contain sufficient information for the Commission to make its decision on whether or not to approve the structure plan.
- (2) The direction must be in writing and must specify —
- (a) the services or information required; and
 - (b) the time within which the local government must comply with the direction.
- (3) If a local government fails to comply with a direction given to it under subclause (1), the Commission may take reasonable steps to obtain the services or information referred to in the direction on its own behalf.
- (4) All costs incurred by the Commission in the exercise of the power conferred by subclause (3) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

24. Structure plan may provide for later approval of details of subdivision

- (1) The Commission may approve a structure plan that provides for further details of a proposed subdivision included in the plan to be submitted to, and approved by, the Commission before the subdivision is approved under Part 10 of the Act.

- (2) The Commission may only approve a structure plan referred to in subclause (1) if the Commission is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

25. Review

A person who prepared a structure plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the Commission not to approve the structure plan.

26. Publication of structure plan approved by Commission

- (1) If the Commission approves a structure plan the Commission must publish the structure plan in any manner the Commission considers appropriate.
- (2) The local government may publish a structure plan approved by the Commission on the website of the local government.

27. Effect of structure plan

- (1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.
- (2) A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 15 as being an area for which a structure plan may be prepared, but for which no structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —
- (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and
 - (b) the proposed development or subdivision would not prejudice the overall development potential of the area.

28. Duration of approval

- (1) The approval of a structure plan has effect for a period of 10 years commencing on the day on which the Commission approves the plan, or another period determined by the Commission, unless —
 - (a) the Commission earlier revokes its approval; or
 - (b) an amendment to the Scheme that covers the area to which the structure plan relates takes effect in accordance with section 87 of the Act.
- (2) For the purposes of subclause (1), a structure plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (**commencement day**) is to be taken to have been approved on commencement day.
- (3) The Commission may extend the period of approval of a structure plan if there are no changes to the terms of the plan or the conditions attached to the approval.
- (4) The Commission may revoke its approval of a structure plan if the Commission considers that the structure plan cannot be effectively implemented because of a legislative change or a change in a State planning policy.

29. Amendment of structure plan

- (1) A structure plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.
- (2) The procedures for making a structure plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a structure plan.
- (3) Despite subclause (2), the local government may decide not to advertise an amendment to a structure plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.
- (4) An amendment to a structure plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.

Part 5 — Activity centre plans

30. Terms used

In this Part —

activity centre means —

- (a) an area of land identified in accordance with a State planning policy as an activity centre; or
- (b) an area of land identified by the Commission as an activity centre;

activity centre plan or *activity centre structure plan* means a plan for the coordination of the future subdivision, zoning and development of an activity centre.

31. When activity centre plan may be prepared

An activity centre plan in respect of an area of land in the Scheme area may be prepared if —

- (a) a State planning policy requires an activity centre structure plan to be prepared for the area; or
- (b) the Commission considers that an activity centre plan for the area is required for the purposes of orderly and proper planning.

32. Preparation of activity centre plan

(1) An activity centre plan must —

- (a) be prepared in a manner and form approved by the Commission; and
- (b) include any maps, information or other material required by the Commission; and
- (c) unless the Commission otherwise agrees, set out the following information —
 - (i) the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
 - (ii) the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;

- (iii) any major land uses, zoning or reserves proposed by the plan;
 - (iv) estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings, retail floor space or other land uses;
 - (v) the population impacts that are expected to result from the implementation of the plan;
 - (vi) the extent to which the plan provides for the coordination of key transport and other infrastructure;
 - (vii) the proposed staging of the subdivision or development covered by the plan;
 - (viii) the standards to be applied for the buildings, other structures and works that form part of the development or subdivision to which it applies;
 - (ix) arrangements for the management of services for the development or subdivision;
 - (x) the arrangements to be made for vehicles to access the area covered by the plan.
- (2) The local government may prepare an activity centre plan in the circumstances set out in clause 31.
- (3) A person may make an application to the local government for an activity centre plan prepared by the person in the circumstances set out in clause 31 to be assessed and advertised if the person is —
- (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
 - (b) an agent of a person referred to in paragraph (a).

33. Action by local government on receipt of application

- (1) On receipt of an application for an activity centre plan to be assessed and advertised, the local government —
- (a) must consider the material provided by the applicant and advise the applicant in writing —
 - (i) if the activity plan complies with clause 32(1); or

- (ii) if further information from the applicant is required before the activity centre plan can be accepted for assessment and advertising;
 - and
 - (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The activity centre plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice of its decision to the applicant by the latest of the following days —
- (a) 28 days after receipt of an application;
 - (b) 14 days after receipt of the further information requested under subclause (1)(a)(ii);
 - (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day on which the applicant pays the fee.

