



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, FRIDAY, 6 JANUARY 2012 No. 2

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

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PLANNING AND DEVELOPMENT ACT 2005

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SHIRE OF NORTHAMPTON

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LOCAL PLANNING SCHEME  
No. 10



**PLANNING AND DEVELOPMENT ACT 2005**

## APPROVED LOCAL PLANNING SCHEME

*Shire of Northampton*

## LOCAL PLANNING SCHEME No. 10

Ref: TPS/0178

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Northampton Local Planning Scheme No. 10 on 13 December 2011, the scheme text of which is published as a schedule annexed hereto.

G. D. WILSON, Shire President.  
G. L. KEEFFE, Chief Executive Officer.

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**Preamble**

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

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

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

**Scheme Details**

The Shire of Northampton

Local Planning Scheme No. 10—District Zoning Scheme

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



**PLANNING AND DEVELOPMENT ACT 2005**

## SHIRE OF NORTHAMPTON

**LOCAL PLANNING SCHEME No. 10**

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**PLANNING AND DEVELOPMENT ACT 2005**

## SHIRE OF NORTHAMPTON

**LOCAL PLANNING SCHEME No. 10****PART 1—PRELIMINARY****1.1 Citation**

1.1.1 The Shire of Northampton Scheme No. 10 (“**the Scheme**”) comes into operation on its Gazettal date.

1.1.2 The following Schemes are revoked—

- Town Planning Scheme No. 6 (Northampton District Scheme) Gazettal date: 9 January 1996.
- Town Planning Scheme No. 8 (Horrocks) Gazettal date: 16 April 1992 .

**1.2 Responsible Authority**

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

**1.3 Scheme Area**

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

**1.4 Contents of Scheme**

The Scheme comprises—

- (a) the Scheme Text; and
- (b) the Scheme Map (Sheets 1-14).

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

**1.5 Purposes of the Scheme**

The purposes of the Scheme are to—

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule Seven to the *Planning and Development Act 2005*.

**1.6 The Aims of the Scheme**

The aims of the Scheme are—

- (a) to support the sustainable use of rural land for broad-acre grazing and crop production, while encouraging economic growth by facilitating more intensive and diversified use of rural land in appropriate areas;
- (b) to encourage the development of planned and sustainable settlements by focusing future population growth and the necessary support infrastructure in the established settlements of Northampton, Kalbarri, Horrocks and Port Gregory;
- (c) to provide for a range of rural lifestyle opportunities, while ensuring rural-residential development has good access to services and facilities and is managed to minimise impacts on rural land uses;
- (d) to assist rural, commercial, industrial and tourism development to maximise job opportunities and to broaden the economic base of the Shire;
- (e) to make optimum use of the Shire’s natural resources while maintaining a high level of environmental management for all land uses and activities; and
- (f) to ensure significant landscape and environmental features, conservation values and places of heritage value are conserved and/or enhanced.

### 1.7 Definitions

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

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

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

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in the Dictionary prevails.

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

### 1.8 Relationship With Local Laws

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

### 1.9 Relationship With Other Schemes

There are no other Schemes of the Shire of Northampton which apply to the Scheme area.

### 1.10 Relationship With a Region Scheme

There are no Region Schemes which apply to the Scheme area.

## PART 2—LOCAL PLANNING POLICY FRAMEWORK

### 2.1 Scheme Determinations to Conform With Local Planning Strategy

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

### 2.2 Local Planning Policies

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

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area.

and may amend or add to or rescind the policy.

### 2.3 Relationship of Local Planning Policies to Scheme

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

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

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

### 2.4 Procedure for Making or Amending a Local Planning Policy

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

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

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

- (a) review the proposed policy in light of any submissions made; and
- (b) resolve to adopt the policy with or without modification, or not to proceed with the policy.

2.4.3 If the local government resolves to adopt the policy, the local government is to—

- (a) publish notice of the policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the policy affects the interests of the Commission, forward a copy of the policy to the Commission.

2.4.4 A policy has effect on publication of a notice under clause 2.4.3 (a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.4.6 Clause 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

### **2.5 Revocation of Local Planning Policy**

A Local Planning Policy may be revoked by—

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

### **2.6 Local Planning Policies Made Under Previous Scheme**

Where pursuant to the requirements of the former Shire of Northampton Town Planning Schemes No. 6 and No. 8 (the “previous schemes”), a Local Planning Policy had been adopted and was operative at the date of the gazettal of this Scheme, the Local Planning Policy shall continue to have effect and may be amended or revoked as if it were a Local Planning Policy under this Scheme.

## **PART 3—RESERVES**

### **3.1 Reserves**

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

### **3.2 Regional Reserves**

There are no regional reserves in the Scheme area.

### **3.3 Local Reserves**

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

### **3.4 Use and Development of Local Reserves**

3.4.1 A person must not—

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

without first having obtained planning approval under Part 9 of the Scheme.

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

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

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

### **3.5 Land Abutting Reserves**

3.5.1 When considering applications for the use and development of land affected by or abutting a reserve, the local government is to have due regard to the purpose, integrity and operation of the reserve, and to any policy or operational matter affecting the reserve.

3.5.2 In determining an application for planning approval for land adjacent to a Major Road reserve, that in the opinion of the local government may have an impact upon the adjacent Major Road reserve, the local government is to consult with Main Roads WA before making its determination.

## **PART 4—ZONES AND THE USE OF LAND**

### **4.1 Zones**

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

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

### **4.2 Objectives of the Zones**

The broad objectives of the zones are as follows—

#### **4.2.1 Residential Zone**

To provide a variety of lot sizes and housing types, and accommodate a range of compatible uses, to cater for the diverse housing needs of the community at a range of densities that can ultimately support the provision of local services.

#### **4.2.2 Town Centre Zone**

To accommodate a range of mixed uses in order to foster a sense of community and strong local identity.

#### 4.2.3 Industry Zone

To provide for the development of well-designed industrial activity serving the full range of general, light and service industrial needs throughout the Shire, whilst protecting the amenity of adjacent land uses, where necessary, from the effects of industrial development.

#### 4.2.4 General Rural Zone

To provide for the sustainable use of land for the agricultural industry and other uses complimentary to sustainable agricultural practices, which are compatible with the capability of the land and retain the rural character and amenity of the locality.

#### 4.2.5 Rural Residential Zone

To enable land to be used for residential purposes in a rural setting which provides for an alternative residential lifestyle.

#### 4.2.6 Rural Smallholdings Zone

To enable land to be used for minor rural pursuits, hobby farms, and alternative residential lifestyle purposes where part-time income from cottage industries, home occupation and the use of the land from agriculture may be derived.

#### 4.2.7 Bushland Protection Zone

To enable the preservation of bushland within rural areas by providing a limited subdivision incentive, through the creation of conservation lots, to protect that bushland in perpetuity.

#### 4.2.8 Caravan, Camping and Cabin Zone

To provide for and retain caravan parks, camping grounds, cabin and chalet developments and uses associated with these forms of development, including retailing and service facilities where such facilities are an integral part of the development.

#### 4.2.9 Development Zone

To provide for comprehensive planning of development through a structure plan to facilitate subdivision and development.

#### 4.2.10 Settlement Zone

To provide a framework for the planning and cohesive development of aboriginal settlements and communities and also to improve the general health, safety and amenity of those communities.

#### 4.2.11 Special Use Zone

To provide for specific uses, or combination of uses in circumstances where the uses have particular locational and developmental requirements, for which a generic zoning is unsuitable and to ensure compatibility with adjacent development.

*Note: The Special Use Zones are not shown in the Zoning Table as it only occurs as a result of the above objective. Every Special Use Zone could have different uses and a tabulated cross-referencing of use classes against zones is not applicable.*

### 4.3 Zoning Table

4.3.1 Table 1—Zoning Table indicates, subject to the provisions of the Scheme, in particular clause 4.4.3, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

- “P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- “D” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- “A” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- “X” means a use that is not permitted;

4.3.3 A change in the use of land from one use to another is permitted if—

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

*Note: 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of the land.*

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

3. In considering a “D” or “A” use, the local government will have regard to the matters set out in clause 10.2.
4. The local government must refuse to approve any “X” use of land. Approval to an “X” use of land may only proceed by way of an amendment to the Scheme.

#### 4.4 Interpretation of the Zoning Table

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

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

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

**Table 1—Zoning Table**

Zone  Use Class	Residential	Town Centre	Industry	General Rural	Rural Residential	Rural Smallholdings	Bushland Protection	Caravan, Camping and Cabin
Aged or Dependent Persons Dwelling	P	D	X	X	X	X	X	X
Agriculture—Extensive	X	X	X	P	X	P	X	X
Agriculture—Intensive	X	X	X	D	A	A	X	X
Agroforestry	X	X	X	D	X	X	X	X
Amusement Facility	X	P	X	X	X	X	X	X
Amusement Parlour	X	D	X	X	X	X	X	X
Animal Establishment	X	X	A	P	X	A	X	X
Animal Husbandry—Intensive	X	X	X	D	X	X	X	X
Bed and Breakfast	A	D	X	P	A	A	X	X
Betting Agency	X	D	X	X	X	X	X	X
Builder’s Storage Yard	X	X	P	D	X	X	X	X
Cabin	X	D	X	D	X	A	X	P
Caravan Park	X	X	X	X	X	X	X	P
Caretaker’s Dwelling	X	D	X	X	X	X	X	D
Carpark	X	P	P	X	X	X	X	X
Chalet	X	D	X	D	X	A	X	P
Child Care Premises	A	D	X	A	A	A	X	X
Cinema/Theatre	X	D	X	X	X	X	X	X
Civic Use	X	D	X	X	X	X	X	X
Club Premises	X	A	X	X	X	X	X	X
Community Purpose	A	D	D	D	X	X	X	X
Community Services Depot	A	P	P	D	X	D	X	X
Consulting Rooms	A	P	X	X	X	X	X	X
Convenience Store	X	D	X	X	X	X	X	X
Corrective Institution	X	X	X	A	X	X	X	X
Cultural Use	X	P	X	D	X	X	X	X
Display Home Centre	D	X	D	D	D	D	X	X
Dry Cleaning Premises	X	A	D	X	X	X	X	X
Eco-Tourist Facility	X	X	X	X	X	X	X	X
Education Establishment	A	D	A	X	X	X	X	X

<b>Zone</b>  <b>Use Class</b>	<b>Residential</b>	<b>Town Centre</b>	<b>Industry</b>	<b>General Rural</b>	<b>Rural Residential</b>	<b>Rural Smallholdings</b>	<b>Bushland Protection</b>	<b>Caravan, Camping and Cabin</b>
Equestrian Centre	X	X	X	D	X	D	X	X
Exhibition Centre	X	P	X	A	X	A	X	X
Factory Unit Building	X	X	P	X	X	X	X	X
Family Day Care	D	X	X	P	P	P	X	X
Farm Stay	X	X	X	D	X	A	X	X
Farmworkers' Accommodation	X	X	X	D	X	X	X	X
Fast Food Outlet	X	P	X	X	X	X	X	X
Fuel Depot	X	X	P	D	X	X	X	X
Funeral Parlour	X	D	D	X	X	X	X	X
Garden Centre	X	D	D	D	X	D	X	X
Grouped Dwelling	D	D	X	X	X	X	X	X
Guesthouse	A	D	X	D	X	A	X	X
Hire Service	X	X	P	D	X	X	X	X
Holiday Home	A	D	X	D	X	D	X	X
Home Business	A	D	X	D	X	D	A	X
Home Business—Hire	A	D	X	D	X	X	X	X
Home Occupation	D	D	X	D	D	D	D	X
Home Office	P	P	X	P	P	P	P	X
Home Store	X	D	X	X	X	X	X	X
Hospital	A	D	X	X	X	X	X	X
Hotel	X	A	X	X	X	X	X	X
Industry—Cottage	D	D	P	D	A	D	A	X
Industry—Extractive	X	X	X	A	X	X	X	X
Industry—General	X	X	P	X	X	X	X	X
Industry—Hazardous	X	X	X	X	X	X	X	X
Industry—Light	X	X	P	X	X	X	X	X
Industry—Mining	X	X	X	A	X	X	X	X
Industry—Noxious	X	X	X	X	X	X	X	X
Industry—Rural	X	X	X	D	X	X	X	X
Industry—Service	X	A	P	X	X	X	X	X
Lodging House	A	D	X	D	X	D	X	X
Lunch Bar	X	X	D	X	X	X	X	X
Marine Filling Station	X	X	D	X	X	X	X	X
Market	X	D	X	A	X	X	X	X
Medical Centre	A	D	X	X	X	X	X	X
Motel	X	D	X	X	X	X	X	X
Motor Vehicle, Boat or Caravan Sales/Hire	X	A	D	X	X	X	X	X
Motor Vehicle Repair	X	A	P	X	X	X	X	X
Motor Vehicle Wash	X	A	P	X	X	X	X	X
Multiple Dwelling	X	D	X	X	X	X	X	X
Night Club	X	A	X	X	X	X	X	X
Nursing Home	A	D	X	X	X	X	X	X
Office	X	P	A	X	X	X	X	X
Open Air Display	X	A	D	X	X	X	X	X
Petrol Filling Station	X	A	D	X	X	X	X	X
Place of Worship	A	D	X	X	X	X	X	X

<b>Zone</b>  <b>Use Class</b>	<b>Residential</b>	<b>Town Centre</b>	<b>Industry</b>	<b>General Rural</b>	<b>Rural Residential</b>	<b>Rural Smallholdings</b>	<b>Bushland Protection</b>	<b>Caravan, Camping and Cabin</b>
Produce Store	X	X	D	A	X	X	X	X
Public Amusement	X	D	X	X	X	X	X	X
Public Recreation	D	D	X	X	X	X	X	X
Public Utility	D	D	D	D	D	D	D	D
Radio and TV Installation	X	X	A	A	X	X	X	X
Reception Centre	X	A	X	X	X	X	X	X
Recreation—Private	X	D	X	A	X	X	X	X
Residential Building	A	D	X	D	X	D	X	X
Restaurant	X	P	X	A	X	A	X	X
Restricted Premises	X	D	X	X	X	X	X	X
Retirement Village	A	D	X	X	X	X	X	X
Roadhouse	X	A	X	X	X	X	X	X
Rural Pursuit	X	X	X	P	X	D	X	X
Salvage Yard	X	X	D	X	X	X	X	X
Service Station	X	A	X	X	X	X	X	X
Serviced Apartment	X	D	X	X	X	X	X	X
Shop	X	P	A	X	X	X	X	X
Showroom	X	D	D	X	X	X	X	X
Single Bedroom Dwelling	A	D	X	X	X	X	X	X
Single House	P	D	X	P	P	P	P	X
Tavern	X	A	X	X	X	X	X	X
Telecommunications Infrastructure	A	X	A	A	X	X	X	X
Temporary Accommodation Camp	X	X	X	A	X	X	X	X
Tourism Development	X	A	X	X	X	X	X	X
Tourist Resort	X	A	X	X	X	X	X	X
Trade Display	X	A	P	X	X	X	X	X
Transport Depot	X	X	P	X	X	X	X	X
Veterinary Centre	X	D	X	D	X	D	X	X
Veterinary Hospital	X	A	X	D	X	D	X	X
Warehouse	X	X	P	X	X	X	X	X
Wayside Stall	X	X	X	P	X	P	X	X
Wind Farm or Wind Energy Facility	X	X	X	A	X	A	X	X
Winery	X	X	X	A	X	A	X	X

#### 4.5 Additional Uses

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

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

#### 4.6 Restricted Uses

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

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

## 4.7 Development Zone

### 4.7.1 Purpose

- (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.

### 4.7.2 Planning requirements

4.7.2.1 The local government requires a Structure Plan for a Development Area or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.

4.7.2.2 Where a structure plan exists, the subdivision and development of land is to generally be in accordance with the structure plan and any associated provisions.

4.7.3 The local government or the Commission may, as a condition of adopting or approving a proposed structure plan, require a more detailed structure plan in future if the local government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the proposed structure plan.

## 4.8 Special Use Zones

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

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

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

## 4.9 Non-Conforming Uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent—

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

*Note: "Land" has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.*

## 4.10 Extensions and Changes to a Non-Conforming Use

4.10.1 A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

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

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

4.10.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

## 4.11 Discontinuance of Non-Conforming Use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

## 4.12 Termination of a Non-Conforming Use

The local government may effect the discontinuance of a non-conforming use by the purchaser of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

*Note: Sections 190 and 191 of the Planning and Development Act 2005 enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.*

## 4.13 Destruction of Non-Conforming Use Buildings

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

**PART 5—GENERAL DEVELOPMENT REQUIREMENTS****5.1 Compliance With Development Standards and Requirements**

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

**5.2 Residential Design Codes**

5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

5.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

**5.3 Special Application of Residential Design Codes**

5.3.1 The general site requirements are set out in Table 1 of the Residential Design Codes. Notwithstanding Table 1, Multiple Dwellings are not permitted on land with a density coding below R30.

5.3.2 Within the area coded R10/30, development to the density and standards above the R10 code shall be permitted only if the development is for Aged or Dependant Persons' Dwellings.

5.3.3 For any land with a residential coding in excess of R10, the State Government's requirements pertaining to wastewater disposal apply.

5.3.4 The following acceptable development provisions apply in relation to the size of outbuildings—

- (a) Within the R10 code and above—120m<sup>2</sup> in area, or 20% in aggregate of the site area, whichever is the lesser, with a maximum wall height of 3m and a total maximum height of 4.5m measured from natural ground level.
- (b) Within the R5 code for lots 2,000m<sup>2</sup> or less in area—180m<sup>2</sup> in aggregate area, with a maximum wall height of 3.5m and a total maximum height of 5m measured from natural ground level.
- (c) Within the R5 code for lots greater than 2,000m<sup>2</sup> in area—240m<sup>2</sup> in aggregate area, with a maximum wall height of 4m and a total maximum height of 6.5m measured from natural ground level.

In considering applications of this type due regard will be given to protect the future amenity of the lots once subdivided, and the local government may impose a condition of approval requiring that a legal agreement be entered into with the local government requiring that in the event of further subdivision of that property, the outbuilding must be removed or reduced in size, to conform with the size limits prescribed in (b) above.

**5.4 Restrictive Covenants**

5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an "A" use and has complied with all of the advertising requirements of clause 9.4.

**5.5 Variations to Site and Development Standards and Requirements**

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

## 5.6 Environmental Conditions

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

## 5.7 Structure Planning Areas

### 5.7.1 Interpretation

In this part, unless the context otherwise requires—

“Detailed Area Plan” means a plan prepared and adopted pursuant to clause 5.7.15 of this Part;

“owner” means an owner or owners of land in the Structure Planning Area; and

“structure plan” means a structure plan that has come into effect in accordance with clause 5.7.12 and includes any Outline Development Plan or Subdivision Guide Plan prepared and approved under the previous local planning scheme of the local government, where applicable to a structure planning area.

“structure planning area” is an area that requires structure planning and may be required in any zone.

