



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

763



PERTH, FRIDAY, 7 MARCH 2008 No. 40

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

© STATE OF WESTERN AUSTRALIA

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF SHARK BAY

LOCAL PLANNING SCHEME
No. 3

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME

Shire of Shark Bay

Local Planning Scheme No. 3

Ref: 853/10/5/4

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the Shire of Shark Bay Local Planning Scheme No. 3 on 8 January 2008, the scheme text of which is published as a Schedule annexed hereto.

R. W. EDDINGTON, Shire President.
K. MATTHEWS, Chief Executive Officer.

PREAMBLE

This Local Planning Scheme of the Shire of Shark Bay consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Scheme Report for the Shire.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Scheme Report 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 Scheme Report, 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.

CONTENTS

- Part 1 **Preliminary**—sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- Part 2 **Local Planning Policy Framework**—sets out the relationship between the Scheme and the Scheme Report and the procedures for preparing and adopting Local Planning Policies.
- Part 3 **Reserves**—sets out the reserves that apply in the Scheme area and related provisions.
- Part 4 **Zones and the Use of Land**—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 5 **General Development Requirements**—sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 6 **Special Control Areas**—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 7 **Heritage Protection**—sets out special provisions which apply to heritage places and areas.
- Part 8 **Development of Land**—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
- Part 9 **Applications for Planning Approval**—sets out the procedure for applying for planning approval including both the use and development of land.
- Part 10 **Procedure for Dealing with Applications**—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.
- Part 11 **Enforcement and Administration**—sets out the general provisions for the administration and enforcement of the Scheme.

Schedules

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF SHARK BAY

LOCAL PLANNING SCHEME No. 3

TABLE OF CONTENTS

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Purposes of Scheme
- 1.6 The Aims of the Scheme
- 1.7 Definitions
- 1.8 Relationship with Local Laws
- 1.9 Relationship with Other Schemes
- 1.10 Relationship with the Region Scheme

PART 2—LOCAL PLANNING POLICY FRAMEWORK

- 2.1 Scheme Determinations to Conform with Scheme Report
- 2.2 Local Planning Policies
- 2.3 Relationship of Local Planning Policies to Scheme
- 2.4 Procedure for Making or Amending a Local Planning Policy
- 2.5 Revocation of Local Planning Policy

PART 3—RESERVES

- 3.1 Reserves
- 3.2 Use and Development of Local Reserves

PART 4—ZONES AND THE USE OF LAND

- 4.1 Zones
- 4.2 Objectives of the Zone
- 4.3 Zoning Table
- 4.4 Interpretation of the Zoning Table
- 4.5 Additional Uses
- 4.6 Restricted Uses
- 4.7 Special Use Zone
- 4.8 Non-Conforming Uses
- 4.9 Extensions and Changes to a Non-Conforming Use
- 4.10 Discontinuance of Non-Conforming Use
- 4.11 Termination of a Non-Conforming Use
- 4.12 Destruction of Non-Conforming Use Buildings

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

- 5.1 Compliance with Development Standards and Requirements
- 5.2 World Heritage Area
- 5.3 Residential Design Codes
- 5.4 Special Application of Residential Design Codes
- 5.5 Restrictive Covenants
- 5.6 Variations to Site and Development Standards and Requirements
- 5.7 Environmental Conditions

- 5.8 Land Subject to Inundation
- 5.9 Residential and Residential Development Zone
- 5.10 Town Centre Zone
 - 5.10.1 Conditions and Standards
 - 5.10.2 Design Requirements
 - 5.10.3 Development and Car Parking Standards
 - 5.10.4 Loading and Unloading
- 5.11 Industry Zone
 - 5.11.1 Development Standards
 - 5.11.2 Factory Unit Development
 - 5.11.3 Caretakers Dwellings in the Industry Zone
 - 5.11.4 Landscape Treatment
 - 5.11.5 Storage of Materials
 - 5.11.6 Loading and Unloading
 - 5.11.7 Vehicle Wrecking
 - 5.11.8 Carports/Pergolas
- 5.12 Rural/Pastoral Zone
 - 5.12.1 Building Setbacks
- 5.13 Amenity Control
 - 5.13.1 Vehicles, Caravans, Boats and Trailers in Residential Areas
 - 5.13.2 Transportable / Transported Homes
 - 5.13.3 Temporary Accommodation
 - 5.13.4 Derelict Vehicles
 - 5.13.5 Outbuildings
 - 5.13.6 Rear Access and Loading Docks
 - 5.13.7 Building Heights
 - 5.13.8 View Corridors—Rural Areas
- 5.14 Carparking
 - 5.14.1 Carparking Requirements
 - 5.14.2 Conditions of Planning Approval
 - 5.14.3 Off Street Parking
 - 5.14.4 Shared or Combined Parking
 - 5.14.5 Standards
 - 5.14.6 Landscaping, Construction and Maintenance
 - 5.14.7 Town Centre Zone
- 5.15 Control of Advertising
 - 5.15.1 Power to Control Advertisements
 - 5.15.2 Existing Advertisements
 - 5.15.3 Consideration of Applications
 - 5.15.4 Exemptions from the Requirement to Obtain Consent
 - 5.15.5 Discontinuance
 - 5.15.6 Scheme To Prevail
 - 5.15.7 Enforcement and Penalties