34. Advertising activity centre plan

- (1) The local government must, within 28 days of preparing an activity centre plan or accepting an application for an activity centre plan to be assessed and advertised —
- (a) advertise the proposed activity centre plan in accordance with subclause (2); and
 - (b) seek comments in relation to the proposed activity centre plan from any public authority or utility service provider that the local government considers appropriate; and
 - (c) provide to the Commission —
 - (i) a copy of the proposed activity centre plan and all accompanying material;
 - (ii) details of the advertising and consultation arrangements for the plan.
- (2) The local government must advertise the activity centre plan in one or more of the following ways —

- (a) by giving notice of the proposed activity centre plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the activity centre plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed activity centre plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
 - (c) by publishing a notice of the proposed activity centre plan by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
 - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the proposed activity centre plan giving notice of the proposed plan for a period of not less than 14 days and not more than 28 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the sign is erected.
- (3) The local government —
- (a) must make an activity centre plan advertised under subclause (2) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the activity centre plan and the material accompanying it on the website of the local government.

- (4) If a local government fails to advertise an activity centre plan in accordance with this clause, the Commission may take reasonable steps to ensure that the plan is advertised.
- (5) All costs incurred by the Commission in the exercise of the power conferred by subclause (4) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

35. Consideration of submissions

- (1) The local government —
 - (a) must consider all submissions made to the local government within the period specified in a notice advertising a proposed activity centre plan; and
 - (b) may consider submissions made to the local government after that time; and
 - (c) may request further information from a person who prepared the activity centre plan; and
 - (d) may advertise any modifications proposed to the activity centre plan to address issues raised in submissions.
- (2) If a local government makes a decision under subclause (1)(d) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the activity centre plan.
- (3) Modifications to an activity centre plan may not be advertised on more than one occasion without the approval of the Commission.

36. Local government report to Commission

- (1) The local government must prepare a report on the proposed activity centre plan and provide it to the Commission no later than 60 days after the day that is the latest of —
 - (a) the last day for making submissions specified in a notice given or published under clause 34(2); or
 - (b) the last day for making submissions after a proposed amendment to the activity centre plan is advertised under clause 35(2); or
 - (c) a day agreed by the Commission.

- (2) The report on the proposed activity centre plan must be in a form approved by the Commission and must include the following —
- (a) a list of the submissions considered by the local government, including if relevant, any submissions received on a proposed modification to the activity centre plan advertised under clause 35(2);
 - (b) any comments by the local government in respect of those submissions;
 - (c) a schedule of any proposed modifications to address issues raised in the submissions;
 - (d) the local government's assessment of the proposal based on appropriate planning principles;
 - (e) a recommendation by the local government on whether the proposed activity centre plan should be approved by the Commission, including a recommendation on any proposed modifications.

37. Cost and expenses incurred by local government

The costs and expenses incurred by the local government in giving a report under clause 36(1), are, to the extent that they are not payable by a person who prepared an activity centre plan under the *Planning and Development Regulations 2009* regulation 49, to be borne by the local government.

38. Decision of Commission

- (1) On receipt of a report on a proposed activity centre plan, the Commission must consider the plan and the report and may —
- (a) approve the activity centre plan; or
 - (b) require the local government or the person who prepared the activity centre plan to —
 - (i) modify the plan in the manner specified by the Commission; and
 - (ii) resubmit the modified plan to the Commission for approval;
- or
- (c) refuse to approve the activity centre plan.

- (2) Before making a decision under subclause (1), the Commission may, if the Commission considers that major modifications have been made to the activity centre plan since it was advertised, direct the local government to readvertise the activity centre plan as specified by the Commission.
- (3) The Commission must not direct the local government to readvertise the activity centre plan on more than one occasion.
- (4) If the Commission is not given a report on a proposed activity centre plan in accordance with clause 36(1), the Commission may make a decision on the proposed plan under subclause (1) in the absence of the report.
- (5) The Commission is to be taken to have refused to approve an activity centre plan if the Commission has not made a decision under subclause (1) within —
 - (a) 120 days of the day on which the local government provides the report to the Commission, excluding any period between the Commission requiring modifications to the activity centre plan and the resubmission of the modified plan; or
 - (b) a longer period agreed in writing between the Commission and the person who prepared the proposed activity centre plan.
- (6) Despite subclause (5), the Commission may decide whether or not to approve an activity centre plan after the period applicable under subclause (5) has expired, and the validity of the decision is not affected by the expiry.
- (7) The Commission must give the local government and any person who prepared the proposed activity centre plan written notice of its decision to approve or to refuse to approve an activity centre plan.

39. Further services or information from local government

- (1) The Commission may direct the local government to give to the Commission technical advice and assistance or further information in writing in connection with the application if —
 - (a) the local government does not provide a report on an activity centre plan within the timeframe referred to in clause 36(1); or

(b) the local government provides a report on an activity centre plan that does not contain sufficient information for the Commission to make its decision on whether or not to approve the activity centre plan.

(2) The direction must be in writing and must specify —

(a) the services or information required; and

(b) the time within which the local government must comply with the direction.

(3) If a local government fails to comply with a direction given to it under subclause (1), the Commission may take reasonable steps to obtain the services or information referred to in the direction on its own behalf.