### 5.7.2 Purpose of Structure Planning Areas

5.7.2.1 The purpose of Structure Planning Areas are to—

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

### 5.7.3 Subdivision and Development in Structure Planning Areas

5.7.3.1 The subdivision and development of land within a Structure Planning Area is generally to be in accordance with any structure plan that applies to that land.

### 5.7.4 Structure Plan Required

5.7.4.1 The local government is not to—

- (a) consider recommending subdivision; or
- (b) approve development of land within a Structure Planning Area unless there is a structure plan for the area or for the relevant part of that area that adequately defines the comprehensive planning detail required to guide orderly subdivision and development for urban land use.

5.7.4.2 Notwithstanding clause 5.7.4.1 a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area.

5.7.4.3 Where a proposed Structure Plan imposes a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and such Proposed Structure Plan requires the preparation of a Development Contribution Plan, the proposed Structure Plan may only be adopted if the subject area is listed in Schedule 15 of the Scheme as a Development Contribution Area.

5.7.4.4 Where building envelopes are depicted on a Structure Plan, all buildings and effluent disposal facilities shall be located within the building envelopes shown on those plans.

5.7.4.5 Notwithstanding the provisions of sub-clause 5.7.4.4, Council may approve the construction of the following structures outside of the building envelopes—

- (a) water tanks
- (b) windmills
- (c) stock watering and feed troughs; and
- (d) roofed structure open on all sides for the purpose of providing shelter to animals.

### 5.7.5 Preparation of proposed structure plans

A proposed structure plan may be required by the—

- (a) local government; or
- (b) Western Australian Planning Commission

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

### 5.7.6 Details of proposed structure plan

5.7.6.1 A proposed structure plan should include the following details where deemed relevant—

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
  - (i) landform, topography and land capability;
  - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
  - (iii) hydrogeological conditions, including approximate depth to water table;
  - (iv) sites and features of Aboriginal and European heritage value;

- (c) a context analysis map of the immediate surrounds to the site including—
  - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
  - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
  - (iii) existing and future land use;
- (d) for district structure plans a map showing proposals for—
  - (i) the pattern of neighbourhoods around town and neighbourhood centres;
  - (ii) arterial routes and neighbourhood connector streets;
  - (iii) the protection of natural features such as water courses and vegetation;
  - (iv) major open spaces and parklands;
  - (v) major public transport routes and facilities;
  - (vi) the pattern and disposition of land uses; and
  - (vii) schools and community facilities;
- (e) for local structure plans a map showing proposals for—
  - (i) neighbourhoods around proposed neighbourhoods and town centres;
  - (ii) existing and proposed commercial centres;
  - (iii) natural features to be retained;
  - (iv) street block layouts;
  - (v) the street network including street types;
  - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
  - (vii) land uses including residential densities and estimates of population;
  - (viii) schools and community facilities;
  - (ix) public parklands; and
  - (x) urban water management areas;
- (f) a written report to explain the mapping and to address the following—
  - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
  - (ii) the site analysis including reference to the matters listed in clause 5.7.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
  - (iii) the context analysis including reference to the matters listed in clause 5.7.6.1 (c) above;
  - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
  - (v) the design rationale for the proposed pattern of subdivision, land use and development;
  - (vi) traffic management and safety;
  - (vii) parkland provision and management;
  - (viii) urban water management;
  - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services; and
  - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development; and
- (g) any other matter that is required for orderly and proper planning.

5.7.6.2 The maps referred to in clause 5.7.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 5.7.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

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

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

### 5.7.7 Submission to local government and Commission

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

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

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

### 5.7.8 Advertising of structure plan

5.7.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5.7.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—

- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
- (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
  - (i) all owners whose land is included in the proposed structure plan;
  - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan; and
  - (iii) such public authorities and other persons as the local government nominates.

5.7.8.2 The advertisement and notice are to—

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

### 5.7.9 Adoption of proposed structure plan

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

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

5.7.9.2 (a) In making a determination under clause 5.7.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

- (b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 5.7.9.1.

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

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

and thereafter, the procedures set out in clause 5.7.8.1 onwards are to apply.

5.7.9.4 If within the period referred to in clause 5.7.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 5.7.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

### 5.7.10 Endorsement by Commission

5.7.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 5.7.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

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

5.7.10.3 The Commission is to notify the local government of its determination under clause 5.7.10.2.

### 5.7.11 Notification of structure plan

5.7.11.1 As soon as practicable after adopting a proposed structure plan under clause 5.7.9.1 and if clause 5.7.10 applies, as soon as practicable after being notified of the Commission's decision under clause 5.7.10.3, the local government is to forward a copy of the structure plan to—

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

### 5.7.12 Operation of structure plan

5.7.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.7.10.2; or
- (b) on the day on which it is adopted by the local government under clause 5.7.9.1 in all other cases.

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

#### **5.7.13 Inspection of Structure Plan**

5.7.13.1 The structure plan and the Commission's notification under clause 5.7.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

#### **5.7.14 Variation to Structure Plan**

5.7.14.1 The local government may vary a structure plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 5.7.6 onwards.

5.7.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

5.7.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

5.7.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 5.7.14.3, the Commission is to determine whether to endorse the proposed variation.

5.7.14.5 The Commission is to notify the local government of its determination under clause 5.7.14.4.

5.7.14.6 A variation to a structure plan by resolution comes into effect—

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.7.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 5.7.14.1 (a).

#### **5.7.15 Detailed Area Plan**

5.7.15.1 A detailed area plan only applies to the determination of development applications and is required where—

- (a) it has been identified on a structure plan;
- (b) the local government considers that it is desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots; or
- (c) the local government is of the opinion that any particular lot or lots within the Scheme area requires coordinated planning.

5.7.15.2 A detailed area plan may include details as to—

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, finished site levels and drainage;
- (i) protection of sites of heritage, conservation or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the local government.

5.7.15.3 When a proposed detailed area plan is prepared under clause 5.7.15.1, the local government is to—

- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and
- (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
  - (i) all owners whose land is included in the proposed detailed area plan;
  - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan; and
  - (iii) such public authorities and other persons as the local government nominates.

5.7.15.4 The advertisement and notice are to—

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

5.7.15.5 The local government is to consider all submissions received and—

- (a) approve the detailed area plan with or without conditions; or
- (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.

5.7.15.6 If within 60 days of receiving a detailed area plan prepared under clause 5.7.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 5.7.15.5, the local government is deemed to have refused to approve the detailed area plan.

5.7.15.7 Where a structure plan is in place, an approved detailed area plan constitutes a variation of the structure plan in regard to determining development matters under this Scheme.

5.7.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 5.7.15 onwards provided such variations do not prejudice the intention of any related structure plan.

#### **5.7.16 Appeal**

5.7.16.1 An owner who has submitted a proposed structure plan under clause 5.7.7.1 may appeal, in accordance with the *Planning and Development Act 2005*—

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 5.7.8.1;
- (b) any determination of the local government—
  - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
  - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

5.7.16.2 An owner who has submitted a detailed area plan in accordance with clause 5.7.15 may appeal, in accordance with Part 14 of the *Planning and Development Act 2005*, any discretionary decision made by the local government under clause 5.7.15.

#### **5.7.17 Structure plans and other Instruments Adopted or Initiated Under Previous Scheme**

5.7.17.1 Where pursuant to the requirements of the former Town Planning Scheme No. 6 (Northampton District Scheme) and Town Planning Scheme No. 8 (Horrocks) (the previous schemes), a Structure Plan, Outline Development Plan, Subdivision Guide Plan, Detailed Area Plan or any similar instrument (a “planning instrument”) had been adopted and was operative at the date of gazettal of this Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Structure Plan under this Scheme.

5.7.17.2 Where under the previous scheme the process of adopting a planning instrument had been commenced but was not complete at the date gazettal of the Scheme, the steps in the process undertaken pursuant to the previous scheme shall be effective as if those steps were undertaken pursuant to this Scheme, and the remaining steps or steps in the process necessary for the adoption of the planning instrument may be completed pursuant to this Scheme, as if the planning instrument were a Structure Plan under this Scheme.

#### **5.8 General Subdivision Requirements**

5.8.1 Subdivision applications for land outside the Northampton Townsite and within 200m from the side and 500m along the strike of any mineral lode may be referred to the Department of Mines and Petroleum to—

- (a) determine whether a geotechnical study is required to ensure that there are no hidden underground workings;
- (b) determine whether an environmental geochemical study should be conducted to ensure that the soils are not contaminated by heavy metals, such as lead from natural erosion of the lode or from mining activities, and
- (c) carry out a mineral prospectivity assessment.

5.8.2 Subdivision applications for land within the Townsite and within 200m from the side and 500m along the strike of any mineral lode may be referred to the Department of Mines and Petroleum to determine whether—

- (a) a geotechnical study is required to ensure that there are no hidden underground workings; and
- (b) an environmental geotechnical study should be conducted to ensure that the soils are not contaminated by heavy metals such as lead, from natural erosion of the lode or from mining activities.

## **5.9 General Site Requirements**

### **5.9.1 Water Resources**

To achieve development consistent with water sensitive urban design principles including implementation of current best management practises and best planning practises for the sustainable management and use of water resources the provisions set out below apply.

#### **5.9.1.1 Waterways, Wetlands and Estuaries**

In considering any development which may have an impact on any waterway including waterways, estuaries, creeks, streams, drainage lines, lakes, soaks, swamps and other wetlands, the local government is to have regard to;

- (a) managing water balance;
- (b) maintaining and where possible enhancing water quality;
- (c) encouraging water conservation;
- (d) maintaining and where possible enhancing water related environmental values; and
- (e) maintaining and where possible enhancing recreational and cultural values.

#### **5.9.1.2 Foreshore Reserves**

- (a) The local government must seek advice from relevant agencies with regard to appropriate setbacks for development adjacent to the coast or watercourses.

#### **5.9.1.3 Flood Risk**

- (a) In the event of a dispute as to the position of the permanent vegetation line or the winter flood line, the decision of the local government, shall have due regard for the advice of the Western Australian Planning Commission, the State Coastal Planning Policy SPP 2.6 or other relevant state policies.
- (b) There is a general presumption against development below the high water mark and in flood prone areas.
- (c) All developments need to demonstrate that adequate flood protection from a 100-year ARI flood is in place and that development does not detrimentally impact on the existing flood regime of the general area and applications should be referred to the Department of Water for assessment.

### **5.9.2 Development on Steep Slopes**

The local government shall not permit the erection of any building on land, which in its opinion is too steep, or of such grade or location as to comprise a potential to create adverse effects on the land, such as erosion or the excessive removal of trees.

### **5.9.3 Development on Land Abutting Unconstructed Roads**

Where an application for planning approval is made in respect of land abutting an unconstructed road or not having access by means of a constructed road, the local government may either—

- (a) refuse the application until the road has been constructed or access by means of a constructed road provided as the case may be; or
- (b) grant the application approval subject to a condition requiring the applicant to pay a sum of money towards payment of the cost or estimated cost of the road or part thereof and any other condition it thinks fit to impose.

### **5.9.4 Domestic Water Supply**

Where a reticulated water supply is not available, the local government will require the provision of an adequate sustainable potable water supply for domestic use and the provision of a separate water supply for land management and fire fighting purposes, of combined minimum capacity as determined by the local government.

## **5.10 General Land Use Requirements**

### **5.10.1 Home Businesses, Home Occupations and Cottage Industries**

5.10.1.1 An approval to conduct a home business, home occupation or industry-cottage is issued on an annual basis only to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier on the land in respect of which a planning approval is issued, the approval is cancelled.

5.10.1.2 If, in the opinion of the local government, any activities the subject of clause 5.10.1.1 are causing a nuisance or annoyance to owners or occupiers of land in the locality, the local government may not re-issue an approval.

#### **5.10.2 Temporary Accommodation**

5.10.2.1 The local government may approve the temporary occupation of a caravan, or other vehicle, or structure on a lot, only if it has approved an application for the development of a habitable building on the lot, in accordance with the Building Regulations.

5.10.2.2 The time permitted for such temporary occupation shall not exceed 12 months, unless otherwise approved by the local government.

5.10.2.3 In determining an application for the extension of a temporary approval, the local government must be satisfied that there has been a genuine effort to complete the approved habitable building on the lot, pursuant to the original temporary occupation approval.

### 5.10.3 Tourist Uses in Rural Areas

5.10.3.1 Within the General Rural or Rural Smallholdings Zone, the local government may allow a range of accommodation and other tourist related uses, provided these are incidental to the rural use of the land and impacts associated with the tourist use are contained on-site.

5.10.3.2 Where, in the opinion of the local government, the tourist use will dominate (and no longer be incidental to) the rural use of the land, then the local government may require the rezoning of the land.

## 5.11 General Development Requirements

### 5.11.1 Outbuildings

5.11.1.1 No outbuilding shall be erected on any land zoned "Residential" where there is no dwelling located on the lot.

5.11.1.2 Outbuildings appurtenant to any dwelling shall be of single storey construction and shall be located behind the setback to the street or streets of any existing or proposed dwelling on a lot.

### 5.11.2 Transportable, Prefabricated or Relocated Buildings

5.11.2.1 The local government may permit the erection or placement of a transportable, prefabricated or relocated building on a lot providing it is satisfied that the building—

- (a) is in a satisfactory condition;
- (b) will not detrimentally affect the amenity of the area having regard to the zoning of the lot and the use proposed for the building;
- (c) is permanently affixed to the ground; and
- (d) the façades, colours and materials and design features of the building are appropriate to that prevailing or proposed in the vicinity.

5.11.2.2 In relation to 5.11.2.1 the local government will have regard to the following matters—

- (a) the proximity to and the visibility of the building from a street or other public place;
- (b) the intention to prevent box-shaped structures, regardless of the use of the building, where they are visible from a street or other public place; and
- (c) for lots in a Residential or Rural Residential zone, the impact on the existing or proposed streetscape.

### 5.11.3 Outdoor Storage

All outdoor areas used for the storage of motor vehicle bodies, timber, steel products or any other materials in connection with a commercial or industrial use, with the exception of those subject to Clause 5.13.3.1, shall be screened from view from any public place by such means as determined by, and to the satisfaction of, the local government.

### 5.11.4 Advertisements

All advertisements shall—

- (a) Be designed to be compatible with the proposed surroundings including buildings, landscaping and other advertisements; and
- (b) Be erected or displayed in a position—
  - so as to not obstruct the passage of or so as to create a hazard for vehicles or pedestrians;
  - such that in the opinion of the local government, they would not adversely affect the amenity of the locality;
  - so as to not significantly obstruct or impeded all or part of a view of a river, the sea or other place or feature which in the opinion of the local government is of significance to the district; and
  - Where attached to a building, be incorporated into the architectural features of the building in placement, style, proportions, materials, colours and finish; and
- (c) Only contain the following information—
  - the name of the occupier;
  - the business carried on in the premises;
  - the occupier's telephone number;
  - a description of the goods sold or offered for sale in the premises to which the advertisement is affixed or to which it relates; and
  - any other matter specifically approved by the local government.

### 5.11.5 Building Height

No building is permitted to exceed 9m in height measured from the natural ground level immediately below the relevant point on the roof or wall, including freestanding structures such as masts, tanks and signage; with the exception of minor projections such as chimneys, TV aerials, satellite dishes and vent pipes.

## **5.12 General Parking and Access Requirements**

### **5.12.1 Carparking**

5.12.1.1 Car parking spaces are to be provided in accordance with the Table 2—Car Parking Requirements, unless determined otherwise by the local government and shall be designed, constructed and maintained to the satisfaction of the local government.

5.12.1.2 Where a particular use of land is not specified in Table 2, the local government shall determine the number of car parking spaces to be provided on the site having regard to the nature of the proposed development, the number of employees likely to be on the site, the need to keep roads and streets free of obstructions and the amenity of the area.

5.12.1.3 Where land is developed to accommodate a range of uses, the number of car parking spaces to be provided are to be calculated separately for each part of the land or building used for each use.

5.12.1.4 Where the number of car parking spaces proposed to be provided on land, or in a building, the subject of an application for planning approval is less than the number required under Table 2, the local government may approve the application if the applicant can demonstrate to the satisfaction of the local government that—

- (a) off street parking facilities in the near vicinity are adequate to cater for the parking requirements of the land use and/or development; and
- (b) a legal mechanism, to the satisfaction of the local government, is in place to enable those facilities to be used for that purpose on a permanent basis.

5.12.1.5 When considering an application for planning approval, the local government may impose conditions regarding the required number and/or method of provision of car parking spaces. In particular, the local government may impose conditions relating to—

- (a) the proportion of car parking spaces to be roofed or covered;
- (b) the means of access to each car parking space and the adequacy of any vehicular manoeuvring area;
- (c) the design and location of the car parking spaces on the site and their effect on the existing streetscape and the amenity of adjoining development and the locality generally, including the potential effect if those spaces should later be roofed or covered;
- (d) the extent to which car parking spaces are located within required building setback areas; and
- (e) the location of proposed public footpaths, vehicular crossings of private footpaths within the lot and the effect of both pedestrian and vehicular traffic movement and safety.

5.12.1.6 The dimensions of car parking spaces, parking angle and driveway widths are to be in accordance with Schedule 13, in determining the layout of car parking areas. The local government may vary the dimensions specified for some bays which are affected by retention of existing shade trees or landscaped areas.

5.12.1.7 All car parking areas with 10 or more car parking bays shall include landscaped areas equal to 10% of the area of the car park. Landscaped areas are to include shade trees at a rate of 1 tree for per 8 bays, and the perimeter of all parking areas are to have planting strips of a minimum width of 1.5m.

5.12.1.8 If the local government is satisfied that adequate car parking exists, or is to be provided in close proximity to a proposed development, notwithstanding Table 2, it may accept a cash payment in lieu of the provision of car parking spaces subject to the following—

- (a) a cash-in-lieu payment shall not be less than the estimated cost to the owner of providing the car parking spaces otherwise required by the Scheme, plus the value as estimated by the local government of that area of land which would have been occupied by the car parking spaces;
- (b) the local government shall have already provided a public car park nearby or have firm proposals for providing a public car park area within the near future; and
- (c) payments under this clause shall be deposited into a special fund to be used exclusively to provide and/or maintain car parks in the near vicinity.

### **5.12.2 Tourist Bus and Coach Parking**

The local government may, where it considers necessary, require an area in addition to the car parking spaces required in accordance with the Table 2, for the loading/unloading and parking of tourist buses and coaches associated with any tourist use, with such parking to be provided on-site.

### **5.12.3 Rear Access and Loading**

5.12.3.1 In considering any application for planning approval the local government may require the provision of loading docks and/or rear access and may impose conditions concerning—

- (a) the size of loading docks; and
- (b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to exit the lot in forward gear.

### **5.12.4 Parking of Commercial Vehicles**

5.12.4.1 The local government may permit the parking of only one commercial vehicle on a lot in the “Residential”, “Rural Residential” or “Town Centre” zone provided—

- (a) the amenity of the neighbourhood in the opinion of the local government is not adversely affected;
- (b) the vehicle forms an essential part of the occupation of an occupant of the dwelling;

- (c) the vehicle does not exceed either 3m in height or 12m in length;
- (d) any vehicle exceeding 8m in length is screened from public view; and
- (e) no major repairs to the vehicle is undertaken and any minor repairs, maintenance, service or cleaning of any commercial vehicle or truck is undertaken in an area screened from public view.