PART 6—SPECIAL CONTROL AREAS

- 6.1 Operation of Special Control Areas
- 6.2 Shark Bay World Heritage Property
 - 6.2.1 Scheme Map
 - 6.2.2 Purpose
 - 6.2.3 Application Requirements
 - 6.2.4 Relevant Considerations
 - 6.2.5 Referral of Applications

PART 7—HERITAGE PROTECTION

- 7.1 Heritage List
- 7.2 Designation of a Heritage Area
- 7.3 Heritage Agreements
- 7.4 Heritage Assessment
- 7.5 Variations to Scheme Provisions for a Heritage Place or Heritage Area

PART 8—DEVELOPMENT OF LAND

- 8.1 Requirement for Approval to Commence Development
- 8.2 Permitted Development
- 8.3 Amending or Revoking a Planning Approval
- 8.4 Unauthorized Existing Developments

PART 9—APPLICATIONS FOR PLANNING APPROVAL

- 9.1 Form of Application
- 9.2 Accompanying Material
- 9.3 Additional Material for Heritage Matters
- 9.4 Advertising of Applications

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

- 10.1 Consultation with Other Authorities
- 10.2 Matters to be Considered by Local Government
- 10.3 Determination of Applications
- 10.4 Form and Date of Determination
- 10.5 Term of Planning Approval
- 10.6 Temporary Planning Approval
- 10.7 Scope of Planning Approval
- 10.8 Approval Subject to Later Approval of Details
- 10.9 Deemed Refusal
- 10.10 Right of Review

PART 11—ENFORCEMENT AND ADMINISTRATION

- 11.1 Powers of the Local Government
- 11.2 Removal and Repair of Existing Advertisements
- 11.3 Delegation of Functions
- 11.4 Person Must Comply with Provisions of Scheme
- 11.5 Compensation
- 11.6 Purchase or Taking of Land
- 11.7 Notice for Removal of Certain Buildings

TABLES

TABLE 1—Zoning Table

TABLE 2—Car Parking Requirements

SCHEDULES

SCHEDULE 1—Dictionary of defined words and expressions [cl. 1.7]

SCHEDULE 2—Schedule 2—Additional uses [cl. 4.5]

SCHEDULE 3—Restricted uses [cl. 4.6]

SCHEDULE 4—Special use zone [cl. 4.7.1]

SCHEDULE 5—Exempted advertisements [cl. 8.2(f)]

SCHEDULE 6—Form of application for planning approval [cl. 9.1.1]

SCHEDULE 7—Additional information for advertisements [cl. 9.1.2]

SCHEDULE 8—Notice of public advertisement of planning proposal [cl. 9.4.4]

SCHEDULE 9—Notice of determination on application for planning approval [cl. 10.4.1]

SCHEDULE 10—Environmental conditions [cl. 5.6.1]

APPENDICES

APPENDIX 1—Carparking Layouts

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF SHARK BAY****LOCAL PLANNING SCHEME No. 3****DISTRICT ZONING SCHEME**

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

PART 1—PRELIMINARY**1.1 Citation**

1.1.1 The Shire of Shark Bay Local Planning Scheme No. 3 comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

Shire of Shark Bay Local Planning Scheme No. 2—Gazetted 25th January 1995

1.2 Responsible Authority

The Shire of Shark Bay is the responsible authority for implementing the Scheme.

1.3 Scheme Area

The Scheme applies to the Scheme area which covers all of the local government district of the Shire of Shark Bay as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1 to 8).

The Scheme is to be read in conjunction with the Scheme Report.