(4) All costs incurred by the Commission in the exercise of the power conferred by subclause (3) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

40. Activity centre plan may provide for later approval of details of subdivision or development

(1) The Commission may approve an activity centre plan that provides for —

(a) further details of a subdivision included in the plan to be submitted to, and approved by, the Commission before the subdivision is approved under Part 10 of the Act; or

(b) further details of development included in the plan to be submitted to, and approved by, the local government before the development commences.

(2) The Commission may only approve an activity centre plan referred to in subclause (1) if the Commission is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

41. Review

A person who prepared an activity centre plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the Commission not to approve the activity centre plan.

42. Publication of activity centre plan approved by Commission

- (1) If the Commission approves an activity centre plan the Commission must publish the activity centre plan in any manner the Commission considers appropriate.
- (2) The local government may publish an activity centre plan approved by the Commission on the website of the local government.

43. Effect of activity centre plan

- (1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by an activity centre plan that has been approved by the Commission is to have due regard to, but is not bound by, the activity centre plan when deciding the application.
- (2) A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 31 as being an area for which an activity centre plan may be prepared, but for which no activity centre plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —
 - (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and
 - (b) the proposed development or subdivision would not prejudice the overall development potential of the area.

44. Duration of approval

- (1) The approval of an activity centre plan has effect for a period of 10 years commencing on the day on which the Commission approves the plan, or another period determined by the Commission, unless —
 - (a) the Commission earlier revokes its approval; or
 - (b) an amendment to the Scheme that covers the area to which the activity centre plan relates takes effect in accordance with section 87 of the Act.
- (2) For the purposes of subclause (1), an activity centre plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (**commencement day**) has effect as if it were approved on commencement day.

- (3) The Commission may extend the period of approval of an activity centre plan if there are no changes to the terms of the plan or the conditions attached to the approval.
- (4) The Commission may revoke its approval of an activity centre plan if the Commission considers that the activity centre plan cannot be effectively implemented because of a legislative change or a change in a State planning policy.

45. Amendment of activity centre plan

- (1) An activity centre plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.
- (2) The procedures for making an activity centre plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to an activity centre plan.
- (3) Despite subclause (2), the local government may decide not to advertise an amendment to an activity centre plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.
- (4) An amendment to an activity centre plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.

Part 6 — Local development plans

46. Term used: local development plan

In this Part —

local development plan means a plan setting out specific and detailed guidance for a future development including one or more of the following —

- (a) site and development standards that are to apply to the development;
- (b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.

47. When local development plan may be prepared

A local development plan in respect of an area of land in the Scheme area may be prepared if —

- (a) the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or
- (b) a structure plan requires a local development plan to be prepared for the area; or
- (c) an activity centre plan requires a local development plan to be prepared for the area; or
- (d) the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.

48. Preparation of local development plan

- (1) A local development plan must —
 - (a) be prepared in a manner and form approved by the Commission; and
 - (b) include any maps or other material considered by the local government to be necessary; and
 - (c) set out the following information —
 - (i) the standards to be applied for the buildings, other structures and works that form part of the development to which it applies;
 - (ii) details of the arrangements to be made for vehicles to access the area covered by the plan.
- (2) The local government may prepare a local development plan in the circumstances set out in clause 47.
- (3) A person may make an application to the local government for a local development plan prepared by the person in the circumstances set out in clause 47 to be assessed and advertised if the person is —
 - (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
 - (b) an agent of a person referred to in paragraph (a).

49. Action by local government on receipt of application

- (1) On receipt of an application for a local development plan to be assessed and advertised, the local government —
- (a) must consider the material provided by the applicant and advise the applicant in writing —
 - (i) if the local development plan complies with clause 48(1); or
 - (ii) if further information from the applicant is required before the local development plan can be accepted for assessment and advertising;
- and
- (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The local development plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice of its decision to the applicant by the latest of the following days —
- (a) 14 days after receipt of an application;
 - (b) 7 days after receipt of the further information requested under subclause (1)(a)(ii);
 - (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day on which the applicant pays the fee.

50. Advertising of local development plan

- (1) The local government must, within 28 days of preparing a local development plan or accepting an application for a local development plan to be assessed and advertised —
- (a) advertise the proposed local development plan in accordance with subclause (2); and
 - (b) seek comments in relation to the proposed local development plan from any public authority or utility service that the local government considers appropriate.

- (2) The local government must advertise the local development plan in one or more of the following ways —
- (a) by giving notice of the proposed plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (c) by publishing a notice of the proposed plan by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (d) by erection of a sign or signs in a conspicuous place on the land the subject of the proposed plan giving notice of the proposed plan for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (3) Despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.
- (4) The local government —
- (a) must make a local development plan advertised under subclause (1) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the local development plan and the material accompanying it on the website of the local government.