5.12.4.2 Approval shall be issued on an annual basis only and if, in the opinion of the local government, the commercial vehicle is causing a nuisance or annoyance to owners or occupiers of land in the locality, the local government may not re-issue an approval.

5.12.4.3 A vehicle shall be considered to be parked on a lot for the purposes of these provisions if it remains on that lot for more than 1 hour in aggregate over any period of 24 hours, unless the vehicle is being used bona fide in connection with ongoing construction work legally being carried out on the lot.

5.12.4.4 Commercial vehicles which are parked temporarily on a property for the purpose of delivering or loading goods associated with domestic residential use are exempt from clause 5.12.4.1.

**Table 2—Car Parking Requirements**

<b>Use Class</b>	<b>Car Parking spaces required</b>
Aged or Dependent Persons Dwelling	As per Residential Design Codes
Agriculture—Extensive	1/ employee
Agriculture—Intensive	1/ employee
Agroforestry	1/ employee
Amusement Facility	1/ 4 seats or 1/ 4 persons the building is designed to accommodate
Amusement Parlour	1/ 20m <sup>2</sup> of GLA
Animal Establishment	1/ employee
Animal Husbandry—Intensive	1/ employee
Bank, Building Society, Post Office	1/ 20m <sup>2</sup> of GLA
Bed and Breakfast	1/ bedroom in addition to Residential Design Codes requirement for dwelling
Betting Agency	1/ 20m <sup>2</sup> of GLA
Builder's Storage Yard	1/ 200m <sup>2</sup> of GLA and outdoor storage area
Cabin	1/ unit
Caravan Park	1/ caravan site + 1 visitor bay/ 5 caravan sites
Caretaker's Dwelling	1/ dwelling
Chalet	2/ chalet
Child Care Premises	1/ 5 children
Cinema/Theatre	1/ 4 seats
Civic Use	Determined by the local government
Club Premises	Determined by the local government
Community Purpose	Determined by the local government
Community Services Depot	1/ employee
Consulting Rooms	4/ practitioner
Convenience Store	1/ 20m <sup>2</sup> of GLA
Corrective Institution	Determined by the local government
Cultural Use	Determined by the local government
Display Home Centre	2/ display dwelling
Dry Cleaning Premises	1/ 50m <sup>2</sup> of GLA
Eco-Tourist Facility	Determined by the local government
Education Establishment	Primary—1/ classroom Secondary—1/ classroom + 1/ 15 of year 12 students Other—1/ classroom or teaching room + 1/ 4 students
Equestrian Centre	Determined by the local government
Exhibition Centre	Determined by the local government
Factory Unit Building	1/ 50m <sup>2</sup> of GLA
Family Day Care	Nil
Farm Stay	2/ accommodation unit
Farmworkers' Accommodation	1/ bedroom
Fast Food Outlet	1/ 10m <sup>2</sup> of GLA

<b>Use Class</b>	<b>Car Parking spaces required</b>
Fuel Depot	1/ 200m <sup>2</sup> of GLA and outdoor storage area
Funeral Parlour	1/ 40 m <sup>2</sup> of GLA administration areas + 1/ 4 seats for public seating area.
Garden Centre	1/ 100m <sup>2</sup> of sales and display area
Grouped Dwelling	As per Residential Design Codes
Guesthouse	1/ unit + 1/ 4m <sup>2</sup> of bar and eating area
Hire Service	1/ 100m <sup>2</sup> of sales and display area
Holiday Home	2/ accommodation unit
Home Business	1/ employee not members of the occupier's household
Home Business—Hire	1/ employee not members of the occupier's household + 2 for customers
Home Occupation	Nil
Home Office	Nil
Home Store	1/ 20m <sup>2</sup> of GLA
Hospital	1/ 4 beds + 1/ employee
Hotel	1/ bedroom + 1/ 4m <sup>2</sup> of lounge and bar area
Industry—Cottage	1 visitor bay in addition to Residential Design Codes requirement for dwelling
Industry—Extractive	1/ employee
Industry—General	1/ 100m <sup>2</sup> of GLA
Industry—Hazardous	1/ 100m <sup>2</sup> of GLA
Industry—Light	1/ 50m <sup>2</sup> of GLA
Industry—Noxious	1/ 100m <sup>2</sup> of GLA
Industry—Mining	1/ employee
Industry—Rural	1/ employee
Industry—Service	1/ 50m <sup>2</sup> of GLA for service area + 1/ 20m <sup>2</sup> of GLA for commercial area
Lodging House	1/ bedroom
Lunch Bar	1/ 10m <sup>2</sup> of GLA
Marine Filling Station	1/ 200m <sup>2</sup> of GLA and outdoor storage area
Market	3/ stall or 1/ 20m <sup>2</sup> of stall areas, whichever is the greater
Medical Centre	4/ practitioner
Motel	1/ unit + 1/ 4m <sup>2</sup> of bar and eating area
Motor Vehicle and Marine Sales	1/ 100m <sup>2</sup> of sales and display area
Motor Vehicle Repair	2/ workshop bay + 1/ employee
Motor Vehicle Wash	1/ wash bay
Multiple Dwelling	As per Residential Design Codes
Night Club	1/ 4m <sup>2</sup> of lounge and bar area
Nursing Home	1/ 4 beds + 1/ employee
Office	1/ 40m <sup>2</sup> of GFA (excludes bank, building society, post office)
Open Air Display	1/ 100m <sup>2</sup> of sales and display area
Park Home Park	1/ site + 1 visitor bay/ 5 sites
Petrol Filling Station	1/ employee
Produce Store	1/ 200m <sup>2</sup> of GLA and outdoor storage area
Place of Worship	1/ 4 seats
Public Amusement	1/ 4 seats or 1/ 4 persons the building is designed to accommodate, whichever is the greater
Public Recreation	1/ 4 seats or 1/ 4 persons the building is designed to accommodate, whichever is the greater
Public Utility	Nil
Radio and TV Installation	Nil
Reception Centre	1/ 4 seats
Recreation—Private	Determined by the local government
Residential Building	1/ bedroom
Restaurant	1/ 4m <sup>2</sup> of bar and eating area
Restricted Premises	1/ 20m <sup>2</sup> of GLA

Use Class	Car Parking spaces required
Retirement Village	1/ dwelling unit + 1/ 4 dwelling units for visitors
Roadhouse	2/ workshop bay + 1/ employee + 1/ 4m <sup>2</sup> of eating area
Rural Pursuit	1/ employee
Salvage Yard	1/ 200m <sup>2</sup> of GLA and outdoor storage area
Service Station	2/ workshop bay + 1/ employee
Serviced Apartment	2/ accommodation unit
Shop	1/ 20m <sup>2</sup> of GLA
Showroom	1/ 50m <sup>2</sup> of GLA
Single Bedroom Dwelling	As per Residential Design Codes
Single House	As per Residential Design Codes
Tavern	1/ 4m <sup>2</sup> of lounge and bar area
Telecommunications Infrastructure	Nil
Temporary Accommodation Camp	Determined by the local government
Tourism Development	2/ accommodation unit
Tourist Resort	Determined by the local government
Trade Display	1/ 100m <sup>2</sup> of sales and display area
Transport Depot	1/ 200m <sup>2</sup> of GLA and outdoor storage area
Veterinary Centre	4/ practitioner
Veterinary Hospital	Determined by the local government
Warehouse	1/ 200m <sup>2</sup> of GLA and outdoor storage area
Wayside Stall	Nil
Wind Farm or Wind Energy Facility	Determined by the local government
Winery	1/ 4m <sup>2</sup> of bar and eating area

*Notes:*

- (a) *GLA—Gross Leasable Area: means, in relation to a building, the area of all floors capable of being occupied by a tenant for his 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.*
- (b) *In addition to car parking spaces the local government may require tourist bus and coach parking in accordance with clause 5.12.2.*

### 5.13 Specific Site and Development Requirements for Particular Zones

#### 5.13.1 Development Requirements

The development requirements relating to setbacks and open space/ landscaping are set out in Table 3.

**Table 3—Development Requirements**

Zone	Minimum Setbacks <sup>1</sup>	Open Space/ Landscaping (% of site)
Residential	As per Residential Design Codes	As per Residential Design Codes
Town Centre	Front/Street—Nil <sup>2</sup> Rear—see Footnote <sup>3</sup>	10%
Industry	Front/Street—9m Rear—5m	10%
General Rural	Front/Street—20m Side—10m Rear—20m	N/A <sup>4</sup>
Rural Residential	Front/Street—10m Side—5m Rear—10m	N/A
Rural Smallholdings	Front/Street—15m Side—7.5m Rear—15m	N/A
Bushland Protection	Front/Street—20m Side—10m Rear—20m	N/A

*Footnotes:*

- <sup>1</sup> *Notwithstanding the minimum setbacks prescribed in Table 3, the Front/Street setback for any development on a lot adjacent to North West Coastal Highway, outside of a gazetted Townsite, shall be a minimum of 40m.*
- <sup>2</sup> *The Front/Street setback within the Town Centre zone is a mandatory setback and as such it is both the minimum and maximum permitted.*

3 *The minimum setback is to be the same as if it were a residential development assessed under the provisions of the Residential Design Codes based on the height, length and openings in the wall/s adjacent the rear boundary.*

4 *N/A means not applicable.*

5.13.1.1 Development standards for zones not included in Table 3 will be subject to relevant provisions outlined elsewhere in this Scheme (including any Local Planning Policies adopted under the Scheme), or in the absence of any such provisions, they will be determined by the local government in each particular case.

5.13.1.2 For non-residential development in the Residential zone, the standards shall be as determined by the local government in each particular case.

5.13.1.3 Minimum lot sizes for subdivision are determined having regard to the relevant policies and standards of the Western Australian Planning Commission, the adopted Local Planning Strategy, and the feasibility of development of lots based on their intended use and relevant development requirements under this Scheme.

### **5.13.2 Residential Zone**

#### **5.13.2.1 Residential Development on Land Without Reticulated Sewer**

In assessing applications for planning approval for grouped and/or multiple dwellings on land not connected to reticulated sewer, the local government is to be satisfied that the land is capable of on-site effluent disposal. In accordance with clause 9.2 (d), this may require additional information such as—

- (a) a “Proposed Development Site Plan” (as referred to in clause 2.4.5 of the Residential Design Codes) including the location of areas for on-site effluent disposal; and
- (b) a report on the soil permeability of the site.

#### **5.13.2.2 Overall Planning**

In order to ensure the subdivision and development of land is done so in an orderly and proper manner and not on an ad-hoc basis, the local government, prior to determining applications for subdivision or planning approval, may require the preparation and approval of a structure plan in accordance with clause 5.7 for all or part of the land.

#### **5.13.2.3 Use of Front/ Street Setback Area**

The approval of the local government is required for the keeping, parking, repair or storing any boat, trailer, caravan or any material not specifically for the immediate use by the occupant in any front/ street setback.

### **5.13.3 Town Centre Zone**

#### **5.13.3.1 Residential Development**

5.13.3.1.1 For land connected to reticulated sewer, residential development may be permitted in accordance with the maximum density and standards of the R40 code.

5.13.3.1.2 For any residential development proposed at a density in excess of R10, the State Government’s requirements pertaining to wastewater disposal apply.

#### **5.13.3.2 Mixed-Use Development**

5.13.3.2.1 The local government may permit mixed-use development within the zone, provided the residential component is built above or behind the commercial component, to ensure that a commercial or non-residential component is at ground floor level fronting the street, for the full width of the building.

5.13.3.2.2 The residential component of a mixed-use development is to be developed in accordance with the density and standards as prescribed in Clauses 5.13.2.1.1 and 5.13.2.1.2.

#### **5.13.3.3 Plot Ratio**

The maximum plot ratio is 1.0, but the local government may permit a further increase of 50% if the proposed development—

- (a) preserves an historical building which the local government considers warrants preservation; or
- (b) includes a community or other facility or amenity which the local government considers justifies an increase in the permissible plot ratio; and
- (c) the local government is satisfied that the design, standard and nature of the development as a whole is such as to constitute a significant improvement to the amenities or environment of the Town Centre.

### **5.13.4 Industry Zone**

#### **5.13.4.1 Use of Primary Street Setback Area for Trade Display**

A person may display finished goods for sale that have been produced or manufactured on a subject site, subject to the display area being limited to a maximum area of 25% of any street setback area; and excluding the following—

- (a) the dumping or storage of waste or raw materials; or
- (b) the wrecking or storage of wrecked vehicles or parts thereof.

#### 5.13.4.2 Buffer Areas

The local government may not permit any use or development which, in the opinion of the local government, would require a buffer area, other physical device or special restrictions to apply outside the boundary of the site, containing the use or development, in order to make it environmentally acceptable.

#### 5.13.4.3 Factory Units

All factory unit buildings shall—

- (a) be constructed so that no occupancy has a floor area less than 100m<sup>2</sup> or either its width or length is less than 8m;
- (b) have an adjacent open yard no smaller than one-third of the floor area of the occupancy; and
- (c) together with its open yard, have direct access to a service road not less than 6m in width;

### 5.13.5 General Rural Zone

#### 5.13.5.1 Additional Dwellings

The development of a second dwelling on a lot will not be approved unless the additional dwelling complies with the following—

- (a) it provides accommodation for workers employed for agricultural activities on that lot (including accommodation for family members involved in the operation of the agricultural enterprise);
- (b) the dwellings are clustered in one location to avoid future subdivision pressure and minimise constraints on adjoining uses; and
- (c) all services to the dwelling from the lot boundary (including access roads) are shared where practicable.

#### 5.13.5.2 Outbuildings

Outbuildings for lots which are—

- less than 20ha. in area;
- abutting or within a townsite boundary;
- subject to future increase in subdivision potential identified in the Local Planning Strategy;
- in an area of visual prominence; or
- in an area of heritage/high landscape amenity;

shall be limited to 240m<sup>2</sup> in aggregate area with a maximum wall height of 4m and a total maximum height of 6.5m measured from natural ground level.

#### 5.13.5.3 Nutrient Run-off

In considering applications for planning approval, the local government shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, water course or underground aquifer, and may require no further clearing of vegetation. No stormwater will be permitted to drain directly into existing waterbodies or watercourses, and is to be disposed of on-site.

### 5.13.6 Rural Residential Zone

#### 5.13.6.1 Subdivision and Development

Specific provisions for land in the “Rural Residential” zone are set out in Schedule 11 and subdivision, and development is subject to compliance with any conditions set out in Schedule 11 with respect to that land.

#### 5.13.6.2 Water Supply

The local government will only support subdivision of land where a reticulated potable water supply is provided to an appropriate standard, as determined by the licence holder.

#### 5.13.6.3 Nutrient Run-off

In considering applications for planning approval, the local government shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, water course or underground aquifer, and may require no further clearing of vegetation. No stormwater will be permitted to drain directly into existing water bodies or watercourses, and is to be disposed of on-site.

#### 5.13.6.4 Outbuildings

Outbuildings for lots are limited to 240m<sup>2</sup> in aggregate area with a maximum wall height of 4m and a total maximum height of 6.5m, measured from natural ground level.

### 5.13.7 Rural Smallholdings Zone

#### 5.13.7.1 Subdivision and Development

Specific provisions for land in the “Rural Smallholdings” zone are set out in Schedule 11 and subdivision, and development is subject to compliance with any conditions set out in Schedule 11 with respect to that land.

#### 5.13.7.2 Outbuildings

Outbuildings for lots are limited to 240m<sup>2</sup> in aggregate area with a maximum wall height of 4m and a total maximum height of 6.5m, measured from natural ground level.

**5.13.8 Bushland Protection Zone**

5.13.8.1 The following provisions apply to development—

- (i) Only one dwelling will be permitted per lot;
- (ii) Notwithstanding any other provision of the Scheme, an application for planning approval is required for all development;
- (iii) All development shall be contained within the designated building envelope on the approved structure plan;
- (iv) All development and ongoing use and management of land is to be in accordance with the structure plan approved in accordance with clause 5.7 of the Scheme, including any approved environmental management plan;
- (v) Where a reticulated water supply is not provided to a lot, a potable water supply for domestic use and water supply for fire fighting is to be provided to capacities as determined by the local government;
- (vi) No bushland shall be felled, removed, damaged or grazed except for—
  - (a) clearing associated with approved development within the endorsed building envelope;
  - (b) maintenance of firebreaks, building protection zones or hazard separation zones as identified in the endorsed fire management plan and/or subdivision and development guide plan;
  - (c) establishment and maintenance of approved accessways to approved buildings; or
  - (d) removal of dangerous or diseased vegetation with the written consent of the local government;
- (vii) No wetland shall be cleared, drained, filled or grazed; and
- (viii) Outbuildings are limited to 240m<sup>2</sup> in aggregate area with a maximum wall height of 4m and a total maximum height of 6.5m, measured from natural ground level.

**5.13.9 Caravan, Camping and Cabin Zone**

5.13.9.1 The combined number of cabins and/or chalets within any lot in this zone shall be limited to 20% of the combined total of caravan and camping sites on any given lot, unless otherwise approved by the local government.

**5.13.10 Settlement Zone**

5.13.10.1 Preparation and Endorsement of Community Layout Plans

- (a) Local Government's dealings in regard to communities in the Settlement zone shall be in accordance with the Statement of Planning Policy 3.2 Planning for Aboriginal Communities.
- (b) Community Layout Plans may be prepared for either the whole or part of any land within the Settlement Zone. The plans should be prepared in accordance with the Guidelines for the Preparation of Community Layout Plans for Western Australian Aboriginal Communities and with any other relevant State or Commonwealth Government Policy.
- (c) A Community Layout Plan may provide for a mix of land uses, which may include residential, community, administration, rural and health and small business activities for the support and benefit of the community, where these are consistent with improving the residential amenity of the locality.
- (d) The local government shall not consider a layout plan, or any modification to an approved layout plan unless the affected community has had an opportunity to comment on the contents of the plan or amendments to an approved plan.
- (e) The local government shall assess the planning merits of a plan and then resolve to either approve, refuse or approve with any modification(s) that the local government considers necessary.
- (f) An approved layout plan, subject to the approval of the Western Australian Planning Commission, may be amended or revoked by the local government.

5.13.10.2 Development Requirements

- (a) Development in the zone is to be consistent with a Community Layout Plan endorsed by the Community, the local government and Western Australian Planning Commission.
- (b) Where an endorsed Community Layout Plan is not in place, development is to be assessed using the best information available, which may include draft Community Layout Plans, "as constructed" drawings or advice from relevant servicing agencies or organisations.
- (c) Essential services and community infrastructure provided in conjunction with development of land within the zone should be consistent with the adopted Community Layout Plan.

**5.13.11 Special Use Zone**

5.13.11.1 Provisions applicable for Special Uses are prescribed in Schedule 4.

5.13.11.2 Where applied, the "Special Use" zone will be maintained for as long the use lawfully continues to operate, after which time the zoning of the land may be reconsidered by the local government.