1.5 Purposes of Scheme

The purposes of the Scheme are to—

- (a) set out the local government's planning aims and intentions for the Scheme area;
- (b) set aside land 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 7 of the Planning and Development Act.

1.6 The Aims of the Scheme

The aims of the Scheme are—

- (a) to retain the character of the townsite of Denham and to derive and implement Policy Statements to obtain this objective;
- (b) to set aside land for the continued development of the town in areas appropriate for urban development;
- (c) to impose special conditions for development of land within Denham to mitigate the adverse affects of land subject to inundation and other physical constraints;
- (d) to set policies for the preservation of sites of historic and heritage value;
- (e) to protect and enhance the environmental values and natural resources of the local government area and promote ecologically sustainable land use and development;
- (f) to implement policies for the use of rural and other land in compliance with the objectives of the World Heritage listing of the region; and
- (g) to provide development policies and controls for the purpose of maintaining the orderly and properly planned use and development of land within the Scheme Area.

1.7 Definitions

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

- (a) in the Planning and Development Act; 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 Shark Bay which apply to the Scheme Area.

1.10 Relationship with the Region Scheme

There is no statutory Region Scheme which applies to the Scheme Area.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme Determinations to Conform with Scheme Report

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

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 the 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 Clauses 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.

PART 3—RESERVES

3.1 Reserves

Certain lands within the Scheme area are classified as Reserves. Reserves are delineated and depicted on the Scheme Map according to the legend on the Scheme Map and are listed hereunder—

- (a) Major Highways
- (b) Public Purposes
- (c) Parks and Recreation
- (d) Conservation
- (e) Waterways
- (f) Local Road

3.2 Use and Development of Local Reserves

3.2.1 A person must not—

- (a) use a Reserve; or
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

3.2.2 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.

3.2.3 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.

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 objectives of the zones are—

- | | |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential Zone: | The objective of this zone is to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes. The relevant coding is shown on the Scheme Maps. |
| Residential Development Zone: | The objective of this zone is to provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and population without unduly restricting the choice of sites. |
| Town Centre Zone: | The local government's objectives for this zone are to— <ol style="list-style-type: none"> (a) provide adequate land for the continued development of a main commercial and community centre for the town with the theme of a 'fishing village'; (b) implement an overall Town Centre Strategy Policy to guide and promote development; (c) apply appropriate development and land use controls to ensure that development is to a satisfactory standard; and (d) limit the height of buildings so as to substantially protect the views of lots between Hughes Street and the foreshore. |

Special Use Zone:	The objective of the zone is to provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality but by their nature require specific consideration.
Industry Zone:	The objective of the zone is to provide for manufacturing industry, the storage and distribution of goods and associated uses which by the nature of their operations should be separated from residential areas. The zone also provides for light and service industries and associated uses.
Rural/Pastoral Zone:	The local government's objectives for this zone are— <ul style="list-style-type: none"> (a) to retain the existing pastoral leases for pastoral industry; (b) to prohibit the use of any land which may be incompatible to the existing uses or which may adversely affect the expansion of the areas adjacent to Denham, Monkey Mia and Nanga; (c) to prohibit the erection of any structure other than a fence on the land subject to inundation; and (d) to ensure that Rural/Pastoral uses protect World Heritage Values, minimise land degradation, promote soil conservation and ensure the sustainable use of land for rural purposes. (e) to provide for low key tourism uses that are compatible with the operations of pastoral leases and the World Heritage Values.

4.3 Zoning Table

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

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; and
- 'X' means a use that is not permitted by the Scheme.

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 the 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.

- Notes:
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 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 be determined as falling within the type, class or genus of activity of any other use category the local government may—

- (a) determine that the use is consistent with the 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