51. Consideration of submissions

The local government —

- (a) must consider all submissions in relation to a local development plan made to the local government within the period specified in a notice advertising a proposed local development plan; and
- (b) may consider submissions in relation to a local development plan made to the local government after that time; and
- (c) is to have due regard to the matters set out in clause 67 to the extent that, in the opinion of the local government those matters are relevant to the development to which the plan relates.

52. Decision of local government

- (1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must —
 - (a) approve the local development plan; or
 - (b) require the person who prepared the local development plan to —
 - (i) modify the plan in the manner specified by the local government; and
 - (ii) resubmit the modified plan to the local government for approval;or
 - (c) refuse to approve the plan.
- (2) The local government is to be taken to have refused to approve a local development plan if the local government has not made a decision under subclause (1) —
 - (a) if the plan was advertised — within the period of 60 days after the last day for making submissions specified in a notice given or published under clause 50(2) or a longer period agreed between the local government and a person other than the local government who prepared the plan; or

- (b) if the plan was not advertised — within the period of 60 days after the resolution not to advertise the plan was made by the local government or a longer period agreed between the local government and a person other than the local government who prepared the plan.
- (3) For the purposes of calculating the periods referred to in subclause (2)(a) and (b), the period between the local government requiring modifications to the local development plan and the resubmission of the modified plan is to be excluded.
- (4) Despite subclause (2), the local government may decide whether or not to approve a local development plan after the period applicable under subclause (2) has expired, and the validity of the decision is not affected by the expiry.
- (5) The local government must give any person who prepared the local development plan written notice of its decision to approve or to refuse to approve a local development plan.

53. Local development plan may provide for later approval of details of development

- (1) The local government may approve a local development plan that provides for further details of any development included in the plan to be submitted to, and approved by, the local government before the development commences.
- (2) The local government may only approve a local development plan referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

54. Review

A person who prepared a local development plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the local government not to approve the local development plan.

55. Publication of local development plan approved by local government

If the local government approves a local development plan the local government must publish the local development plan on the website of the local government.

56. Effect of local development plan

- (1) A decision-maker for an application for development approval in an area that is covered by a local development plan that has been approved by the local government must have due regard to, but is not bound by, the local development plan when deciding the application.
- (2) A decision-maker for an application for development approval in an area referred to in clause 47 as being an area for which a local development plan may be prepared, but for which no local development plan has been approved by the local government, may approve the application if the decision-maker is satisfied that —
 - (a) the proposed development does not conflict with the principles of orderly and proper planning; and
 - (b) the proposed development would not prejudice the overall development potential of the area.

57. Duration of approval

- (1) The approval of a local development plan has effect for a period of 10 years commencing on the day on which the local government approves the plan, or another period determined by the local government, unless the local government earlier revokes its approval.
- (2) For the purposes of subclause (1), a local development plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (**commencement day**) is to be taken to have been approved on commencement day.
- (3) A local government may extend the period of approval of a local development plan if there are no changes to the terms of the plan or the conditions attached to the approval.

58. Revocation of local development plan

The local government must not revoke approval of a local development plan unless this Scheme is amended so that the development to which the plan relates is a non-conforming use.

59. Amendment of local development plan

- (1) A local development plan may be amended by the local government.
- (2) A person who owns land in the area covered by a local development plan may request the local government to amend the plan.
- (3) The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.
- (4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.
- (5) An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.

Part 7 — Requirement for development approval

60. Requirement for development approval

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or
- (b) the development is of a type referred to in clause 61.

Note:

1. Development includes the erection, placement and display of advertisements.
2. Approval to commence development may also be required from the Commission if the land is subject to a region planning scheme.

61. Development for which development approval not required

(1) Development approval of the local government is not required for the following works —

- (a) the carrying out of works that are wholly located on an area identified as a regional reserve under a region planning scheme;

Note:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) the carrying out of internal building work which does not materially affect the external appearance of the building unless the development is located in a place that is —
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme and identified on that list as having an interior with cultural heritage significance; or
 - (iv) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (c) the erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is —
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or

- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (d) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is —
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (e) the demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool except where the single house or other structure is —
 - (i) located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) located within an area designated under this Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;

- (f) temporary works which are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period;
- (g) the temporary erection or installation of an advertisement if —
 - (i) the advertisement is erected or installed in connection with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918* (Commonwealth), the *Electoral Act 1907* or the *Local Government Act 1995*; and
 - (ii) the primary purpose of the advertisement is for political communication in relation to the election, referendum or poll; and
 - (iii) the advertisement is not erected or installed until the election, referendum or other poll is called and is removed no later than 48 hours after the election, referendum or other poll is conducted;
- (h) the erection or installation of a sign of a class specified in a local planning policy or local development plan that applies in respect of the sign unless the sign is to be erected or installed —
 - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area;
- (i) the carrying out of any other works specified in a local planning policy or local development plan that applies to the development as works that do not require development approval;
- (j) the carrying out of works of a type identified elsewhere in this Scheme as works that do not require development approval.