## PART 6—SPECIAL CONTROL AREAS

### 6.1 Operation of Special Control Areas

- (a) The following special control areas are shown on the map as a SCA with a number with the exception of Development Control Areas which are shown as DCA with a number—
  - (i) Coastal Planning and Management (SCA 1)
  - (ii) Moresby Range Landscape Protection (SCA 2)
  - (iii) Public Drinking Water Source Protection (SCA 3)
  - (iv) Town Centre Conservation (SCA4)
  - (v) Horrocks Wastewater Treatment Plant (SCA5)
  - (vi) Horrocks Development Area (SCA 6)
  - (vii) Development Contribution Areas
- (b) 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.

### 6.2 Coastal Planning and Management (SCA 1)

#### 6.2.1 Purpose and Intent

- (a) To protect and enhance the environmental, cultural, recreational and/or scenic values of the area; and
- (b) Give priority to coastal dependent land uses and development that by their very nature require coastal sites.

#### 6.2.2 Relevant Considerations

6.2.2.1 In determining land uses and development proposals the local government will have due regard to relevant State Government policies and any relevant coastal management policies and plans.

6.2.2.2 All use and development of land requires application for planning approval. In considering any application for planning approval, local government shall—

- (a) Ensure that the development proposed will not result in any net export of nutrients from the land into the nearshore waters and may require that no vegetation be cleared or removed from the site and require that all stormwater be retained on-site;
- (b) Ensure that the proposed development is adequately set back from visually prominent or unstable features of the coastline such as headlands, ridgelines, cliffs, beaches and other locations which are the focus of attention, unless such a location is essential;
- (c) Determine the coastal setback based on the stability of the shoreline and the ability of the proposed development to harmonise with the landscape elements in relation to scale, height, colours and materials;
- (d) Assess the impact on any area within or adjacent to the subject land that contains an unstable landform, which may impact on the proposed development and/or any foreshore area will be subjected to additional use generated as a result of the proposed development; and
- (e) Apply a 100-year planning timeframe where it is determined that a proposed development may be impacted by an unstable landform that is located on private freehold land or of a magnitude that stabilisation is unlikely to be achieved.

6.2.2.3 In considering any application for planning approval, the local government may impose conditions which require—

- (a) Services along a beachfront to be underground;
- (b) The proponent to enter into an agreement with the local government for the reconstruction or stabilisation of dunes either located on the subject land or adjoining foreshore areas such agreement shall include the planning and maintenance of native or locally acceptable species of vegetation as determined by local government and should be limited to a defined area of impact
- (c) Reconstruction and stabilisation works as part of the implementation of an adopted management or strategy plan; and
- (d) Preparation and implementation of a foreshore and reserve management strategy.

#### 6.2.3 Referral of Applications

Where warranted by wider implications that a proposed development may have, the local government may refer a development application to adjacent local governments and relevant agencies and community groups for comment.

### 6.3 Moresby Range Landscape Protection (SCA 2)

#### 6.3.1 Purpose and Intent

- (a) To preserve the landscape values of the Moresby Range;
- (b) To avoid development that would negatively impact on the landscape values and qualities of the area;
- (c) To ensure that landscape and aesthetic considerations are taken into account in preparing amendments to the Scheme and in assessing subdivision and development applications; and

- (d) To ensure that any development takes place in such a manner as to preserve the visual qualities of the area.

### 6.3.2 Application Requirements for Development

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

### 6.3.3 Relevant Considerations

6.3.3.1 In considering any rezoning request, subdivision or development application, the local government will have regard to the following—

- (a) The local government will give consideration to rezoning of land to Rural Smallholdings zone where appropriate, having regard to the purpose and intent of the Moresby Range Landscape Protection SCA;
- (b) The local government may consider supporting subdivision applications where—
  - (i) The subdivision proposed for land within the Rural Smallholdings zone is consistent with the Local Planning Strategy and the purpose and intent of and the Moresby Range Landscape Protection SCA;
  - (ii) The subdivision is for boundary realignment, rationalisation of landholdings or lots created for management purposes, that will not create the potential for additional development within the range; and
  - (iii) The subdivision is consistent with the policies of the Western Australian Planning Commission;
- (c) Development applications for land within this SCA shall not be approved where the development may result in reduction of environmental and visual landscape quality;
- (d) Proposals for aquaculture, commercial tree plantations, earthworks (such as filling and excavation) and intensive agriculture will be carefully assessed having regard to the environmental and landscape values of the Moresby Range;
- (e) Public works (for example, road or rail construction) or community facilities may be permitted within the Range, provided that such public works or development can be designed and located in a manner so as to minimise environmental degradation;
- (f) No clearing destruction of any bushland or re-vegetation shall be permitted except for—
  - (i) Clearing to comply with the requirements of the *Bush Fires Act 1954*, the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government;
  - (ii) Clearing as may reasonably be required to accommodate an approved building or curtilage, or vehicular access to an approved building or other land use approved by the local government;
  - (iii) Clearing as may be allowed under the Department of Environment Land Clearing Regulations; or
  - (iv) Trees that are diseased or dangerous; and
- (g) In the determination of any application for planning approval the local government may, having regard to the purpose and intent of the SCA and the assessment criteria detailed in the Moresby Ranges Management Strategy, require modification of development proposals or impose conditions of approval regarding—
  - (i) The siting of proposed development;
  - (ii) The design and layout of the proposed development;
  - (iii) The materials and finishes to be used in the proposed development;
  - (iv) The protection of bushland located on the site;
  - (v) The installation and maintenance of vegetation to provide for the visual screening of proposed development; and
  - (vi) The installation and maintenance of vegetation, retaining walls or other works to prevent erosion.

### 6.3.4 Referral of Applications

Where warranted by wider implications that a proposed development may have, the local government may refer a development application to adjacent local governments and relevant agencies and community groups for comment.

## 6.4 Public Drinking Water Source Protection (SCA 3)

### 6.4.1 Purpose and Intent

- (a) To identify the proclaimed Public Drinking Water Source Protection Areas; and
- (b) To ensure that land use and development within is compatible with the protection and long term management of water resources for public water supply.

### 6.4.2 Relevant Considerations

6.4.2.1 In determining land uses and development proposals, the local government will have due regard to relevant State Government policies and the most recent Department of Water, Land Use Compatibility Tables for Public Drinking Water Source Areas (PDWSA).

6.4.2.2 In determining proposals, the local government is to have due regard to any comments or recommendations from Department of Water and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. The local government should also have regard to the management direction provided by priority classification of certain areas, noting that—

- (a) Priority 2 (P2) areas are defined to ensure there is no increased risk of pollution to the water source; and
- (b) Priority 3 (P3) areas are defined to manage the risk of pollution to the water source.

#### 6.4.2.3 Application Requirements for Development

Planning approval is required for development except for:

- (a) A “Single House” including any extension, ancillary outbuildings and swimming pools except where the proposal requires the exercise of discretion under the Scheme and/or involves a transportable, prefabricated, or relocated building, and/or is a place included on the Heritage List; and
- (b) “Agriculture—Extensive” uses.

#### 6.4.2.4 Referral of Applications

The local government is required to refer any development application which involves the following activities to the Department of Water for advice prior to determination of the application—

- (a) Potential for increased nutrient loading, in particular point source for nutrients, eg. poultry farm, piggery;
- (b) Intensification of application of fertilisers and pesticides;
- (c) Storage of chemicals, fuels and other potentially polluting substances;
- (d) Substantial increase in runoff; and
- (e) Any other impact which Council considers could have an impact on the quality of public drinking water.

### 6.5 Town Centre Conservation (SCA 4)

#### 6.5.1 Purpose and Intent

- (a) To ensure all development is in accordance with either established heritage principles or with their context; and
- (b) To ensure all development will accord with objectives and guidelines established for the Special Control Area.

#### 6.5.2 Application Requirements for Development

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

#### 6.5.3 Relevant Considerations

In considering any subdivision or development application, the local government is to have regard to the objectives and guidelines set out in Schedule 14 of the Scheme.

### 6.6 Horrocks Wastewater Treatment Plant (SCA 5)

#### 6.6.1 Purpose and Intent

To ensure that the use and development of the land is compatible with the Horrocks Wastewater Treatment Plant.

#### 6.6.2 Application Requirements for Development

The local government shall not approve any development for residential purposes or other sensitive uses as defined in State Planning Policy 4.1.

### 6.7 Horrocks Development Area (SCA 6)

#### 6.7.1 Purpose and Intent

- (a) To protect and enhance the environmental, cultural, recreational and/or scenic values of the area; and
- (b) To ensure that the expansion of Horrocks Townsite is undertaken in a coordinated manner through structure planning.

#### 6.7.2 Relevant Considerations

A structure plan, prepared and implemented in accordance with clause 5.7 Structure Planning Areas together with any proposed variations, shall apply to the land in order to guide subdivision and development.

### 6.8 Development Contribution Areas

- (a) Development Contribution Areas are shown on the Scheme Map as DCA with a number and included in Schedule 15.
- (b) In respect of a Development Contribution Area shown on a Scheme Map, the provisions applying to the Development Contribution Area apply in addition to the provisions applying to the underlying zone or reserve and any general provisions of the scheme.

### 6.8.1 Interpretation

In clause 6.8, unless the context otherwise requires—

“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.

“Cost apportionment schedule” means a schedule prepared and distributed in accordance with clause 6.8.10.

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

“Development contribution area” means shown on the scheme map as DCA with a number and included in Schedule 15.

“Development contribution plan” means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 6.8 of the scheme (as incorporated in Schedule 15 to this scheme).

“Development contribution plan report” means a report prepared and distributed in accordance with clause 6.8.10.

“Infrastructure” means the standard infrastructure items (services and facilities set out in Appendix 1 of (*State Planning Policy 3.6 Development Contributions for Infrastructure*) 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 this policy.

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

“Local government” means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

“Owner” means an owner of land that is located within a development contribution area.

### 6.8.2 Purpose

The purpose of having development contribution areas is to—

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

### 6.8.3 Development contribution plan required

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

### 6.8.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Schedule 15 as part of this scheme.

### 6.8.5 Subdivision, strata subdivision and development

The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner’s contribution towards the provision of community infrastructure.

### 6.8.6 Guiding principles for development contribution plans

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.

### **6.8.7 Recommended content of development contribution plans**

**6.8.7.1** 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.

### **6.8.8 Period of development contribution plan**

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

### **6.8.9 Land excluded**

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) roads designated under the Scheme as primary Major Roads;
- (b) existing public open space;
- (c) existing government primary and secondary schools; and
- (d) such other land as is set out in the development contribution plan, is to be excluded.

### **6.8.10 Development contribution plan report and cost apportionment schedule**

**6.8.10.1** 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.

**6.8.10.2** The development contribution plan report and the cost apportionment schedule shall 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 shall take into account any proposed staging of the development.

**6.8.10.3** 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 6.8.11.

### **6.8.11 Cost contributions based on estimates**

**6.8.11.1** 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.

**6.8.11.2** 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 6.8.12; 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.

**6.8.11.3** 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.

**6.8.11.4** 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.

**6.8.11.5** Where an owner's cost contribution is adjusted under clause 6.8.11.4, 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.

6.8.11.6 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.

6.8.11.7 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 1985*, with the costs to be shared equally between the local government and owner.

#### **6.8.12 Valuation**

6.8.12.1 Clause 6.8.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6.8.12.2 In clause 6.8.12—

“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 16. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10% profit factor is to be excluded from the calculation.

“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.

6.8.12.3 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.

6.8.12.4 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—

- (a) by any method agreed between the local government and the owner; or
- (b) 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*.

#### **6.8.13 Liability for cost contributions**

6.8.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.3.

6.8.13.2 An owner’s liability to pay the owner’s cost contribution to the local government arises on the earlier of—

- (a) the Western Australian Planning 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 Western Australian Planning 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.
- (e) The liability arises only once upon the earliest of the above listed events.

6.8.13.3 Notwithstanding clause 6.8.13.2, 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.

6.8.13.4 Where a development contribution plan expires in accordance with clause 6.8.8, an owner’s liability to pay the owner’s cost contribution under that development contribution plan shall 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.

#### **6.8.14 Payment of cost contribution**

6.8.14.1 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.

6.8.14.2 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.

6.8.14.3 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 shall provide certification in writing to the owner of such discharge if requested by the owner.

#### **6.8.15 Charge on land**

6.8.15.1 The amount of any cost contribution for which an owner is liable under clause 6.8.13, 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.

6.8.15.2 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 6.8.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

6.8.15.3 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 6.8.15.

#### **6.8.16 Administration of funds**

6.8.16.1 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.

6.8.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.8.16.1 is to be applied in the development contribution area to which the reserve account relates.

6.8.16.3 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.

#### **6.8.17 Shortfall or excess in cost contributions**

6.8.17.1 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,
- (d) but nothing in paragraph 6.8.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

6.8.17.2 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 shall be applied, to the provision of additional facilities or improvements in that development contribution area.

#### **6.8.18 Powers of the local government**

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.

#### **6.8.19 Arbitration**

Subject to clauses 6.8.12.3 and 6.8.12.4, 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 1985*.

## **PART 7—HERITAGE PROTECTION**

### **7.1 Heritage List**

7.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the Heritage List the local government is to—

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

7.1.3 The Heritage List includes those places which are included in Schedule 17, which were identified as *Places of Heritage Value* under the former Shire of Northampton Town Planning Scheme No. 6.

7.1.4 In considering a proposal to include a place on the Heritage List the local government is to—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultations as it thinks fit; and
- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after considering submissions.

7.1.5 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and the owner and occupier of the place.

7.1.6 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.7 The local government may remove or modify the entry of a place in the Heritage List by following the procedures set out in clause 7.1.4 and in addition, where the place is also included in Schedule 17, amending the Scheme.

*Note: 1. The purpose and intent of heritage provisions are—*

- (a) *to facilitate the conservation of places of heritage value; and*
- (b) *to ensure as far as possible that development occurs with due regard to heritage values.*

*2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.*

## **7.2 Designation of a Heritage Area**

7.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate the area as a heritage area.

7.2.2 The local government is to—

- (a) adopt for each heritage area a Local Planning Policy which is to comprise—
  - (i) a map showing the boundaries of the heritage area;
  - (ii) a record of places of heritage significance; and
  - (iii) objectives and guidelines for the conservation of the heritage area;and
- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3 If a local government proposes to designate an area as a heritage area, the local government is to—

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
  - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
  - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
  - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;and
- (c) carry out such other consultation as the local government considers appropriate.

7.2.4 Notice of a proposal under clause 7.2.3 (b) (i) is to specify—

- (a) the area subject of the proposed designation;
- (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- (c) in what form and in what period (not being less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

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

- (a) review the proposed designation in the light of any submissions made; and
- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

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

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

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

### 7.3 Heritage Agreements

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

*Note:* 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.

2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

### 7.4 Heritage Assessment

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

### 7.5 Variations to Scheme Provisions for a Heritage Place or Heritage Area

Where desirable to—

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

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

## PART 8—DEVELOPMENT OF LAND

### 8.1 Requirement for Approval to Commence Development

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

*Note:* 1. The planning approval of the local government is required for both the development of land (subject to this Part) and the use of land (subject to Part 4).

2. Development includes the erection, placement and display of any advertisements.

### 8.2 Permitted Development

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

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
  - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
  - (iv) located within the Town Centre Conservation Special Control Area;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
  - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary any relevant development standards and requirements of the Scheme or Local Planning Policy adopted pursuant to clause 2.4 or vary the provisions of the Residential Design Codes;
  - (ii) the development will be located in a heritage area designated under the Scheme;
  - (iii) the development will be located in a special control area designated under the Scheme;
  - (iv) the proposal is for a transportable, prefabricated or relocated building; or
  - (v) the development will be located in the “Rural Residential” or “Rural Smallholdings” or “Bushland Protection” zone.
- (c) the demolition of any building or structure except where the building or structure is—
  - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
  - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
  - (iv) located in a heritage area designated under the Scheme;
- (d) a home office;

- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area or within the Town Centre Conservation Special Control Area; and
- (g) Agriculture-Extensive in the “General Rural” or “Rural Smallholdings” zone.

*Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 157 of the Planning and Development Act 2005.*

### **8.3 Amending or Revoking a Planning Approval**

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

### **8.4 Unauthorized Existing Developments**

8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

*Note: 1. Applications for approval to an existing development are made under Part 9.*

- 2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.*

## **PART 9—APPLICATIONS FOR PLANNING APPROVAL**

### **9.1 Form of Application**

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

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

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

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

### **9.2 Accompanying Material**

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

- (a) a plan or plans to a scale of not less than 1:500 showing—
  - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
  - (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
  - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
  - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
  - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
  - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;

- (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
- (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that the local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering and urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

### 9.3 Additional Material for Heritage Matters

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

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

### 9.4 Advertising Applications

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

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

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

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

9.4.3 The local government may give notice, or require the applicant to give notice, of an application for planning approval in one or more of the following ways—

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specific date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specific date being not less than 14 days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4 The notice referred to in clause 9.4.3 (a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying at the offices of the local government.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

## PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

### 10.1 Consultation with Other Authorities

10.1.1 In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.1.3 In the case of Coastal and Foreshore reserves the local government may consult with the departments of Water, Environment and Conservation and Transport before making its determination.

10.1.4 In the case of existing and potential Major Road alignments shown on the Scheme Map and/or Local Planning Strategy Map, the local government shall consult with Main Roads WA before making its determination.

## 10.2 Matters to be Considered by Local Government

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

- (a) the aims and provisions of the Scheme;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy from the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposed development on adjoining land or on other land in the locality including but not limited to, the likely effect of height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public utility services are available and adequate for the proposal;
- (s) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (t) whether adequate provision has been made for access by disabled persons;
- (u) 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;
- (v) whether the proposal is likely to cause soil erosion or land degradation;
- (w) the potential loss of any community service or benefit resulting from the planning approval;
- (x) any relevant submissions received on the application;
- (y) any comments or submissions received from any authority consulted under clause 10.1.1;
- (z) any other planning consideration the local government considers relevant.

## 10.3 Determination of Applications

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

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

## 10.4 Form and Date of Determination

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

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

## 10.5 Term of Planning Approval

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

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and

- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

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

### **10.6 Temporary Planning Approval**

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

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

### **10.7 Scope of Planning Approval**

Planning approval may be granted—

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

### **10.8 Approval Subject to Later Approval Details**

10.8.1 Where an application is for development that includes the carrying out of any building works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping and such other matters as the local government thinks fit.

10.8.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

10.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

### **10.9 Deemed Refusal**

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

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

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

### **10.10 Appeals**

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may apply to review that determination under Part 14 of the *Planning and Development Act 2005*.

## **PART 11—ENFORCEMENT AND ADMINISTRATION**

### **11.1 Powers of the Local Government**

11.1.1 The local government in implementing the Scheme has the power to—

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the *Planning and Development Act 2005*; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the local government authorized by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

### **11.2 Removal and Repair of Existing Advertisements**

11.2.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to—

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
- (b) remove the advertisement.

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served to the advertiser and is to specify—

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person whom notice is served under this clause may make application for review under the *Planning and Development Act 2005* against the determination of the local government.