USE CLASSES	Town Centre	Residential Development	Residential	Industry	Rural/Pastoral	Special Use
Abattoir	X	X	X	X	D	REFER TO USES LISTED IN SCHEDULE 4
Agriculture—extensive	X	X	X	X	D	
Agriculture—intensive	X	X	X	X	D	
Agroforestry	X	X	X	X	D	
Airfield	X	X	X	X	D	
Amenity building	D	X	X	D	D	
Amusement parlour	D	X	X	A	X	
Animal establishment	X	X	X	A	A	
Animal husbandry—intensive	X	X	X	X	D	
Auction Mart	D	X	X	D	X	
Bank	P	X	X	X	X	
Bed and breakfast	A	A	A	X	D	
Betting agency	D	X	X	X	X	
Bulk fuel	X	X	X	D	X	
Camping area	D	A	X	X	D	
Canteen	D	X	X	D	D	
Caravan park	D	A	X	X	X	
Caretaker's dwelling	D	X	X	D	D	
Carpark	P	X	X	P	D	
Child care premises	D	A	A	X	D	
Cinema/theatre	D	X	X	X	X	
Civic use	P	A	A	A	X	
Club premises	D	X	X	A	D	
Community service depot	P	A	A	D	A	
Community purpose	A	X	X	D	D	
Consulting rooms	P	X	X	X	X	
Convenience store	P	X	X	D	X	
Corrective institution	A	X	X	X	A	
Display home centre	D	D	D	X	X	
Dry cleaning agency	A	X	X	P	X	
Educational establishment	A	A	A	A	X	
Equestrian centre	X	X	X	X	D	
Exhibition centre	A	X	X	X	X	
Farm supply centre	X	X	X	D	D	
Family day care	D	A	A	X	X	
Funeral parlour	D	X	X	D	X	
Garden centre	D	A	A	D	D	
Harbour installations	A	X	X	A	A	
Hire service	P	X	X	P	X	
Home business	D	D	D	X	D	
Home occupation	P	P	P	D	D	
Home office	P	P	P	D	D	
Home Store	A	A	A	X	X	
Hospital	D	A	A	X	X	
Hospital—special purposes	A	X	X	X	A	

USE CLASSES	Town Centre	Residential Development	Residential	Industry	Rural/Pastoral	Special Use
Hotel	D	X	X	X	X	REFER TO USES LISTED IN SCHEDULE 4
Industry—						
Industry—cottage	X	X	X	P	D	
Industry—extractive	X	X	X	A	A	
Industry—general	X	X	X	P	X	
Industry—hazardous	X	X	X	X	X	
Industry—light	A	X	X	P	D	
Industry—mining	X	X	X	A	A	
Industry—noxious	X	X	X	A	X	
Industry—rural	X	X	X	A	D	
Industry—service	A	X	X	P	D	
Kindergarten	D	A	A	X	X	
Laundrobar	D	X	X	D	X	
Liquor store	D	X	X	X	X	
Lunch bar	P	X	X	D	X	
Machinery sales	D	X	X	P	X	
Marina	X	X	X	X	X	
Marine collector's yard	X	X	X	P	X	
Marine dealer	X	X	X	D	X	
Marine filling station	D	X	X	X	X	
Market	D	X	X	D	D	
Medical centre	P	A	A	X	X	
Milk depot	D	X	X	D	X	
Motel	D	X	X	X	X	
Motor vehicle hire	D	X	X	D	X	
Motor vehicle wrecking	X	X	X	P	X	
Motor vehicle, boat or caravan sales	D	X	X	P	X	
Motor vehicle repair	A	X	X	D	X	
Motor vehicle wash	D	X	X	D	X	
Night club	D	X	X	X	X	
Nursing home	D	A	A	X	X	
Office	P	X	X	X	X	
Park home park	D	A	A	X	X	
Place of worship	P	A	A	X	X	
Plantation	X	X	X	X	D	
Plant nursery	D	A	A	D	D	
Private hotel	D	X	X	X	X	
Produce store	D	X	X	D	X	
Public amusement	D	A	A	D	D	
Public assembly—place of	A	X	X	D	A	
Public recreation	D	D	D	D	D	
Public utility	P	P	P	P	P	
Reception centre	P	X	X	A	X	
Recreation—private	D	X	X	D	X	
Residential—						
Single house	D	P	P	X	D	
Ancillary accommodation	D	D	D	X	X	
Grouped dwelling	D	D	D	X	X	
Aged/dependent person Dwelling	D	D	D	X	X	
Single bedroom dwelling	D	D	D	X	X	

USE CLASSES	Town Centre	Residential Development	Residential	Industry	Rural/Pastoral	Special Use
Multiple dwelling	D	D	D	X	X	REFER TO USES LISTED IN SCHEDULE 4
Residential building	D	A	A	X	X	
Restaurant	D	X	X	X	X	
Restricted premises	D	X	X	A	X	
Retirement Village	D	D	D	X	X	
Roadhouse	D	X	X	D	A	
Rural pursuit	X	X	X	X	D	
Service Station	A	X	X	A	X	
Shop	P	A	A	X	X	
Short term accommodation	D	A	A	X	D	
Showroom	P	X	X	P	X	
Storage	X	X	X	P	X	
Salvage yard	X	X	X	P	X	
Sawmill	X	X	X	X	D	
Stables	X	X	X	X	D	
Take-away food outlet	P	X	X	X	X	
Tavern	D	X	X	X	X	
Telecommunications infrastructure	D	D	D	D	D	
Temporary Accommodation	D	D	D	X	D	
Transport depot	X	X	X	P	A	
Trade display	D	X	X	P	X	
Veterinary centre	A	X	X	D	D	
Warehouse	D	X	X	P	X	
Wayside stall	X	X	X	X	D	
Winery	X	X	X	X	A	
Zoological Gardens	X	X	X	A	D	

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 Special Use Zone

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

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

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

4.8 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.