Note:

1. The *Planning and Development Act 2005* section 157 applies in respect of the carrying out of works necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.

2. The *Planning and Development Act 2005* section 6 applies in respect of the carrying out of public works by the Crown, the Governor, the Government of the State or a local government
- (2) Development approval of the local government is not required for the following uses —
- (a) a use that is wholly located on an area identified as a regional reserve under a region planning scheme;
- Note:
- Approval may be required from the Commission for development on a regional reserve under a region planning scheme.
- (b) development that is a use identified in this Scheme as a use that is permitted in the zone in which the development is located and —
- (i) the development has no works component; or
- (ii) development approval is not required for the works component of the development;
- (c) the use of premises as a home office;
- (d) temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period;
- (e) any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;
- (f) use of a type identified elsewhere in this Scheme as use that does not require development approval.
- (3) Despite subclause (1) development approval may be required for certain works carried out —
- (a) in a special control area; or
- (b) on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area.
- (4) For the purposes of subclause (1)(c) or (d), development is to be taken to satisfy a deemed-to-comply requirement of the R-Codes if it complies with —

- (a) a requirement in a local development plan or activity centre plan made under the R-Codes that amends or replaces the deemed-to-comply requirement; or
 - (b) a requirement —
 - (i) in a structure plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b); and
 - (ii) that amends or replaces the deemed-to-comply requirement;
- or
- (c) a requirement in a local planning policy that amends or replaces the deemed-to-comply requirement.
- (5) If under subclause (1)(c) or (d) development approval is not required for the carrying out of works on land, the owner of the land may provide to the local government confirmation of the matters set out in subclause (1)(c) or (d), as relevant, in a manner and form approved by the Commission.

[Clause 61 amended in Gazette 7 Dec 2015 p. 4883-4.]

Part 8 — Applications for development approval

62. Form of application

- (1) An application for development approval must be —
 - (a) made in the form of the “Application for development approval” set out in clause 86(1); and
 - (b) signed by the owner of the land on which the proposed development is to be located; and
 - (c) accompanied by any fee for an application of that type set out in the *Planning and Development Regulations 2009* or prescribed under the *Local Government Act 1995*; and
 - (d) accompanied by the plans and information specified in clause 63.

- (2) For the purposes of subclause (1)(b), a person or body may sign an application for development approval as the owner of freehold land if the person or body is one of the following —
- (a) a person who is referred to in the definition of *owner* in respect of freehold land in clause 1;
 - (b) a strata company that is authorised by a management statement registered under the *Strata Titles Act 1985* section 5C to make an application for development approval in respect of the land;
 - (c) a person who is authorised under another written law to make an application for development approval in respect of the land;
 - (d) an agent of a person referred to in paragraph (a).

Note:

The *Planning and Development Act 2005* section 267A makes provision for the signing of documents by the owner of Crown land.

- (3) An application for development approval for the erection, placement or display of an advertisement must be accompanied by sufficient information to determine the application in the form of the “Additional information for development approval for advertisements” set out in clause 86(2).

Note:

The *Interpretation Act 1984* section 74 provides for circumstances in which deviations from a prescribed form do not invalidate the form used.

63. Accompanying material

- (1) An application for development approval must be accompanied by —
- (a) a plan or plans in a form approved by the local government showing the following —
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application;

- (iii) the location, height and type of all existing structures and environmental features, including watercourses, wetlands and native vegetation on the site;
 - (iv) the structures and environmental features that are proposed to be removed;
 - (v) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (vi) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (vii) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (viii) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (ix) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the open storage or trade display area;
 - (x) the nature and extent of any open space and landscaping proposed for the site;
- and
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building that is intended to be retained; and
 - (c) a report on any specialist studies in respect of the development that the local government requires the applicant to undertake such as site surveys or traffic, heritage, environmental, engineering or urban design studies; and
 - (d) any other plan or information that the local government reasonably requires.
- (2) The local government may waive or vary a requirement set out in subclause (1).
 - (3) Where an application relates to a place entered on a heritage list prepared in accordance with this Scheme or within an area designated

- (3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —
- (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (4) Notice referred to in subclause (3) must be in the form of the “Notice of public advertisement of planning proposal” set out in clause 86(3) unless the local government specifies otherwise.
- (5) If an application for development approval is advertised under this clause, the local government —
- (a) must make the application and the material accompanying it available for public inspection during business hours at the offices of the local government; and

- (b) may publish the application and the material accompanying it on the website of the local government.

65. Subsequent approval of development

The procedures relating to applications for development approval set out in Part 7, Part 9 and this Part apply, with any modifications necessary, to an application for development approval for development already commenced or carried out.

Note:

The *Planning and Development Act 2005* section 164 sets out the effect of approval for development already commenced or carried out.