### 11.3 Amenity Control

11.3.1 Where in the opinion of the local government a property is not being maintained in a clean and tidy condition or an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the local government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.

### 11.4 Delegation of Functions

11.4.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.4.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.

11.4.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

11.4.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

### 11.5 Person Must Comply With Provisions of Scheme

A person must not—

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

*Note: Section 218 of the Planning and Development Act 2005 provides that a person who—*

- (a) *contravenes or fails to comply with the provisions of a town planning scheme; or*
- (b) *commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme;*

*is guilty of an offence. Penalty \$50,000, and a daily penalty of \$5,000.*

### 11.6 Compensation

11.6.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 173 of the *Planning and Development Act 2005*—

- (a) in any case, within 6 months of the date of the publication of the notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
  - (i) an application made under the Scheme for approval to carry out development on the land is refused; or

- (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

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

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

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

### 11.7 Purchase or Taking of Land

11.7.1 If, where compensation or injurious affection is claimed under the *Planning and Development Act 2005*, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

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

*Note: Sections 190 and 191 of the Planning and Development Act 2005 empowers the local government to purchase or compulsorily acquire land comprised in a scheme.*

### 11.8 Notice for Removal of Certain Buildings

11.8.1 Under section 214 of the *Planning and Development Act 2005*, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.8.2 The local government may recover expenses under section 214 of the *Planning and Development Act 2005* in a court of competent jurisdiction.

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## Schedules

Schedule 1	Dictionary of defined words and expressions General definitions Land use definitions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	From of Application for Planning Approval
Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval
Schedule 10	Environmental conditions
Schedule 11	Requirements for the zoning of, subdivision of "Rural Residential" or Rural Smallholdings land.
Schedule 12	Standards for Car Parking Spaces
Schedule 13	Requirements for the zoning of land to "Bushland Protection"
Schedule 14	Detailed Design and Streetscape Policy Guidelines for the Town Centre Conservation Special Control Area
Schedule 15	Development Contribution Areas
Schedule 16	Development Contributions—Statutory Static Feasibility Assessment Model
Schedule 17	Heritage List

*Note: Schedule 10 does not apply to the Scheme*

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## Schedule 1

### DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[clause 1.7]

#### 1.1 General definitions

In the Scheme—

**Advertisement:** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term

includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

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

**Amusement Machine:** means a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with electronic screen(s) operated by one or more players for amusement or recreation;

**Ancillary Use:** means a use which is incidental to the predominant use of land and buildings;

**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;

**Bushland:** means land on which there is vegetation which is either a remainder of the natural vegetation of the land and or, if altered, is still representative of the structure and floristics of the natural vegetation, and provides the necessary habitat for fauna;

**Caravan:** means a vehicle as defined under the *Road Traffic Act 1974* maintained in condition suitable for licence under that Act all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes;

**Commercial Vehicle:** means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self-propelled or not but shall not include a passenger car derivative as defined by the *Vehicle Sales Regulations 1976*, a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of up to 1.5 tonnes;

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

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

**Development:** shall have the same meaning given it in and for the purposes of the *Planning and Development Act 2005*;

**Dwelling:** has the same meaning given to it in the *Residential Design Codes*;

**Environmental Harm:** means the direct or indirect alteration of the environment, or any aspect of the environment, to its detriment or degradation;

**Facade:** means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building;

**Floor Area:** has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

**Frontage:** when used in relation to a building that is used for—

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

**Gazettal date:** in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87(3) of the *Planning and Development Act 2005*;

**Gross Leasable Area:** means, in relation to a building, the area of all floors capable of being occupied by a tenant for his 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:** when used in relation to a building that is used for—

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

**Incidental Use:** means the use of premises which is ancillary and subordinate to the predominant or primary use;

**Local Government:** means the Shire of Northampton;

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

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

**Minerals:** has the same meaning as in the *Mining Act 1978*;

**Net lettable area (nla):** means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;

- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

**Non-conforming Use:** has the same meaning as it has in Section 172 of the *Planning and Development Act 2005*;

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

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

**Park Home:** means a movable dwelling, not being a vehicle as defined under the *Road Traffic Act 1974*, but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and so designed and constructed as to permit independent occupancy for dwelling purposes;

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

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

**Plot Ratio:** shall have the same meaning given to the term in the *Building Code of Australia* except for residential dwellings where the term shall have the same meaning given to it in the *Residential Design Codes*;

**Potable Water:** means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in “International Standards for Drinking Water” published by the World Health Organisation (1971);

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

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

**Premises:** means land or buildings;

**Reflective Material:** has the following meaning—

- (a) low reflective building material means any building materials that have a solar radiation or reflective value of 50% or less; and
- (b) high reflective building material means any building materials that have a solar radiation or reflective value greater than 50%;

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

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

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

**Transportable, Prefabricated or Relocated Building:** means any building, whether or not designed for human habitation or use, and—

- (a) is a new building designed to be transported as a whole building or in parts; or
- (b) most or all of the components of the building are prefabricated off site for assembly on site; or
- (c) is a previously used building which is to be disassembled and/or removed from one location to be assembled and/or affixed in another location;

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

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

## 1.2 Land Use definitions

**Aged and Dependent Person’s Dwellings:** has the same meaning given to it in the *Residential Design Codes*;

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

**Agriculture—intensive:** means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;

(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or

(d) aquaculture;

**Agroforestry:** means land used commercially for tree production and agriculture where trees are planted in blocks of more than 1ha;

**Amusement Facility:** means any land or buildings, open to the public, used for not more than 2 amusement machines where such use is incidental to the predominant use;

**Amusement Parlour:** means any land or building, open to the public, where the predominant use is amusement by amusement machines, and where there are more than 2 amusement machines operating within the premises;

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

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

**Bed and Breakfast:** means a portion of a dwelling in which provision is made for short term occupation by no more than 4 persons exclusive of family members of the keeper thereof, for hire or reward;

**Betting Agency:** means a building operated in accordance with the *Racing and Wagering Western Australia Act 2003*;

**Builder's Storage Yard:** means any land or buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use;

**Cabin:** means an individual self-contained unit similar to a chalet but may lack ensuite facilities and may comprise only 1 room and is designed for short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of 3 months in any 12-month period;

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

**Caretaker's Dwelling:** means a building used as a residence by the proprietor or manager having the care of the building, plant, equipment or grounds associated with an industry or business, carried on upon the same site;

**Car Park:** means any land or buildings used primarily for parking private cars or taxis whether open to the public or not, and whether for reward or not, but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale;

**Chalet:** means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of 3 months in any 12-month period;

**Child Care Premises:** means any land or buildings used for the daily or occasional care of children in accordance with the *Child Care Services Act 2007*;

**Cinema/Theatre:** means any land or building where the public may view a motion picture or theatrical production;

**Civic Use:** means land or buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose;

**Club Premises:** means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Control Act 1988* or not and which building or premises are not otherwise classified under the provisions of the Scheme;

**Community Services Depot:** means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like and includes all related services thereto;

**Community Purpose:** means those uses, in a particular locality, which provide services or facilities, such as health or social services or meeting facilities, to those who live or work in that locality;

**Consulting Rooms:** means a building (other than a hospital or medical centre) used by no more than 2 practitioners who are legally qualified medical practitioners or dentists, physiotherapists, occupational therapists, chiropractors, podiatrists, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the 2 practitioners may be of the one profession or any combination of professions or practices;

**Convenience Store:** means any land and/or buildings used for the retail sale of convenience goods being those goods commonly sold in delicatessens and newsagents but does not include the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m<sup>2</sup> gross leasable area;

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

**Cultural Use:** means any use aimed at the improvement or refinement of people by entertainment and/or education;

**Display Home Centre:** means a group of 2 or more dwellings which are intended to be open for public inspection;

**Dry Cleaning Premises:** means any land or buildings used for the cleaning of garments and other fabrics by chemical processes;

**Eco-Tourist Facility:** means a form of tourist accommodation that is designed, constructed, operated and of a scale so as not to destroy the natural resources and qualities that attract tourists to the location. The development should utilise sustainable power, have a low energy demand through incorporation of passive solar design, provide for low water consumption, ecologically sensitive waste processing and disposal with no pollutant product;

**Educational Establishment:** means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory;

**Equestrian Centre:** means land and buildings used for a riding school and includes the stabling and exercise of horses, camels and the like including facilities for events of a competitive nature or associated tourist purposes;

**Exhibition Centre:** means premises used for the display, or display and sale of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

**Factory Unit Building:** means an industrial building or structure, or group of buildings or structures designed, used or adapted for use as 2 or more separately occupied production or storage areas;

**Family Day Care:** means premises used to provide family day care within the meaning of the *Child Care Services Act 2007*;

**Farm Stay:** means a residential building, bed and breakfast, chalet or similar accommodation unit used to accommodate short-stay guests on a farm or rural property and where occupation by any person is limited to a maximum of 3 months in any 12-month period, and where the number of accommodation units is limited to 6 per lot;

**Farmworker's Dwelling:** means a single house or residential building providing accommodation for workers employed for agricultural activities on that lot (including accommodation for family members involved in the operation of the agricultural enterprise);

**Fast Food Outlet:** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

**Fuel Depot:** means any land or buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final user's vehicle of such fuel from the premises;

**Funeral Parlour:** means any land or buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation;

**Garden Centre:** means any land or buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, motorised domestic garden implements and the display but not manufacture of pre-fabricated garden buildings;

**Grouped Dwelling:** has the same meaning given to it in the *Residential Design Codes*;

**Guesthouse:** means integrated premises for short-stay guests comprising serviced accommodation units and on-site tourism facilities such as reception, centralised dining, and management, and where occupation by any person is limited to a maximum of 3 months in any 12-month period;

**Hire Service:** means land and buildings used for the storage and hire of machinery and other bulky equipment;

**Holiday Home:** means one or more residential buildings used to provide accommodation for short-stay guests and where occupation by any person is limited to a maximum of 3 months of any 12-month period and excludes those uses more specifically defined elsewhere;

**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 50m<sup>2</sup>;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) does not involve the use of an essential service of greater capacity than normally required in the zone; and
- (f) in relation to vehicles and parking—
  - (i) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
  - (ii) does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;

**Home Business—Hire:** means a business, service or profession involved in hiring goods 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 50m<sup>2</sup> (inclusive of any administrative areas of the business within the dwelling);
- (d) does not involve the retail sale or display of goods of any nature;
- (e) does not involve the use of an essential service of greater capacity than normally required in the zone; and
- (f) in relation to vehicles and parking—
  - (i) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;
  - (ii) does not involve the presence, use or calling of a vehicle or vessel more than 3.5 tonnes tare weight or in excess of 8m in length; and
  - (iii) provides an area behind the street setback line for the storage of vehicles or vessels associated with the business that is fully screened from view from the primary or secondary street;

**Home Occupation:** means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interferences, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding or the land on which the business is conducted;
- (b) does not entail employment of any person not a member of the occupier's family;
- (c) does not occupy an area greater than 20m<sup>2</sup>;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (f) in the opinion of the Council it is compatible with the principal uses to which land in the zone in which it is located may be put, and will not generate a volume of traffic that would prejudice the amenity of the area or require a greater number of parking facilities than normally reserved for a single dwelling;
- (g) does not entail the presence, parking, garaging, use or calling of a vehicle of more than 2 tonnes tare weight; and
- (h) entails the conduct of a business, office or workshop only, and does not entail the retail sale of goods of any nature so as to conflict with part (f) above;

**Home office:** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

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

**Home store:** means any shop with a net lettable area not exceeding 100m<sup>2</sup> attached to a dwelling and which is operated by a person resident in the dwelling;

**Hospital:** means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital;

**Hotel:** means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Control Act 1988* and may include a betting agency operated in accordance with the *Racing and Wagering Western Australia Act 2003*, but does not include a motel, tavern or boarding house;

**Industry:** means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following—

- (a) the winning, processing or treatment of minerals; or
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas; or
- (d) the manufacture of edible goods for human or animal consumption;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include—

- (i) the carrying out of agriculture,
- (ii) on-site work on buildings or land; or
- (iii) in the case of edible goods the preparation of food for retail sale from the premises;

**Industry—Cottage:** means a business or trade industry which produces goods which cannot be carried out under the provisions relating to a “home occupation” and which, in the opinion of Council—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- (b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier’s family, or any person not a permanent resident on the premises;
- (c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 50m<sup>2</sup>;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area; and
- (f) does not offer or present for sale any goods or artefacts not wholly produced or provided on the premises;

**Industry—Extractive:** means the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substances from the land and also the storage, treatment or manufacture of products from those materials on the land from which those materials are extracted or on land adjacent thereto;

**Industry—General:** means an industry other than a cottage, extractive, hazardous, light, noxious, 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 such as oil refineries and chemical production plants;

**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 will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products, and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services;

**Industry—Mining:** means land used commercially to extract minerals from the land;

**Industry—Noxious:** means an industry which is subject to licensing as “Prescribed Premises” under the *Environmental Protection Act 1986*;

**Industry—Rural:** means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality;

**Industry—Service:** means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced;

**Lodging House:** means a residence or building in which provision is made for boarding or lodging of more than 4 persons for holiday accommodation purposes, exclusive of family members of the keeper thereof, for reward but does not include motel, boarding school or building containing flats;

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

**Marine Filling Station:** means any land or buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station;

**Market:** means any land or buildings used for a fair, a farmers’ or producers’ market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental;

**Medical Centre:** means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists;

**Motel:** means any land or buildings used or intended to be used to accommodate patrons in a manner similar to a hotel, but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Control Act 1988* has been granted;

**Motor Vehicle and Marine Sales:** means any land or buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site and sale of accessories and spare parts;

**Motor Vehicle Repairs:** means any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping and includes the sale of motor vehicle accessories and spare parts;

**Motor Vehicle Wash:** means any land or buildings where vehicles are washed and cleaned by, or primarily by, mechanical means;

**Multiple Dwelling:** has the same meaning given to it in the *Residential Design Codes*;

**Nursing Home:** means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms;

**Office:** means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking;

**Open Air Display:** means the use of land as a site for the display and/or sale of goods and equipment;

**Petrol Filling Station:** means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories; but does not include a service station, transport depot, or panel beating, spray painting or motor vehicles repairs or wrecking;

**Produce Store:** means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale;

**Public Amusement:** means any land or buildings used for the amusement or entertainment of the public, with or without charge;

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

**Place of Worship:** means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education or a residential training institution;

**Radio and TV Installation:** means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers;

**Reception Centre:** means any land or buildings used by parties 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;

**Recreation—Public:** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge;

**Residential Building:** has the same meaning given to it in the *Residential Design Codes*;

**Restaurant:** means a building wherein food is prepared for sale and consumption on the premises and the expression shall include both a licensed or unlicensed restaurant; but does not include a kiosk or fast food outlet;

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

(a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*;

(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

**Retirement Village:** means a development containing permanent accommodation for aged persons only together with the necessary ancillary facilities such as dining room, library and recreation facilities;

**Roadhouse:** means land and buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop associated with the service station;

**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;

**Salvage Yard:** means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats;

**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;

**Serviced Apartment:** means a complex where all units or apartments provide for self-contained accommodation for short-stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum of 3 months in any 12-month period;

**Shop:** means any building wherein goods are kept, exposed or offered for sale by retail or hire, or within which services of a personal nature are provided (including a hairdresser, masseuse, beauty therapist or manicurist) but does not include a showroom, fast food outlet, liquor store or any other premises specifically defined elsewhere in this part;

**Showroom:** means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, videos, newspapers, books or paper products, china, glassware or domestic hardware; or items of personal adornment;

**Single Bedroom Dwelling:** has the same meaning given to it in the *Residential Design Codes*;

**Single House:** has the same meaning given to it in the *Residential Design Codes*;

**Tavern:** means any land or buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Control Act 1988*;

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

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

**Tourism 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 3 months of any 12-month period and excludes those uses more specifically defined elsewhere;

**Tourist Resort:** means integrated purpose-built luxury or experiential premises for short stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant, and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of 3 months in any 12-month period;

**Trade Display:** means any land and/or buildings 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 of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, 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;

**Veterinary Centre:** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto;

**Veterinary Hospital:** means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during and after such treatment;

**Warehouse:** means a building wherein goods are stored and may be offered for sale by wholesale only;

**Wayside Stall:** means a building situated on private land which offers for sale to the general public, rural produce or any commodity which is produced solely on the land upon which the building is located;

**Wind Farm or Wind Energy Facility:** means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force but does not include turbines used principally to supply electricity for a domestic property, rural use of the land or anemometers;

**Winery:** means premises used for the production of viticultural produce and may include sale of the produce;

**Schedule 2**  
**ADDITIONAL USES**

[cl. 4.5]

No	Description of Land	Location	Additional Use	Conditions
A 1	OAKABELLA Portion of Lot 4 (Pt Oakabella Estate Lots 38 and 39)	Starling Road	Caravan Park, Camping Area, Motel Units, Store/Office/Caretaker's Residence, Restaurant/Reception Centre, Backpacker's Accommodation, Display and Sale of Local Arts and Crafts/Market, Native Animal/Bird Enclosure.	<ol style="list-style-type: none"> <li>1. All development and related matters is to be generally in accordance with a development plan approved by Council and a Conservation Plan prepared by the proponents to the satisfaction of the Heritage Council;</li> <li>2. Maximum number of 20 powered caravan sites, 15 camping sites and 4 motel units;</li> <li>3. Restaurant and Reception Centre to be developed within the existing "tearoom" building;</li> <li>4. Caravan Park Store/Office-sale of convenience items to caravan park/motel unit patrons only;</li> <li>5. Suitable fire control measures being undertaken to the satisfaction of the local government and the Bush Fire Service;</li> <li>6. Ablution block and the use of an approved on-site effluent disposal system designed to prevent nutrient loss to the creek, will be required to the satisfaction of the Health Department and the local government;</li> <li>7. Registration of the property as a Caravan Park/Camping Ground and payment of appropriate fees;</li> <li>8. Meeting the local government's Health and Building requirements a required under relevant legislation; and</li> <li>9. All tree planting to utilise indigenous native tree species to the satisfaction of the local government.</li> <li>10. The local government may impose a condition at the time of issuing planning approval for the development of the tourist accommodation and activities requiring contribution to the upgrading of Starling Road to the local government's satisfaction.</li> </ol>
A 2	ALMA Pt Victoria Location 7156 and Appertarra Agricultural Area Lot 18	North West Coastal Highway	Tourist accommodation and day visitor/tourist activities	<ol style="list-style-type: none"> <li>1. All development is to be generally in accordance with a development plan approved by Council.</li> <li>2. Use of a Country Kitchen subject to compliance with the directions of the local government's Environmental</li> </ol>