4.9 Extensions and Changes to a Non-Conforming Use

4.9.1 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.

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

4.9.3 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.

4.10 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.

4.11 Termination of a Non-Conforming Use

The local government may effect the discontinuance of a non-conforming use by the purchase 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 enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a Local Planning Scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

4.12 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 World Heritage Area

In dealing with development in the Scheme Area the local government will have regard to any proposal which may have an impact on World Heritage values.

5.3 Residential Design Codes

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

5.3.2 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.

5.3.3 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 Planning Code density, as being contained within the area defined by the centre-line of those borders.

5.4 Special Application of Residential Design Codes

5.4.1 Within areas that are dual coded on the Scheme Map development in accordance with the higher code shall only be permitted if such development—

- (a) is to be provided with reticulated sewerage or the Health Department of Western Australia forms the view that there are exceptional circumstances to warrant a variation to the requirement for reticulated sewerage; and
- (b) is generally consistent with the design criteria in Council Policy relating to higher density residential uses in residential areas.

5.5 Restrictive Covenants

5.5.1 Subject to clause 5.5.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.5.2 Where clause 5.5.1. 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 this clause 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.

5.6 Variations to Site and Development Standards and Requirements

5.6.1 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.

5.6.2 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 for the variation, the local government is to—

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

5.6.3 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.

5.7 Environmental Conditions

5.7.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.7.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

5.7.3 The local government is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the *Environmental Protection Act 1986*; and
- (b) make the statements available for public inspection at the offices of the local government.

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

5.8 Land Subject to Inundation

5.8.1 A building, except with the approval of the local government, shall not be constructed upon any land within an area considered by the local government as being liable to flooding.

5.8.2 Notwithstanding any other clause in this Scheme, no building shall be erected on any lot unless the floor level is not less than RL 3.2m AHD.

5.8.3 In considering applications for development in areas subject to inundation, the local government shall have regard to the Shark Bay—Denham Foreshore Topography and Storm Surge Levels maps.

5.9 Residential and Residential Development Zone

It is the intention of the local government to ensure that the subdivision and development of land within the Residential and Residential Development zones takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing.

5.9.1 The local government shall, in the case of the Residential Development zone, or may in the case of the Residential zone, require the preparation of an Outline Development Plan prior to considering subdivision or development applications.

5.9.2 The Outline Development Plan shall show—

- (a) the topography of the area, soil type, vegetation, heritage values and landscape values;
- (b) any potential contamination and amenity issues;
- (c) the existing road system;
- (d) location and standards of any future roads;
- (e) location of shopping, community amenities and recreation areas;
- (f) proposed residential densities;
- (g) potential environment impacts;
- (h) existing and proposed services (including management of services to protect environmental values);
- (i) staging of development; and
- (j) any other information as shall be required by the local government.

5.9.3 Notwithstanding the requirements of this Scheme, all development is to comply with the requirements of an endorsed Outline Development Plan.

5.9.4 Any departure or alteration to an Outline Development Plan, may be permitted if the local government considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area.

5.9.5 Advertising of an Outline Development Plan

The local government may, within 30 days of receiving the Outline Development Plan, require that it be advertised, in accordance with Clause 9.4.

5.9.6 Approval of an Outline Development Plan

The Council shall consider any submissions made under Clause 5.9.5 and may approve the Outline Development Plan with or without modifications.

5.9.7 Review of Decision

The proponent of an Outline Development Plan, required by this Scheme, may seek a review of the decision, in accordance with Part V of the Act in regard to—

- (a) the failure of the local government to make a determination on the content and requirement of the Outline Development Plan (or an amendment to the Outline Development Plan) within 120 days of receiving a request for direction;
- (b) a decision by the local government not to endorse the Outline Development Plan (or an amendment to the Outline Development Plan); or
- (c) conditions of approval of the Outline Development Plan (or alterations to the Outline Development Plan).