Part 9 — Procedure for dealing with applications for development approval

66. Consultation with other authorities

- (1) When, in the opinion of the local government, an application for development approval may affect any other statutory, public or planning authority, the local government is to provide a copy of the application to the authority for objections and recommendations.
- (2) If an application for development approval relates to proposed development on land that is reserved under this Scheme for a public purpose and vested in a public authority, the local government must provide a copy of the application to that authority for objections and recommendations before making a decision on the application.
- (3) A statutory, public or planning authority receiving a copy of an application may, within 42 days of receiving the application or within such longer period as the local government allows, provide to the local government a memorandum in writing containing any objections to, or recommendations in respect of the whole or part of the proposed development.
- (4) If a statutory, public or planning authority does not provide a memorandum within the time allowed under subclause (3), the local government may determine that the authority is to be taken to have no objections or recommendations to make.

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;

- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

68. Determination of applications

- (1) The local government must not determine an application for development approval until the later of —
 - (a) if the application is advertised under clause 64 — the end of each period for making submissions to the local government specified in a notice referred to in clause 64(3); and
 - (b) if a copy of the application has been provided to a statutory, public or planning authority under clause 66 — the end of each period for providing a memorandum to the local government referred to in clause 66(3).
- (2) The local government may determine an application for development approval by —
 - (a) granting development approval without conditions; or
 - (b) granting development approval with conditions; or
 - (c) refusing to grant development approval.

69. Application not to be refused if development contribution plan not in place

- (1) The local government must not refuse an application for development approval only because there is not a development contribution plan in place in relation to the development.

- (2) The local government must not grant development approval subject to a condition that future contributions to the provision of infrastructure related to the development may be required under a development contribution plan that is not in place at the time the application is determined.

70. Form and date of determination

- (1) As soon as practicable after determining an application for development approval, the local government must give the applicant written notice of the determination in the form of the “Notice of determination on application for development approval” set out in clause 86(4).
- (2) The determination has effect on the day on which the notice of determination is given to the applicant.

71. Commencement of development under development approval

If development approval is granted under clause 68 —

- (a) the development must be substantially commenced —
- (i) if no period is specified in the approval — within the period of 2 years commencing on the date on which the determination is made; or
 - (ii) if a period is specified in the approval — within that period; or
 - (iii) in either case — within a longer period approved by the local government on an application made under clause 77(1)(a);

and

- (b) the approval lapses if the development has not substantially commenced within the period determined under paragraph (a).

72. Temporary development approval

The local government may impose conditions limiting the period of time for which development approval is granted.

Note:

A temporary development approval is where the local government grants approval for a limited period. It does not have any effect on the period within which the development must commence.

73. Scope of development approval

Development approval may be granted —

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

74. Approval subject to later approval of details

- (1) The local government may grant development approval subject to a condition that further details of any works or use specified in the condition must be submitted to, and approved by, the local government before the developer commences the development.
- (2) The local government may only impose a condition referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not substantially change the development approved.

75. Time for deciding application for development approval

- (1) The local government must determine an application for development approval —
 - (a) if the application is advertised under clause 64 or a copy of the application is provided to a statutory, public or planning authority under clause 66 — within 90 days of receipt of the application; or
 - (b) otherwise — within 60 days of the receipt of the application and the material that is required to accompany the application referred to in clause 63; or
 - (c) in either case — within a longer time agreed in writing between the applicant and the local government.

- (2) If the local government has not made a determination in the time referred to in subclause (1) the local government is to be taken to have refused to grant the development approval.
- (3) Despite subclause (2), the local government may determine whether or not to grant the development approval after the period applicable under subclause (1) has expired and the validity of the determination is not affected by the expiry.
- (4) The local government must give the applicant written notice of its decision to grant or refuse to grant development approval.

76. Review of decisions

- (1) In this clause —
affected person, in relation to a reviewable determination, means —
 - (a) the applicant for development approval; or
 - (b) the owner of land in respect of which an application for development approval is made;***reviewable determination*** means a determination by the local government to —
 - (a) refuse an application for development approval; or
 - (b) to grant development approval subject to conditions; or
 - (c) to refuse to amend or cancel a development approval on an application made under clause 77.
- (2) An affected person may apply to the State Administrative Tribunal for a review of a reviewable determination in accordance with the *Planning and Development Act 2005* Part 14.

77. Amending or cancelling development approval

- (1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —
 - (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
 - (b) to amend or delete any condition to which the approval is subject;

- (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
 - (d) to cancel the approval.
- (2) An application under subclause (1) —
 - (a) is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and
 - (b) may be made during or after the period within which the development approved must be substantially commenced.
- (3) Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.
- (4) The local government may determine an application made under subclause (1) by —
 - (a) approving the application without conditions; or
 - (b) approving the application with conditions; or
 - (c) refusing the application.

Part 10A — Bushfire risk management

[Heading inserted in Gazette 7 Dec 2015 p. 4884.]