No	Description of Land	Location	Additional Use	Conditions
				<p>Officer regarding health matters and refuse/effluent disposal.</p> <ol style="list-style-type: none"> <li>3. Office/Store-sale of convenience items to tourist accommodation patrons and day visitors only.</li> <li>4. No removal of any remnant vegetation is permitted within the Special Site zone without the prior approval of the local government.</li> <li>5. All buildings shall be sympathetic to existing landscape elements, namely landform and vegetation, in terms of their design, height, materials and cladding colours.</li> <li>6. All new buildings shall be constructed utilising roof and external wall materials comprising natural earth or green vegetation colours.</li> <li>7. The development being connected to approved on-site effluent disposal systems design for long term usage to the satisfaction of the Health Department of WA and the local government.</li> <li>8. Suitable fire control measures being undertaken to the satisfaction of the local government in consultation with the Fire and Emergency Services Authority of WA.</li> <li>9. Registration of the property as a Caravan Park/Camping Ground/Accommodation Premises and payment of the appropriate fees.</li> <li>10. Landscaping to be undertaken throughout the development in accordance with an overall landscape plan prepared by the proponent to the satisfaction of the local government.</li> <li>11. All accessways and carparking areas shall be designed, constructed and drained to the satisfaction of the local government.</li> <li>12. All access intersections with North West Coastal Highway are to be redesigned, constructed and sealed by proponent with approval of the Regional Manager for MidWest Region Office of Main Roads Western Australia.</li> <li>13. No building or effluent disposal system is to occur within any area identified on the approved development plan as the Building/</li> </ol>

No	Description of Land	Location	Additional Use	Conditions
				<p>Effluent Disposal System Exclusion Area.</p> <p>14. All stormwater and runoff from the development shall be contained within and disposed of within the lot to the satisfaction of the local government, in consultation with the Department of Water, to ensure the protection of water quality within the Northampton Water Reserve.</p> <p>15. The proponent preparing a Foreshore Management Plan for that portion of the Udandarra Gully impacted upon by the development to the satisfaction of the local government, in consultation with the Department of Water.</p> <p>16. All habitable buildings (i.e. dwelling(s) and other publicly accessible buildings (i.e. eating house, restaurant and shop) shall be provided with an individual supply of potable water, as defined in the "Australian Drinking Water Guidelines 1996" published by the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand, to the satisfaction of the local government.</p>
A 3	WAGOE Portion of Lot 1 (Pt Victoria Location 7052)	Grey Road	Holiday Accommodation	<p>1. All development and land uses are to be generally in accordance with a Development Plan approved by Council.</p> <p>2. No removal of any remnant vegetation is permitted within the Special Site zone without the prior approval of the local government.</p> <p>3. All buildings and structures shall be suitably screened to the satisfaction of the local government in accordance with the Overall Development Plan.</p> <p>4. The holiday accommodation premises being connected to an approved on-site effluent disposal system designed for long term usage to the satisfaction of the Health Department of WA and the local government.</p> <p>5. Suitable fire control measures being undertaken to the satisfaction of the local government in consultation with the Fire and Emergency Services Authority of WA.</p>

No	Description of Land	Location	Additional Use	Conditions
				<p>6. Office/Store—sale of convenience items to chalet, camping and caravan park patrons only.</p> <p>7. That an Environmental Management Plan for the portion of Lot 1 being prepared and endorsed by the local government and the Department of Planning prior to the commencement of development. The Environmental Management Plan is to address, but not be restricted to, access through and impacts upon the adjoining Crown Reserve 35206 and coastline as determined through site assessment. Management commitments made in the approved Environmental Management Plan will be implemented and ongoing environmental management of the agreed area will be monitored by the local government.</p>

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*Schedule 3*  
**RESTRICTED USES**

[cl. 4.6]

No.	Description of Land	Restricted Use	Conditions

**Schedule 4**  
**SPECIAL USE ZONES**

[cl. 4.8]

No.	Description of Land	Special Use	Conditions
NORTHAMPTON			
S1	Lot 7 Essex Street	Aged Persons Accommodation	As determined by the local government.
S2	Reserve 107 and Lots 21 and 26, Mary Street	Roman Catholic School	As determined by the local government.
S3	Lot 50 Stephen Street	Cemetery	
S4	Pt Lot 5695 Nabawa-Northampton Road	Industry	As determined by the local government.
S5	Lot 130 North West Coastal Highway	"Chiverton House" Museum	As determined by the local government.
S6	Lot 133 North West Coastal Highway	Service Station	As determined by the local government.
S7	Lot 5 North West Coastal Highway	C.B.H. Bulk Storage	As determined by the local government.
S8	Reserve 7930 Stephen Street	Church	As determined by the local government.
S9	Lot 352 Wannarenooka Road	Single House  Group Dwellings	<ul style="list-style-type: none"> <li>• A single house is permitted at a base density of R10</li> <li>• No more than 2 grouped dwellings at a density of R20 on one lot with a minimum size of 1,000m<sup>2</sup></li> <li>• Approval from the Health Department of WA and on-site wastewater disposal (common systems) as per Appendix 1 of the Draft Country Sewerage Policy.</li> </ul>
S10	Reserve 29209 North West Coastal Highway	Community Purposes	As determined by the local government.
BINNU			
S11	Lots 7 and 8 North West Coastal Highway	Roadhouse	As determined by the local government.
LYNTON			
S12	Victoria Locations 10, 405, 7454 and 12144 (Site Ruins and Graveyard listed as Place of Heritage Value)	Holiday Accommodation	<ol style="list-style-type: none"> <li>1. All development and land uses are to be generally in accordance with the overall development plan approved by Council;</li> <li>2. No removal of any remnant vegetation is permitted within the Special Site Zone without the prior approval of the local government;</li> <li>3. All buildings shall be designed, located and constructed in such a manner and utilise materials and finishes that will not have a detrimental impact on the visual and cultural heritage landscape values of the area in accordance with the approved Design guidelines prepared by the proponent to the satisfaction of the local government in consultation with the Heritage Council of WA;</li> <li>4. All buildings and structures shall be suitably screened to the satisfaction of the local government in accordance with the overall Development Plan;</li> <li>5. The tourist accommodation premises being connected to an approved effluent disposal system designed for long term usage to the satisfaction of the Health Department of WA and the local government.</li> <li>6. Compliance with the local government's Local Laws relating to Signs;</li> </ol>

No.	Description of Land	Special Use	Conditions
			<p>7. Suitable fire control measures being undertaken to the satisfaction of the local government which shall include—</p> <p><b>STRATEGIC FIREBREAKS</b></p> <ul style="list-style-type: none"> <li>The developer is to provide and maintain a 6m wide strategic firebreak, with a 5m trafficable surface capable of providing dual access to a fully loaded 7 tonne fire appliance.</li> <li>Gates (unlocked) shall be provided where fences cross the strategic firebreaks to ensure that access/egress is available at all times.</li> </ul> <p><b>LOW FUEL ZONES</b></p> <p>The developer to provide and maintain a low fuel zone within the boundaries of each accommodation group as follows—</p> <ul style="list-style-type: none"> <li>All tree-planting areas to utilise fire retardant tree species where possible.</li> <li>The provision of a 20m cleared and/or slashed area around each building.</li> </ul> <p><b>WATER SUPPLIES FOR FIRE FIGHTING</b></p> <p>The developer to supply an emergency water supply facility for fire fighting purposes in the form of a static water supply from a 25,000 litre concrete or other suitable material tank with an overhead standpipe and a minimum outflow of 450 litres per minute.</p> <p>8. No development shall occur to the stable building or surrounds located on Location 10 without prior approval of the Heritage Council of WA as the site is included on the State Register of Heritage Places.</p>
<b>GALENA</b>			
S13	Lots 68 and 69 North West Coastal Highway	Transit Caravan Park	As determined by the local government.
<b>HORROCKS</b>			
S14	Lot 43 Glance Street, Horrocks	Tourist Development	<ol style="list-style-type: none"> <li>Development to be compatible with the residential amenity of the area; and</li> <li>Any other matter as determined by the local government.</li> </ol>

Schedule 5

**EXEMPTED ADVERTISEMENTS**

[cl. 8.2(f)]

Land Use, Development or Activity	Exempted Advertisement Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Advertisement
All types of Residential Dwellings Home Occupation	One professional name-plate as appropriate.	0.2m <sup>2</sup>
	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Place of Worship, Club Premises, or Community Purpose.	One advertisement detailing in the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>

Land Use, Development or Activity	Exempted Advertisement Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Advertisement
Cinema/Theatre advertisement	Two advertisements (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the advertisements are displayed.	Each advertisement not to exceed 5m <sup>2</sup>
Shop, Showroom, Office, Medical Centre, or Hotel.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of the building.	Not Applicable
All types of Industry use classes, or Warehouse.	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including advertisements which project above the eaves of the ridge of the roof of the building and excluding advertisements projecting from a building whether or not those advertisements are connected to a pole, wall or other building.</p> <p>A maximum of 2 free-standing advertisements not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15m<sup>2</sup></p> <p>Maximum permissible total area shall not exceed 10m<sup>2</sup> and individual advertisements shall not exceed 6m<sup>2</sup></p>
Recreation—Private, Public Recreation, or Public Amusement.	All advertisements provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from private land or from public places and streets.	Not Applicable
Council or Government land uses and activities not covered by other land uses in this schedule.	<ol style="list-style-type: none"> <li>1. Advertisements (illuminated and non-illuminated) relating to the functions of Government, a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</li> <li>2. Advertisements (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such an advertisement has been constructed or exhibited by, or at the direction of a Government department, public authority or the local government of a municipality, and</li> <li>3. Advertisements (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within the Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</li> </ol>	<p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p>
All land uses.	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable

Land Use, Development or Activity	Exempted Advertisement Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Advertisement
All buildings other than residential dwellings	One advertisement, containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows—</p> <p>Single Houses and Grouped Dwellings</p> <p>Multiple Dwellings, Shop, Showroom, Office, Medical Centre, Hotel, Warehouse or all types of Industry use classes where all of the buildings are a maximum of 3 storeys in height.</p> <p>Multiple Dwellings, Shop, Showroom, Office, Medical Centre, Hotel, Warehouse or all types of Industry use classes where any of the buildings are in excess of 3 storeys in height.</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One advertisement as above</p> <p>One advertisement as above; and one additional advertisement showing the name of the project builder.</p>	<p>2m<sup>2</sup></p> <p>5m<sup>2</sup></p> <p>5m<sup>2</sup></p> <p>5m<sup>2</sup></p>
Sales of Goods or Livestock	One advertisement per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the advertisement is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
<p>Property Transactions</p> <p>All types of Residential Dwellings</p> <p>Multiple Dwellings, Shop, Showroom, Office, Medical Centre, Hotel, Warehouse or all types of Industry use classes where all of the buildings are a maximum of 3 storeys in height.</p> <p>Multiple Dwellings, Shop, Showroom, Office, Medical Centre, Hotel, Warehouse or all types of Industry use classes where any of the buildings are in excess of 3 storeys in height, or rural properties in excess of 5ha.</p>	<p>Advertisements displayed for the duration or a period over which property transactions are offered and negotiated as follows—</p> <p>One advertisement per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the advertisement is or the advertisements are displayed.</p> <p>One advertisement as above.</p> <p>One advertisement as above.</p>	<p>Each advertisement shall not exceed an area of 2m<sup>2</sup>.</p> <p>Each advertisement shall not exceed an area of 5m<sup>2</sup></p> <p>Each advertisement shall not exceed an area of 10m<sup>2</sup></p>
Display Home Centre	<p>Advertisements displayed for the period over which homes are on display for public inspection as follows—</p> <p>1. One advertisement for each dwelling on display.</p>	2m <sup>2</sup>

Land Use, Development or Activity	Exempted Advertisement Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Advertisement
	2. In addition to 1. above one advertisement for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m <sup>2</sup>
All buildings other than Residential Dwellings.	One portable A frame type advertisement per building.	1m <sup>2</sup> on each side.

Schedule 6

**FORM OF APPLICATION FOR PLANNING APPROVAL**

[clause 9.1.1]

FORM OF APPLICATION FOR PLANNING APPROVAL

(PLEASE USE BLOCK LETTERS AND COMPLETE ALL SHADED SECTIONS) Application No.:

**OWNER DETAILS**

Name(s): .....

Postal Address: .....  
 ..... Postcode:.....

Contact Person:.....

Phone:..... Email: .....

Signature:..... Date: .....

Signature:..... Date: .....

**NOTE: The signatures of ALL the owner(s) is required to process this application.**

**APPLICANT DETAILS (if different from owner)**

Name: .....

Postal Address: .....  
 ..... Postcode: .....

Contact Person: .....

Phone:..... Email: .....

Signature:..... Date: .....

**NOTE: All correspondence will be sent to the Applicant unless otherwise advised.**

**PROPERTY DETAILS**

Lot/Location No:..... House/Street No: .....

Street Name: ..... Locality/Suburb: .....

Diagram/Plan No: ..... Volume No:..... Folio No:.....

**EXISTING DEVELOPMENT/LAND USE**

Nature of any Existing Development:.....  
 .....

Nature of any Existing Land Use: .....  
 .....

**PROPOSED DEVELOPMENT/LAND USE**

Description of Proposed Development/Land Use: .....

.....

Approximate Cost: .....

Estimated Time of Completion: .....

**REQUIRED INFORMATION AND FEES**

Please refer over for the information required to be submitted with this application and the schedule of fees. This application will not be processed without all required information including payment of the appropriate fee.

**OFFICE USE ONLY**

Date Received:..... Application No: .....  
Accepting Officer's Initials:..... File Number: .....  
Required Fee: \$ ..... Date Paid:.....  
Receipt No.: .....



**Schedule 7  
ADDITIONAL INFORMATION FOR ADVERTISEMENTS**

[cl. 9.1.2]

*Note: to be completed in addition to the Application for Planning Approval form*

1.	Description of property upon which advertisement is to be displayed including full details of its proposed position within that property: ..... .....
2.	Details of proposed sign: (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other): ..... ..... (b) Height: ..... Width: ..... Depth: ..... (c) Colours to be used: ..... (d) Height above ground level — • (to top of advertisement): ..... • (to underside): ..... (e) Materials to be used: ..... ..... Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source: ..... .....
3.	Period of time for which advertisement is required:..... .....
4.	Details of signs (if any) to be removed if this application is approved— ..... ..... ..... .....

<p><i>Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.</i></p> <p>Signature of advertiser(s): .....          (if different from land owners) .....</p> <p>Date: .....</p>
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*Schedule 8*

**NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

[clause 9.4.4]

*Planning and Development Act 2005*

Shire of Northampton

**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/Locality: .....  
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 ..... day of .....

Signed: ..... Dated: .....

for and on behalf of the Shire of Northampton.

*Schedule 9*

**NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL**

[clause 10.4.1]

Shire of Northampton

**DETERMINATION ON APPLICATION FOR PLANNING APPROVAL**

Applicant: .....

Owner: .....

Lot/Location No: ..... House/Street No: .....

Diagram/Plan No: ..... Title No Volume/Folio: .....

Street Name: ..... Suburb/Locality: .....

Application date: ..... Received on: .....

Date of Determination: .....

Description of proposed development/use: .....

The application for planning approval is—

- granted subject to the following conditions:
- refused for the following reasons:

Conditions/reasons for refusal: .....

*Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.*

*Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.*

*Note 3: If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.*

Signed: ..... Dated: .....

for and on behalf of the Shire of Northampton.

**Schedule 10**  
**ENVIRONMENTAL CONDITIONS**

[clause 5.6.]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

**Schedule 11**

**REQUIREMENTS FOR THE ZONING, OR SUBDIVISION OF “RURAL RESIDENTIAL”  
OR “RURAL SMALLHOLDINGS” LAND**

When considering proposals to zone or subdivide “Rural Residential” or “Rural Smallholdings” land, the local government shall require the preparation of a structure plan in accordance with clause 5.7, which is to include—

- (a) a plan and accompanying report assessing the existence of basic raw materials in the locality and the impact of the proposal on existing and potential extractive operations in the locality;
- (b) where the land is within or adjacent to the Northampton Townsite, a report on the outcome of consultation with, and the requirements of the Department for Mines and Petroleum as to whether—
  - a geotechnical study is required to ensure that there are no hidden underground workings; and/or
  - an environmental geological study should be conducted to ensure that the soils are not contaminated by heavy metals such as lead from natural erosion of the lode from mining activities;
- (c) the restrictions on the type and scale of any agricultural land uses or rural pursuits;
- (d) the identification of clearing, land management controls and environmental repair requirements including the retention of areas of bushland or regeneration of degraded areas;
- (e) the identification of either a building envelope, or building exclusion area, on each lot to which all development is restricted;
- (f) the restriction of development to only 1 dwelling per lot;
- (g) the control over the location of development (including the siting of dwellings, ancillary buildings, service roads and firebreaks) so that it does not significantly detract from any scenic landscape and/or conservation attributes;
- (h) the compliance with State and local government environmental and health standards in respect of dwellings and ancillary buildings and the associated services (ie drainage and wastewater disposal);
- (i) the disposal of stormwater on-site such that it will not drain directly into existing waterbodies or watercourses, or result in any net export of nutrients from the land to any wetland, water course or underground aquifer;
- (j) provisions for structures in high bushfire risk areas to be constructed to Australian Standard AS3959;
- (k) the road design to allow for safe access and egress in the event of an emergency; and
- (l) the preparation and implementation of a bushfire management plan; and
- (m) provisions relating to stocking rates, where livestock are proposed to be permitted as part of the use of the land.