78A. Terms used

In this Part, unless the contrary intention appears —

AS 3959 means Australian Standard AS 3959 — Construction of buildings in bushfire-prone areas, as adopted from time to time as a referenced document for the purposes of the Building Code;

BAL contour map, in relation to a development site, means a scale map of an area that includes the development site —

- (a) prepared in accordance with State planning policy 3.7: Planning in Bushfire Prone Areas as part of a plan of subdivision that has been approved under Part 10 of the Act for the area; and

- (b) that shows the indicative bushfire attack levels (BAL) for the area;

bushfire attack level assessment means an assessment prepared in a manner and form set out in AS 3959 to determine a bushfire attack level (BAL) as set out in AS 3959;

construction of a building includes the erection, assembly or placement of a building but does not include the renovation, alteration, extension, improvement or repair of a building;

development approval means development approval of the local government obtained under Part 8;

development site means that part of a lot on which a building that is the subject of development stands or is to be constructed;

habitable building means a permanent or temporary structure on land that —

- (a) is fully or partially enclosed; and
- (b) has at least one wall of solid material and a roof of solid material; and
- (c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained;

specified building means a structure of a kind specified in this Scheme as a kind of structure to which this Part applies in addition to its application to habitable buildings.

[Clause 78A inserted in Gazette 7 Dec 2015 p. 4884-5.]

78B. Application of Part to development

- (1) This Part does not apply to development unless the development is —
- (a) the construction or use, or construction and use, of a single house or ancillary dwelling on a lot or lots with a total area of 1 100 m² or more; or
 - (b) the construction or use, or construction and use, of —
 - (i) a habitable building other than a single house or ancillary dwelling; or
 - (ii) a specified building.

- (2) The requirements in this Part are in addition to any provisions relating to development in a bushfire prone area that apply in a special control area.

[Clause 78B inserted in Gazette 7 Dec 2015 p. 4886.]

78C. Determining whether development site is in a bushfire prone area

For the purposes of this Part, a development site is subject, or likely to be subject, to bushfires and is referred to as being *in a bushfire prone area* if the development site is on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area.

[Clause 78C inserted in Gazette 7 Dec 2015 p. 4886.]

78D. Proposed development in a bushfire prone area

- (1) Unless subclause (2) applies, before commencing any development on a development site a person (the *developer*) must cause to be prepared a bushfire attack level assessment for the development site if the development site —
- (a) is in a bushfire prone area; and
 - (b) has been in a bushfire prone area for a period of at least 4 months.
- (2) A developer is not required under subclause (1) to cause to be prepared a bushfire attack level assessment for a development site if —
- (a) a BAL contour map has been prepared in relation to the development site; or
 - (b) because of the terrain of the development site it is not possible to calculate the bushfire attack level of the development site.
- (3) The developer must have development approval to commence any development on the development site if —
- (a) the bushfire attack level assessment prepared under subclause (1) calculates the bushfire attack level of the development site as BAL - 40 or BAL - Flame Zone; or
 - (b) a bushfire attack level assessment has not been prepared under subclause (1) but a BAL contour map prepared in

relation to the development site indicates that the bushfire attack level of the development site is BAL - 40 or BAL - Flame Zone; or

- (c) because of the terrain of the development site it is not possible to calculate the bushfire attack level of the development site.
- (4) Subclause (3) applies —
 - (a) in addition to any requirement in this Scheme for development approval to be obtained; and
 - (b) despite any exemption in this Scheme from the requirement to obtain development approval.

[Clause 78D inserted in Gazette 7 Dec 2015 p. 4886-7.]

78E. Matters to be considered for development approval

- (1) In considering an application for development approval for development to which this Part applies, the local government is to have regard to the bushfire resistant construction requirements of the Building Code.
- (2) The matters referred to in subclause (1) are in addition to any other matters that the local government is to have regard to in considering the application in accordance with this Scheme.

[Clause 78E inserted in Gazette 7 Dec 2015 p. 4887-8.]

78F. Transitional provisions for sites in new bushfire prone areas

- (1) In this clause, each of these terms has the meaning given in the *Building Act 2011* section 3 —
 - building permit***
 - building work***
- (2) In this clause —
 - application*** means an application under the *Building Act 2011* for a building permit;
 - transitional permit*** means a building permit granted in respect of an application to do building work on a development site if —

- (a) the site was not in a bushfire prone area when the application was made; or
 - (b) the site had been in a bushfire prone area for a period of less than 4 months when the application was made.
- (3) Clause 78D does not apply to the commencement of development to which a transitional permit applies.

[Clause 78F inserted in Gazette 7 Dec 2015 p. 4888.]

78G. Transitional provisions relating to *Planning and Development (Local Planning Schemes) Amendment Regulations 2015*

- (1) In this clause —

commencement day means the day on which the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015* clause 5 comes into operation;

previous bushfire provisions means any provisions in this Scheme that, immediately before commencement day, required a developer in an area that was identified under this Scheme as being an area that is subject, or likely to be subject to bushfires to —

- (a) cause to be prepared a bushfire attack level assessment for a development site; or
- (b) to have development approval to commence development on a development site because —
 - (i) a bushfire attack level assessment prepared for the development site calculates the bushfire attack level of the development site as BAL - 40 or BAL - Flame Zone; or
 - (ii) it is not possible to calculate the bushfire attack level of the development site because of the terrain of the development site;

transitional development site means a development site that is located in an area that —

- (a) is a bushfire prone area; and
- (b) immediately before commencement day was an area identified in any way under this Scheme as being an area that is subject, or likely to be subject, to bushfires;

transition period means the period of 4 months beginning on commencement day.

- (2) Clause 78D(1) applies in respect of development on a transitional development site if —
 - (a) the development is commenced within the transition period; and
 - (b) a developer would have been required under the previous bushfire provisions to prepare a bushfire attack level assessment for the development site.
- (3) Clause 78D(3) applies in respect of development on a transitional development site if —
 - (a) the development is commenced within the transition period; and
 - (b) a developer would have been required under the previous bushfire provisions to have development approval to commence the development.
- (4) For the purposes of paragraph (b) of the definition of *transitional permit* in clause 78F(2), an area that immediately before commencement day was identified in any way under this Scheme as being an area that is subject, or likely to be subject, to bushfires is to be taken on and from commencement day to have been in a bushfire prone area for a period of at least 4 months.

[Clause 78G inserted in Gazette 7 Dec 2015 p. 4888-90.]

Part 10 — Enforcement and administration

Division 1 — Powers of local government

78. Powers of local government

- (1) For the purposes of implementing this Scheme the local government may —
 - (a) enter into an agreement in respect of a matter relating to this Scheme with any owner, occupier or other person having an interest in land affected by this Scheme; and

(b) deal with or dispose of any land in the Scheme area which it has acquired in accordance with the *Planning and Development Act 2005* Part 11 Division 4.

(2) The local government may only deal with or dispose of land acquired by the local government for the purpose of a local reserve for a use of the land that is compatible with the purpose for which it is reserved.

79. Entry and inspection powers

(1) The local government CEO may, by instrument in writing, designate an officer of the local government as an authorised officer for the purposes of this clause.

(2) An authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required —

- (a) enter any building or land in the Scheme area; and
- (b) inspect the building or land and any thing in or on the building or land.

80. Repair of existing advertisements

(1) The local government may require the owner of an advertisement located in the Scheme area to repair the advertisement if, in the opinion of the local government, the advertisement has deteriorated to a point where it is in conflict with the aims of this Scheme.

(2) A requirement referred to in subclause (1) must —

- (a) be in the form of a written notice given to the person; and
- (b) specify the advertisement the subject of the requirement; and
- (c) set out clear reasons for the requirement; and
- (d) set out full details of the action or alternative courses of action to be taken by the person; and
- (e) specify the period, not being a period of less than 60 days from the day on which the notice is given to the person, within which the requirement must be complied with.

(3) If the local government does not know who the owner of an advertisement is, the local government may give a notice referred to in subclause (1) to the owner of the land on which the advertisement

- (2) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.

84. Other matters relevant to delegations under this Division

The *Local Government Act 1995* sections 5.45 and 5.46 apply to a delegation made under this Division as if the delegation were a delegation under Part 5 Division 4 of that Act.

Division 3 — Miscellaneous

85. Agreement to use of material provided for Scheme purposes

The local government may refuse to accept an application made under this Scheme if the local government is not satisfied that there is in place an agreement for the local government to use any copyrighted material provided in support of the application —

- (a) for the purposes of advertising the application or implementing a decision on the application; and
- (b) for zero remuneration.

Part 11 — Forms referred to in this Scheme

86. Forms referred to in this Scheme

- (1) The form of an application for development approval referred to in clause 62(1)(a) is as follows —

Application for development approval

Owner details
Name:
ABN (if applicable):
Address:
..... Postcode:

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed provisions for local planning schemes

Part 11 Forms referred to in this Scheme

cl. 86

Property details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest street intersection:		

Proposed development	
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Use
Description of proposed works and/or land use:	
Description of exemption claimed (if relevant):	
Nature of any existing buildings and/or land use:	
Approximate cost of proposed development:	
Estimated time of completion:	

<i>OFFICE USE ONLY</i>	
Acceptance Officer's initials:	Date received:
Local government reference No:	

(The content of the form of application must conform with this form but minor variations may be permitted to the format.)

3. Period of time for which advertisement is required:

4. Details of signs (if any) to be removed if this application is approved:

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed as detailed in 4 above.

Signature of advertiser(s):

(if different from land owners)

Date:

(3) The form of a notice of public advertisement of a planning proposal referred to in clause 64(4) is as follows —

Planning and Development Act 2005

City/Town/Shire of

Notice of public advertisement of planning proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No: Street: Suburb:

Proposal:

.....

.....

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of

.....

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed provisions for local planning schemes

Part 11 Forms referred to in this Scheme

cl. 86

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

.....

for and on behalf of the City/Town/Shire of:

(The content of the determination notice must conform to this form but minor variations may be permitted to the format.)