**Schedule 12**

**STANDARDS FOR CAR PARKING SPACES**

*Schedule 13***REQUIREMENTS FOR THE ZONING OF LAND TO “BUSHLAND PROTECTION” ZONE**

Prior to the local government considering the inclusion of land within the “Bushland Protection zone”, the following needs to be provided by the proponent to the satisfaction of the local government—

- (a) A structure plan in accordance with Clause 5.7 of the Scheme, which is to be incorporated into the rezoning documentation, that meets all the following requirements in relation to lot characteristics and sizes—
- (i) The proposed conservation lots are to be covered by a minimum of 85% bushland and that bushland must—
    - be identified and agreed worthy of protection in an approved strategy, catchment plan, or a specific assessment carried out by an appropriate expert on behalf of the proponent/owner taking into consideration the Principles for Clearing Native Vegetation contained in Schedule 5 of the *Environmental Protection Act 1986*; or
    - be considered worthy of protection based on the assessment or adoption of a document or documents outlined above, by the Department of Conservation and Environment; and
    - be considered worthy of protection by the local government;
  - (ii) Where the majority of the parent lot falls within 20km of the town site boundaries of Northampton, Horrocks, Port Gregory or Binnu, the following minimum lot sizes will apply—
    - 1 lot per 40ha where innovative cluster style survey strata subdivision is proposed; or
    - 80ha where green titled subdivision is proposed;
  - (iii) Where the majority of the parent lot falls outside 20km of the townsite boundaries outlined in (ii), the following minimum lot sizes will apply—
    - 1 lot per 80ha where innovative cluster style survey strata subdivision is proposed; or
    - 160ha where green titled subdivision is proposed;
  - (iv) Where a survey strata subdivision is proposed the bushland must be contained within one common lot;
  - (v) The creation of only one viable agricultural lot will be supported as a result of a subdivision to create conservation lots, unless further subdivision complies with the minimum lot size requirements for agricultural lots within that locality. This agricultural lot does not need to be rezoned to “Bushland Protection” and will not be considered a lot for the purpose of calculating the lot yield under (ii) or (iii) above; and
- (b) A structure plan in accordance with Clause 5.7 of the Scheme, that includes an Environmental Management Plan, which is to be incorporated into the rezoning documentation, and meets all the following requirements to protect the bushland within the proposed conservation lots by proposing—
- (i) A revegetation/rehabilitation plan for any bushland where that vegetation has been destroyed/degraded or generally in poor condition;
  - (ii) A fire management plan prepared in accordance with relevant state and local government fire protection policies to the satisfaction of the local government and the Fire and Emergency Services Authority. Consultation will also be required with the Department of Environment and Conservation where the subject land abuts a State Forest or National Park or other land managed by the Department of Environment and Conservation;
  - (iii) A weed and pest management plan prepared to the satisfaction of the local government;
  - (iv) Building envelopes which shall—
    - be clustered, where possible, to reduce the overall development and fire management footprint on the bushland;
    - be located so as not to have a detrimental impact on the landscape value of the locality;
    - be a maximum of 1,500m<sup>2</sup> or, at the discretion of the local government, may be larger to accommodate an existing dwelling and associated outbuilding(s) or where it can be demonstrated that a larger building envelope would have no greater impact on the bushland;
    - be located in cleared areas or where this is not possible, located so as to maximise bushland preservation and ensure that there is no impact on any poorly represented vegetation and rare flora or fauna;
    - be located to ensure no adverse impact on watercourses, wetlands, estuaries or any other area or feature of environmental significance on the subject land or adjoining land;
    - minimise fragmentation and disturbance of bushland taking into account vehicle access; and
    - minimise bush fire risk and address bush fire hazard reduction requirements;

- (v) Fencing to protect areas of bushland and/or to separate bushland and any cleared land including the building envelopes. The fencing is to be of a sufficient standard to contain any domestic pets where a lot includes cleared land;
  - (vi) Prohibition of the keeping of any livestock;
  - (vii) Demonstrating that the objectives of the zone have been satisfied; and
  - (viii) Any other matter deemed relevant by the local government.
- (c) A structure plan in accordance with Clause 5.7 of the Scheme, which is to be incorporated into the rezoning documentation, and meets all the following requirements to ensure development and use of the land is compatible with the bushland within the proposed conservation lots by proposing—
- (i) Design guidelines in relation to all buildings, structures and earthworks. The guidelines must address siting, building scale and form and colours and materials;
  - (ii) Minimum essential services of electricity, telephone and a either connection of each lot to a reticulated water supply or each lot to have an on site potable water supply for domestic use and water supply for fire fighting use of combined minimum capacity as determined by the local government;
  - (iii) All lots having frontage to a constructed public road;
  - (iv) Memorials on the titles of each conservation lot advising that the lot has been created for the purposes of conservation and that no further subdivision of the lot is permitted;
- (d) A plan and accompanying report assessing the existence of basic raw materials in the locality and the impact of the proposal on existing and potential extractive operations in the locality; and
- (e) Where the land is within or adjacent to the Northampton Townsite, a report on the outcome of consultation with, and the requirements of the Department for Mines and Petroleum as to whether—
- a geotechnical study is required to ensure that there are no hidden underground workings; and/or
  - an environmental geological study should be conducted to ensure that the soils are not contaminated by heavy metals such as lead from natural erosion of the lode from mining activities.

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#### *Schedule 14*

### **DETAILED DESIGN AND STREETScape POLICY GUIDELINES FOR THE TOWN CENTRE CONSERVATION SPECIAL CONTROL AREA**

#### **Objectives**

These Guidelines apply to the Town Centre Conservation Special Control Area indicated on the Scheme Map. The Guidelines are illustrated to give clear understanding of the intended controls.

The general objectives of the Guidelines are—

- To seek to retain and conserve buildings, places things and resources of heritage value. The places will include those on the Register of the Heritage Council of Western Australia, the Municipal Heritage Inventory and/or places on the “Heritage List” under Part 7 of the Scheme.
- To ensure where new development or alteration work is proposed for significant places, as defined above, it is in accordance with a conservation plan where one exists or in the absence of a plan, development will have a minimum impact on the value of the place and be in sympathy with it.
- To guide new development on sites that impact on heritage sites to ensure that development will not diminish the heritage value of the adjacent site and be of sympathetic kind.
- To ensure any new development within the Special Control Area takes cognizance of Northampton’s Historic Town Status and Townscape objectives.
- To identify from time to time, further valuable resources and to add them to the Municipal Heritage Inventory, to afford them protection and to guide development related to them.
- To ensure that providers of public utilities are aware of these objectives and comply with the guidelines that flow from them.

#### **1 Design of New Buildings and Additions**

##### **1.1 Objectives**

The Objectives for these Guidelines are—

- To seek to retain and conserve the significance of places of heritage value by establishing guidelines for new development on sites or places of heritage or some other value to the community.
- To ensure that new developments on sites adjacent to places of significance do not diminish the significance of places so adjoined.

- To ensure that new development is sympathetic to adjacent places of value and the overall objectives of Townscape.
- To maintain the particular character of Northampton Town Centre and ensure future development is in harmony with the character.
- To encourage development that is generally sympathetic to its context.
- To ensure that transportable, prefabricated or relocated buildings achieve an acceptable standard.

### 1.2 Application of the Guidelines

It is important that in applying the Guidelines, some weighting be given to the relative importance of the location under consideration, the likely impact, and whether or not the applicant would be disadvantaged by complying and whether or not a discernable townscape or heritage benefit was to be derived in any case.

Further, there is a case for controlling siting of buildings where a significant landscape feature or historic precinct may be impacted upon. The Scheme envisages building envelopes which will be developed at the subdivision stage for each intended site. It is especially important that envelopes be determined for larger and more prominent sites.

### 1.3 Guidelines for the Design of New Buildings and Additions

The illustrations in this Schedule are included to give a clear understanding of the intended controls.

- Set backs in town centre developments will generally be nil for the front/street and side boundaries. Rear setbacks are required to provide the on site car parking requirements for the development within the rear setback area. Some discretion may be considered on an individual basis to ensure that any proposal relates properly to its neighbour and context.
- Set backs elsewhere may be varied from those prescribed in the Scheme or *Residential Design Codes* where—
  - o The context suggests different front/street and/or side set backs would better serve townscape objectives.
  - o The context suggests a set back so as not to adversely impinge on significant adjacent places or landscape elements. The local government may prescribe building set back envelopes for particular sites.
- Wall heights, materials and construction, shall be drawn from their context. Heights shall be similar to those adjacent. Materials shall be sympathetic and preferably drawn from the existing palette and include—
  - o Face brickwork; generally soft red with pin tuck or cut and stuck joints;
  - o Stone: generally random rubble;
  - o Limewash finished masonry;
  - o Weatherboard;
  - o Rammed earth may be appropriate; and
  - o Render finished masonry.
- Window proportions shall be similar to those in context where compatible with the intended use and, in residential development in the Town Centre, windows shall have vertical proportions. Timber framed windows are preferred to metal. Window and door proportions elsewhere should preferably be vertical.
- Roof forms shall be pitched and have appropriate rainwater goods. Materials shall be sympathetic and preferably be drawn from the existing palette and include—
  - o Corrugated steel sheeting, zincalume, colorbond or paint finished; and
  - o Shingles.

Tiled roofs are not acceptable.

Roof pitches shall be sympathetic to neighbouring existing buildings and generally range between 25 degrees and 35 degrees.

- Roof design configurations should generally be simple, rectangular shapes with hipped and gabled roofs.
- New buildings shall have verandahs, where appropriate, either within the road reserve or within their allotment, according to the context.
- All new buildings will be considered within context and measured by the contribution they make towards townscape improvement.
- The local government may make non-financial incentives or relax controls in special circumstances in the interests of achieving worthwhile townscape objectives or some other objective in conformity with the overall objectives of the Scheme.
- Transportable, prefabricated or relocated buildings are not encouraged, but may be allowed where a design is satisfactory to the local government. Transportable, prefabricated or relocated buildings shall be treated as new buildings and shall be completed in accordance with the conditions of approval. If not completed in accordance with the approval, the local government may order completion to its satisfaction or removal of the premises. The transportable, prefabricated or relocated shall be of a type that is suitable for the area where it is intended to be located. Normal building licence application conditions, together with

certificates of structural adequacy, termite treatments and photographs, shall be provided with the application. Works shall be completed in accordance with the plans and to the approval of the local government.

## 2 Enhancement of Significant Features

### 2.1 Objectives

The objectives below are aimed at offering further guidance for people intending to develop or extend or alter existing buildings where the latter are not subject to other forms of control. To assist applicants the Guidelines seeks to identify significant features in Northampton and to develop a vocabulary which will offer assistance. The features are to be drawn upon for the Town Centre Conservation Special Control Area and are encouraged elsewhere.

- To identify a range of significant component parts of buildings that are features of Northampton;
- To develop a palette of significant features to assist those intending development to appreciate the role those distinctive features play in Northampton's special nature;
- To encourage development that achieves design excellence, is directed towards achieving townscape objectives and contributes positively toward general improvement of the place, using, where appropriate design elements that are significant to Northampton.

### 2.2 Application of the Guidelines

These guidelines apply to all elements that impact on external visual character, but alternatives should always be available for consideration, given that history is a continuum and the objectives in planning are not intended to stifle progress or preclude excellence in design. They will consider its townscape goals, relative importance and balance in considering development applications.

- The local government shall give favourable consideration to development applications that employ significant Northampton design features, especially in the Special Control Area.
- The use of significant features shall be incorporated into an overall design; coherence is paramount and a mere combination of features may not necessarily constitute an acceptable proposal.

### 2.3 Guidelines for the Enhancement of Significant Features

This section is illustrated to give clear understanding of the intended controls.

- Plan forms are characteristically simple and plans for new development should be simple where possible. (see Illustration 1).

#### *Illustration 1—Plan Form*

The shapes of traditional building plan forms in Northampton are characteristically simple. They are composed of basic rectangle and square combinations and are usually symmetrically arranged around a central corridor. Plans for new developments should reflect this where possible. Complex plans with walls that step in and out are not acceptable.

- The earliest buildings were often built without verandahs, but verandahs were in the main added very soon after. Verandahs are characteristic and therefore encouraged.

In the Town Centre commercial developments, the verandah characteristically attaches to a decorative parapet and is bull nosed in form with raked pitch back to the building line. (see Illustration 2). Other relevant forms are also illustrated.

Domestic verandahs and some other verandahs, display different characteristics, such as—

- Verandahs that are continuations of main roof pitches; and
- Verandahs that attach to the main building wall at a lower level than the roof.

Posts are typically spaced at about 2.4m to 3m and are of 100 x 100mm section or greater. Verandah depths vary from 2.4m to about 3.6m. Verandahs sometimes had valances and decorative brackets, but were often quite simple. Elevated verandahs frequently had balustrades. Verandahs are encouraged on all buildings where they are appropriate. Aluminum awnings are not encouraged.

- Main roofs are characteristically pitched custom orb profile steel roofs. Originally, they were galvanised and frequently they were painted. Many new roofs were shingled until the mid 1860's when corrugated iron gradually came into use. Shingled roofs remained in evidence until well into the twentieth century. Flat roofs are neither characteristic nor acceptable.

Roof forms vary according to the complexity and size of the plan and the sequence of construction.

Main roofs were usually pitched between 29 degrees and 35 degrees with steeper pitches to churches and other civic structures. Some typical forms are illustrated (see Illustration 3) and described as—

- Gable;
- Gable and lean-to
- Hipped;
- Hipped with gablets and louvred vents;
- Hipped and gabled;
- Gently curved roofs; and
- Some more complex arrangements exist where buildings have been added to several times over.

Roofs drawn from the above examples are encouraged. Finishes might include zincalume, colorbond or painted. Flat and very low pitched roofs are inappropriate.

*Illustration 2—Verandahs*

Traditionally both domestic and commercial buildings in Northampton have been built with verandahs. Where appropriate, additions and new buildings should follow this precedent and take their form from local examples.

*Illustration 3—Roof Forms*

Main roofs in Northampton, have characteristically been clad with shingles or custom orb profile steel roof sheeting (not tile) and pitched between 29 and 35 degrees, with steeper profiles to churches and other civic structures. Design configurations should be simple with rectangular plans and a combination of hipped or gabled roofs.

Roof sheets were historically only available in short lengths and this is a distinct characteristic of surviving roofs where 2 or 3 sheet lines across the pitch are evident. Replacement and new roofs should reflect this pattern.

Earlier roofing materials included shingles, but their comparatively short life does not suggest this as a practical alternative.

- Gutters are characteristically cyma recta, cyma reversa or half round profile with round downpipes, all supported with straps.

Traditionally gutters were made in short lengths and bolted together, it is not suggested that this is an approach that be employed in new buildings.

A feature of some buildings is that they have no rainwater goods (i.e. gutters and downpipes) and show no evidence of ever having had them.

- Walls in Northampton are made of a variety of materials, with typical plate heights around 3.3m. The range of heights is 2.4m for modest houses to 3.4m, or more, for more important places. Many stone walls were whitewashed and have subsequently lost the finishing coats.

Characteristic types include—

- o Rendered finish to random rubble sub-strata, quoined and unquoined;
- o White washed random rubble;
- o Random rubble, brick or stone quoined;
- o Pebble dash render over masonry;
- o Face brick or face brick and render;
- o Weatherboards, mostly ship lap feather edged and some rusticated; and
- o Corrugated iron, usually in horizontal format.

Flat fibro cement sheets are not preferred, unless areas being considered for treatment are permanently concealed from public view, or there is some other justifiable reason for its use in an incidental context.

- Shop fronts that survive in original or early form are small in number. Some examples are illustrated (see Illustration 4). Sources may have to be drawn from elsewhere.
- House windows were occasionally set in square openings, usually having 2 sashes within the opening sash, either double hung sash balance or casement types. A variety of configurations occur which range from the square-up to the 2:1 vertical rectangle. These formats represent the dominant range. Types vary but are predominantly double-hung or side-hung casements in 2, 4 and 6 pane formats.

Windows of rectangular proportions in the horizontal format are confined to retail places.

*Illustration 4—Shopfronts*

Additions or alterations to existing shopfronts in Northampton's heritage area should follow traditional window, door, verandah, balcony and parapet forms in size, proportion and placement. The heights of these elements, especially the parapets, verandahs and the dwarf wall under the display window should follow those of adjacent original shopfronts. Although there are few remaining original shopfronts in Northampton, precedents could be sourced from appropriate examples from this time period, found elsewhere.

A vertical rhythm and window proportion format is encouraged, especially in principal elevations (see Illustration 5).

- Doors are typically 4 panel or more and often contain glazed elements (see Illustration 5).
- Chimneys are a feature of many buildings and some typical elements are shown in Illustration 6. Chimneys are no longer essential, but should a chimney be required, guidance from the illustrated palette is suggested (see Illustration 6).

**3 Fencing****3.1 Objectives**

It is important that the general character of Northampton not be lost by the intrusion of fence types and heights that will transform the country town tenor into that of a suburban subdivision. High screening, certain types of corrugated sheet material and bland brick walls are examples of fence types that are quite inappropriate to Northampton. Property line fencing is generally low and made from materials ranging from dry stone walling to steel framed chain link fencing.

Different fencing types will be appropriate to different property types. Generally, the smaller and more urban the lot, the more sophisticated the fencing type. Properties having acknowledged heritage value require special attention and places on the Heritage Register will require a rigorous approach.

The chief objectives of these Guidelines relate to the preservation of the present character and offering guidance for future fence construction, either for replacement fences or on new subdivisions (see Illustration 8).

- New and replacement fences should be designed giving due cognizance of the place and its character to ensure that the essentially country town flavour is retained.

### 3.2 Application of the Guidelines

Traditionally in planning there has been little control over fence design and construction. Controls have been limited to heights and placement. These Guidelines for fence control aim to control fencing to places of heritage value, control general principles around the Town Centre.

### 3.3 Guidelines for Fencing

Fences in Northampton that contribute towards its character and represent its most important period of development comprise the following types—

- Mortar bedded random stone walling;
- Dry stone walling;

#### *Illustration 5—Windows and Doors*

Traditionally, the windows and doors of Northampton's heritage buildings are of a vertical rectangular format, the exception being shopfront windows, and these tend to be multi-paned with highlights, rather than the modern single large pane shopfront design. Most windows have sills and decorative treatments to window and door surrounds, such as quoins. These are common to Northampton's larger and more important buildings.

#### *Illustration 6—Chimneys and Rainwater Goods*

Appropriate gutter and chimney shapes are an important visual element in a traditional roof. Recent re-roofing has often seen the removal of these original elements and their replacement with modern forms which detract from the building. Where possible, these traditional elements should be reinstated. Additions and new buildings should take their cue from the remaining original building fabric or choose from the palette of traditional forms.

- Post rail and chain link mesh;
- Post rail and open picket; and
- Post and wire.

A number of types of fences appropriate to the Special Control Area are shown in Illustration 8. These are intended as a guide to those developing new sites and to those constructing new and replacement fences.

- Perimeter fencing to places on the Heritage Council's Register of Places shall be constructed to the approval of the Heritage Council. Reconstruction of fences whose authenticity can be verified by documentary or physical evidence is the preferred option.
- Perimeter fences to other places of heritage value should, where possible and practicable, be reconstructions, or where no evidence remains, be drawn from the Northampton palette and comply with the general principles laid down below in relation to height.
- All new and replacement fences in the Special Control Area shall be drawn from the palette. Street fences such as shadowline or super six profile cement products are unacceptable.
- Fences of sheet form products are inappropriate to most properties.
- In all cases, fences to property perimeters shall comply with the following controls—
  - o Front fences and dividing fences from the front boundary to the building line be a maximum of 1.2m high when made of not solid construction and 0.8m high when made of solid construction on properties zoned R2.5 or greater.
  - o Dividing fences beyond the building line may be construction up to 1.8m on properties zoned R2.5 or greater. Solid fences are not encouraged.
  - o Fences of a more rural tenor are appropriate to R5 or lesser zoned properties.

#### *Illustration 7—Infill Buildings*

Building infill to the commercial street should seek to provide continuity and harmony with the existing "street wall" by continuing the parapet height, verandah height, window and door format, dado and stringing lines of the adjacent traditional buildings. Building construction should be limited to a palette of sympathetic materials such as random rubble stone, limewashed masonry, weatherboard, rammed earth, render finished masonry and face red brick with cream joints.

#### *Illustration 8—Fences*

It is important that the character of Northampton is not lost by the intrusion of fence types and heights, that will transform its country town tenor into that of a suburban subdivision. Front fencing is low (0.8-1m) and built from a pallet of stone, timber post and rail, and timber picket. High fences, shadowline, super six fibro cement and timberlap fencing are inappropriate. Different fence types suit different property types, the smaller and more urban the plot, the more sophisticated the fence. Side fences beyond the property line, and rear fences step up to approximately 1.8m.

## 4 Advertising

### 4.1 Objectives

The Scheme seeks to exert a measure of control over advertising. Certain exemptions are granted and certain existing arrangements are permitted to remain.

The Scheme gives applicants some guidance as to what matters will be taken into account in the processing of an application.

The exempted sign categories need further clarification and the conservation area referred to has been defined on the map to give provisions under this heading some force. Further, places on the Heritage Council's Register of Places have their own policy statement.

The Scheme is essentially a limiting tool in respect of signage and gives no guidance to what it is that the Council is endeavouring to achieve. These Guidelines address the issue.

The objective of these Guidelines is to supplement the Scheme provisions, offer some positive guidance, and judge the appropriateness of all signs in terms of how they meet with townscape objectives and how they related to the heritage value of the place.

### 4.2 Application of the Guidelines

The Guidelines are directed at amplifying the objectives, processes and offering some positive guidance to applicants and should flow naturally from the general objectives of the Town Centre Conservation Special Control Area—Design Guidelines.

### 4.3 Guidelines for Advertising

The following Guidelines support the provisions of the Scheme and assist in giving direction to applicants, reminding them of townscape improvement objectives.

Illustration 9, gives some guidance to appropriate sign types and locations.

- Advertising and signage places on the Heritage Council's Register of Places shall be referred to the Heritage Council for its advice, prior to approval by the local government. Advertising and interpretation signage is to be appropriate to the place and should not adversely impact upon the significance of the place. Minor signs will not require specific consent, but should accord with the theme of the place.
- Advertising on places listed in the Municipal Heritage Inventory and/or places on the "Heritage List" under Part 7 of the Scheme, require approval of the local government. Similarly, places classified by the National Trust, or on the Register of The National Estate will also require the approval of the local government for signs. Advertising is to be subservient to the place to ensure the heritage value of the place is not adversely affected.

#### *Illustration 9—Advertising Signs*

Advertising and signage should respect Northampton's historic town status in their context, scale and location. Externally lit, painted signs with serif type lettering are preferred to neon and internally lit box signage with modern print styles. Signs to shop windows should not totally impede pedestrians views into the shopfront, and should only cover part of the window. Painted signs to roofs may be appropriate in special circumstances.

- Signage based upon archival or physical evidence is encouraged.
- Externally lit signs are preferred over neon and internally lit box signage.
- Primary signs should be located above canopy or verandah lines to shop fronts and take due cognizance of the geometry and design of the façade.
- Secondary signs should be located on shopfronts and/or in the form of hanging signs under verandahs and awnings.
- Painted signs are preferred.
- Serif type lettering is preferred—Some examples related to Northampton Buildings, and some others, are illustrated.
- Painted signs to roofs may be appropriate in special circumstances.

## 5 Alterations and Additions to Heritage Places

### 5.1 Objectives

Alteration to heritage places is controlled by Statute and the Town Planning Scheme, together with these Guidelines that support and amplify the Scheme. These controls refer to identified places, either on the Heritage Council's Register of Places, the Register of the National Estate, Classified by the National Trust or and/or places on the "Heritage List" under Part 7 of the Scheme. The Municipal Heritage Inventory also needs to be given some status. Most of the direction given is to do with control and process.

Many places in Northampton are, themselves, of minor heritage significance, but play an important contextual role in the story and character of Northampton.

It is not possible or feasible for every applicant to have to seek professional assistance for design work, however desirable it may be. Many homes are quite modest and applicant's desire for change may also be modest in scale.

It is important, therefore, to offer some guidance at different levels to ensure that the character of a place is not diminished and that opportunities for townscape improvement are maximised when works are being undertaken.

The local government has developed and will continue to develop guidelines for alterations to Heritage Buildings to achieve its conservation and townscape objectives.

### 5.2 Application of the Guidelines

The Guidelines are directed at a number of levels to ensure that the most important places are appropriately dealt with to conserve their significance and comply with legal requirements; at another level, the measures need to provide guidance for those intending to add to or alter places of lesser importance, but which in some way contribute positively to Northampton's character.

The following matters are intended to offer some guidance to applicants intending to carry out works to the kinds of places referred to above.

- Any work defined as development within the meaning of the Heritage Act that is proposed for a place on the Heritage Council's Register of Heritage Places shall be referred to the local government who will, in turn, seek the advice of the Heritage Council prior to granting an approval. The involvement of a conservation practitioner is required for major works and any works that might affect the integrity of the place. General guidance is not normally appropriate for places on the Register.
- Work to places on the Municipal Heritage Inventory and/or places on the "Heritage List" under Part 7 of the Scheme require approval under the Scheme.
- In processing any application for development for buildings or places referred to above—
  - o Consideration will be given to those things that make a place significant or important and how proposals may intrude upon these elements. The protection of those elements or things will be of prime consideration.
  - o Elements that contribute to the place may also require protection.
  - o Elements of little significance will be dealt with according to the necessity for change.
  - o Elements that detract from the significance may be removed or, indeed, planning approval may be conditional upon its removal (e.g. inappropriate signage, or a very poorly conceived addition).
  - o Proposals in sympathy with the places and that impact in a minimal way will be viewed favourably. New works shall not normally be larger than the existing heritage building or overwhelm the heritage building.

### 5.3 Guidelines for Alterations and Additions to Heritage Places

The following guidelines apply—

- Development involving alterations and/or additions to heritage buildings needs to be guided by consideration of either the Statement of Significance in the Heritage Assessment or, where none exists, an assessment of what makes the place important or special.
- Alterations should be planned in such a way as not to diminish the significance of the place and, indeed, to enhance it.
- When the opportunity is available, alteration work may be directed at revealing the significance of the place. In a practical sense, this might include using old opening locations that have been blocked up in the past, for new openings that may be required. Reversing previous alterations can be quite legitimate if it suits current programmes, or if reinstatement is an objective.
- Alterations of an essential nature that are required in the external fabric of the place, should be informed by reference to remaining elements in the place (e.g. doors, windows, rainwater goods, etc., their style, placement, etc.).
- Placement of new elements needs to be considered in the light of the methods employed historically in the place. Considerations such as the place in the wall, in plan, in height, and alignment with other similar elements.
- Reference to other related examples in other places may legitimately be made.
- The kinds of alterations that ought to be contemplated will depend upon the relative importance of the place. The least alteration possible, compatible with requirements, is generally the best guide. Places of minor heritage value might tolerate more liberal intervention or change.
- Alterations, where required, ought to be distinguishable from the authentic fabric in important places and be capable of being reversed at some future point should someone, at a later date, wish to make a more thoroughgoing reinstatement to some earlier date.
- Use of compatible materials is important to ensure the conservation of fabric. Important examples include the correct selection of mortar types, placement of damp proof treatments and avoiding damage to under floor ventilation systems.
- The more important the place, the more important it is not to let alterations or additions subvert the significance of the place.
- Alterations that contrast with the existing building may be acceptable, providing that the existing building is of minor significance and that the local government is convinced that the design makes an acceptable positive contribution to Townscape.

#### *Illustration 10—Additions*

Additions to heritage buildings should not dominate their character or diminish their value but enhance them by reflecting their shape, style and scale. By keeping additions to the side and rear of buildings, disruption to the main facade can be minimized. Attention should be paid to matching the materials, wall heights, roof pitches and detailing of the existing building. New

roofs should be in traditional lean-to, hipped or gabled form, and new detailing should include appropriate eaves, gutters, vents and window hoods.

- Some methods of attaching additions to existing property are illustrated for guidance (see Illustration 10).
- Care needs to be taken in alterations to ground levels around existing buildings to ensure that new levels will not negate the function of damp proof courses or damage vulnerable wall construction.
- Rainwater discharge needs to be terminated well away from walls. This is especially true of the older and softer brick walls, random rubble walls and the like.

## **6 Lot Sizes**

### **6.1 Objectives**

Northampton continues to grow and develop at a modest pace. Some of this development is due to Northampton's location and, to a greater extent, its qualities and the perception that it quite simply a nice place to live.

Growth means that ultimately there will be pressure to allow an increase in development densities, which will impact upon town centre urban blocks and the remaining rural land within the townsite.

- The ultimate objective of provisions, in relation to determining lot size, is the preservation of amenity and attempting to ensure that the particular qualities that make Northampton a desirable location are conserved.
- The local government shall, in considering applications for subdivision, give due consideration to the need for growth against or alongside the requirement for balance.
- Further subdivision of urban sites will need to obtain local government approval to ensure that the historic context is respected.
- Lot size will need to be controlled by technical requirements, quite apart from planning and townscape considerations. Limits imposed by technical requirements will be sufficiently flexible to allow for technological change.
- Density codes give an indication of what might theoretically be achieved within a given zone. It must be appreciated by potential applicants that particular sites may be subject to particular conditions relating to terrain, important vistas, context, and other technical matters that were not apparent at the time that zoning densities were determined. The local government may consider concession or transfer of development rights in cases where owners are adversely affected by development conditions.

Transfer rights might include concessions on another site or sites to compensate for opportunities forgone in the interests of heritage or townscape objectives, e.g. site cover, plot ratio, R. code bonus.

### **6.2 Application of the Guidelines**

The local government has developed Guidelines to accord with the objectives. Some flexibility is built into the Guidelines to take into account consolidation opportunities, changes in technology and other worthwhile objectives that may not be apparent at present.

### **6.3 Guidelines for Lot Sizes**

- The zoning maps indicate a theoretical maximum development achievable under the Town Planning Scheme. Development applicants need to be aware that there are factors that may affect the theoretical density.
- Applicants are advised that factors impacting on theoretical density include the existence of—
  - o Heritage places on the land
  - o Natural springs
  - o Items of archaeological significance
  - o Places of significance to aboriginal culture
- Applicants must satisfy the local government that effluent containment will be achieved and that adjoining sites will in no way be contaminated. Future means of sewerage disposal, including deep sewerage at some future time, may allow the local government to consider or reconsider lot size in the light of technological development.
- Applicants may be required to conserve important historic vistas.
- All allotment size determination will be on the basis of retaining the particular character of Northampton.
- Should an applicant be adversely affected by these Guidelines, the local government, at its sole discretion, may consider concessions or transfer of development rights within the local government area.

*Schedule 15***DEVELOPMENT CONTRIBUTION AREAS**

[cl. 6.8]

COMMUNITY INFRASTRUCTURE DEVELOPMENT CONTRIBUTION PLAN FOR  
DEVELOPMENT CONTRIBUTION PLAN AREA

<b>Reference No.</b>	
Area Name:	
Description of Land	
Relationship to other planning instruments—	
Infrastructure and administrative items to be funded—	
Method for calculating contributions—	
Period of Operation—	
Priority and timing—	
Review Process—	

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## Schedule 16

## DEVELOPMENT CONTRIBUTIONS—STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL

[cl. 6.8.12.2]

## 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 & 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 & Input Tax Credit (3-6)	\$	(7)
Less adjusted profit & risk allowance as per SPP 3.6		
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 & 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)
Development cost after Input Tax Credit (13-14)	\$	(15)
Add interest on net development costs (15)		
For 1/2 development and 1/2 selling term		
@ Applicable market rates		
(15) Multiplied by % rate	\$	(16)
(15+16)	\$	(17)
Balance after deduction of development costs & interest (12-17)	\$	(18)
Less interest on land value, rates & taxes and stamp duty		
Assessed over 1/2 development and 1/2 selling term		
@ Applicable market rates		
(18) Multiplied by (% rate/100+%rate)	\$	(19)
Balance after interest on the land (18-19)	\$	(20)
Less rates & taxes	\$	(21)
Balance after rates & taxes (20-21)	\$	(22)
Less Stamp Duty @ current statutory rates		
(22) Multiplied by stamp duty rate/(100+stamp duty rate)	\$	(23)
Residual Land Value prior to GST considerations (22-23)	\$	(24)
Add GST (24) + GST at prevailing statutory rate	\$	(25)
ASSESSED STATUTORY CONTRIBUTION PER SPP 3.6 (22+23)	\$	

## The Static Feasibility Model is based upon:

- (i) 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).
- (ii) GST will be calculated by the standard/normal method.
- (iii) Selling, marketing, advertising and settlement fees expressed as a percentage shall be added and then expressed as a total percentage against the gross realisation.
- (iv) The adjusted risk component applied in the model is the established market profit and risk at the date of valuation less the fixed 10 per cent profit applied in SPP 3.6.
- (v) 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.
- (vi) Interest against the development costs will be established by the application of bank lending rates for such projects at the date of valuation.
- (vii) Interest against the land in development will be established by the application of bank lending rates for such development acquisitions at the date of valuation.
- (viii) Rates and taxes will be applied for the full term of acquisition, development and sale.
- (ix) Stamp Duty will be applied at the statutory rate as applicable at the date of valuation.
- (x) GST will be applied at the appropriate rate adopted at the date of valuation.

**Schedule 17**  
**HERITAGE LIST**

<b>Places within Northampton Townsite</b>			
<b>No.</b>	<b>Place</b>	<b>Address</b>	<b>Description</b>
NT 1	Wannerenooka Mine Site	Reserve 23472 and Reserve 40684 North West Coastal Highway	Archaeological ruins of mining settlement and the second oldest copper mine in Western Australia
NT 2	Cemetery	Corner Onslow/Stone Streets Res 9637	Town Cemetery—headstones and grave surrounds of early settlers
NT 3	Cottage	Lot 12 Howe Street.	Rendered stone cottage
NT 4	Shops	Lot 13 Hampton Road	Corner rendered stone shop(s) with surrounding verandahs to street elevations
NT 5	House/former bank	Lot 198 Hampton Road	Timber framed building with CGI Roof
NT 6	Newsagency/Residence	Lot 27 Hampton Road	Corner rendered masonry building with cantilevered awning to street frontages
NT 7	Northampton Motor Hotel	Lot 9 Hampton Road	Two storey stone and brick hotel
NT 8	Northampton Railway Station Former	Lot 452 Mary Street	Small stone building with CGI roof and adjacent weatherboard/CGI building
NT 9	Church of Our Lady in Ara Coeli	Lot 28 Hampton Road	Mons Hawes designed Gothic style stone church with tiled roof
NT 10	Sacred Heart Convent Former	Lot 200 Hampton Road	Mons Hawes designed 2 storey stone building with CGI roof and surrounding verandahs
NT 11	Northampton Roads Board Office Former.	Lot 31 Hampton Road	Small stone building with CGI gable roof
NT 12	Northampton Police Station, Quarters and Courthouse Former	Lot 121 Hampton Road	Stone building with CGI hipped roof and surrounding verandahs
NT 13	Capri (House)	Lot 229 Stephen Street	Large brick house with CGI roof and verandahs
NT 14	Old Roman Catholic Cemetery	Lot 50 corner West Street and Stephen Street	Original cemetery for Roman Catholic burials, headstones and railings
NT 15	Holy Trinity Anglican Church	Lot 41 Hampton Road	Gothic style stone church with CGI roof
NT 16	Hampton Lodge	Lot 42 Hampton Road	Large stone building with CGI roof
NT 17	Northampton Uniting Church	Stephen Street Reserve 7930	Stone building with CGI roof
NT 18	Railway Tavern	Lots 43, 44 and 45 Hampton Road	Large rendered stone building with CGI roof
NT 19	House and Former Store	Lot 128 Hampton Road	Small stone house with CGI roof and adjacent stone outbuilding (barn)
NT 20	Chiverton House Complex	Lot 130 Hampton Road	Large rendered stone house (now museum), with associated stone outbuildings in walled courtyard
NT 21	House (Long Cottage)	Lot 6 Hampton Road	Stone cottage with tiled roof
NT 22	House	Lot 68 Hampton Road	Stone house with brick quoining and CGI roof
NT 23	Cottage	Pt Lot 600 Gwalla Street	Small stone cottage with CGI roof and verandah
NT 24	Old Manse	Lot 315 corner Gwalla Street and Brook Street	Rendered stone house with CGI roof and verandah
NT 25	Gwalla Church Ruins and Cemetery	Reserve 31064 Second Avenue	Stone ruins of first church in Northampton and adjacent walled cemetery of first settlers.

NT—Properties Located within Northampton Townsite

<b>Places outside Northampton Townsite</b>			
<b>No.</b>	<b>Place</b>	<b>Address</b>	<b>Description</b>
ND 1	Kalbarri National Park	Res. 27004	Reserve containing natural landscape Park, flora, fauna and the river course and the rock formation
ND 2	Murchison House	Murch. Loc. 13	Stone homestead, outbuildings and graveyard
ND 3	Galena School Site	Loc. 65, Res 2461	Old school site
ND 4	Geraldine Mine Site	Murch Loc 1	Ruins of first lead mine in WA, stone outbuildings and graveyard
ND 5	Warribano Smelter Complex	Pt. Murch. Loc. 107	Ruins of a lead smelter
ND 6	Mount View	Vic. Loc. 54 Ajana	Stone ruins of early farm buildings
ND 7	Alma School Fmr.	Res. 24961 Rob Road	Timber framed one classroom building
ND 8	Hutt Lagoon	Port Gregory	Extensive salt water lagoon
ND 9	Port Gregory and Packington Townsite	Port Gregory	Packington townsite surveyed 1853
ND 10	Lynton Convict Hiring Depot and Sanford House	Lynton	Archaeological ruins of hiring depot, 2 storey stone house and graveyard
ND 11	Willow Gully	Lot 24 Horrocks Road, Sandy Gully	Stone homestead with wall garden, stone outbuildings and walled yards
ND 12	Spring Valley	CG. 2366	Early stone farm buildings
ND 13	Wheat Fortune Mine	CG. 436	Lead and Copper mine ruins
ND 14	Bowes River and Nokanena Brook		Watercourse and Natural landscape
ND 15	The Bowes	Lot 6 Nabawa-Northampton Road, Northampton	Stone homestead, outbuildings and graveyard
ND 16	Cottage	Lot 1159 North West Coastal Highway Isseka	Stone farmhouse
ND 17	Oakabella	Lot 4 Starling Road, Bowes	Stone homestead with walled garden, stone outbuildings including barn and shearing shed
ND 18	Oakabella Creek		Watercourse and natural landscape
ND 19	Farmhouse Brookside	Lot 2072 (Port Gregory Road), Sandy Gully	Stone farmhouse and outbuildings
ND 20	Northampton State Battery Site	Res. 24975	Site now cleared

ND—Properties Located within Northampton District (outside townsite)

*Note: The Heritage List may also include additional places which have been included after gazettal of the Scheme by following the procedures set out in clause 7.1.4.*

**Adoption—**

Adopted by Resolution of the Council of the Shire of Northampton at the meeting of the Council held on the 19th day of December 2007.

G. D. WILSON, Shire President.  
G. L. KEEFFE, Chief Executive Officer.

Date: 25 November 2011.

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**Final Approval—**

Adopted for final approval by Resolution of the Council of the Shire of Northampton at the meeting of the Council held on the 17th day of September 2010, and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of—

G. D. WILSON, Shire President.  
G. L. KEEFFE, Chief Executive Officer.

Date: 25 November 2011.

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

J. GILDENHUYS, Delegated under s.16 of the PD Act 2005.

Date: 7 December 2011.

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Final approval granted.

J. DAY, Minister for Planning.

Date: 13 December 2011.

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