5.10 Town Centre Zone

5.10.1 Conditions and Standards

The local government shall apply the following standards for development within the Town Centre zone.

Use	Setbacks			Site Coverage	Land-scaping
	Front	Rear	Side		
Residential	In accordance with the Residential Design Codes				
Motel, hotel, tavern, caravan parks, short-term accommodation	Standards to be determined by the local government, having due regard to the Building Code of Australia and other relevant regulations			80%	10%
Shops, offices and other commercial	Nil	Nil	Nil	80%	10%

5.10.2 Design Requirements

Development within the Town Centre Zone shall comply with the following—

- (a) Any shop or other commercial development along Knight Terrace which is constructed on the front boundary shall include an awning or supported overhang over the footpath.
- (b) Where on any abutting lot there is an overhang, awning or veranda, the local government shall only approve an overhang, awning or veranda in accordance with an adopted design criteria or if the design, material, colour, height and style is similar to that already in existence; and
- (c) The whole of the lot frontage may be used providing adequate rear access and parking is provided.

5.10.3 Development and Car Parking Standards

Car parking spaces shall be provided in accordance with Table 2—Car Parking Requirements.

5.10.4 Loading and Unloading

Where areas for the loading and unloading of vehicles carrying goods and commodities to and from the premises are to be provided they shall be constructed and maintained in accordance with a plan approved by the local government relating thereto.

5.11 Industry Zone

5.11.1 Development Standards

Development and site provision shall be in accordance with the following provisions.

Zone	Min. Lot Area	Effective Frontage	Building Setbacks		Maximum Site Coverage
			Front	Rear	
Services Trades	850m ²	20m	6m	6m	75%
Light and General Industry	1,000m ²	15m	6m	6m	75%

5.11.2 Factory Unit Development

The development of factory unit buildings, for the purpose of providing multiple factory units in one lot, shall not be permitted unless the following requirements are complied with—

- (a) no factory unit shall have a floor area of less than 100m²;
- (b) each factory unit shall have a service yard appurtenant to it which shall be a minimum of 50% of the unit floor area;
- (c) access to the office attached to the factory unit and the major access to the unit itself shall not be through the service yard;

- (d) off street parking may be provided as an overall area on site and shall provide for all employees with a minimum staff parking requirement of 4 bays per unit; and
- (e) customer parking shall be provided as an additional figure of one bay per unit.

5.11.3 Caretakers Dwellings in the Industry Zone

The provisions of this clause are to apply to all caretakers' dwellings in the Industrial Zone—

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (b) only one caretaker's dwelling is permitted on a lot; for the purposes of this clause 'lot' excludes a strata lot or survey-strata lot created under the *Strata Titles Act 1985*;
- (c) a caravan or park home is not permitted as a caretaker's dwelling for either permanent or temporary occupation;
- (d) a caretaker's dwelling is to be screened and/or fenced off from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other dwellings on the lot;
- (e) a caretaker's dwelling is to have a total floor area that does not exceed 100m² measured from the external face of walls; and
- (f) open verandas may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m² referred to in paragraph (e).

5.11.4 Landscape Treatment

Where a building is approved upon a lot and is set back from the front boundary of that lot, the local government shall require the provision of landscape treatment between the frontage of any building and the front boundary.

Such landscape treatment may include a car parking area. Implementation of a landscape plan approved by the local government, shall occur within 6 calendar months of—

- (a) the completion of any other approved works, or
- (b) the date of occupancy, if occupancy commences prior to the completion of the development.

5.11.5 Storage of Materials

No dumping, storage of waste or materials, or construction, servicing or maintenance shall be carried out between the front building line and the street frontage but shall not prohibit the display of finished goods or goods for sale or ready for delivery.

5.11.6 Loading and Unloading

Areas for loading and unloading of vehicles, carrying goods and commodities to or from premises shall be provided and maintained in accordance with the approved plan relating thereto.

5.11.7 Vehicle Wrecking

The wrecking or storage of wrecked vehicles or parts thereof shall be restricted to the Industry Zone and shall not be permitted in front of the building setback. Further, wrecking and storage activities shall be screened from the road by fencing and/or landscaping.

5.11.8 Carports/Pergolas

The local government may approve the construction of a carport or pergola or like structure between the building line and the front boundary providing—

- (a) that any such structure remains open sided and not in-filled with any material which would ordinarily prevent the free passage of light and air, but may include lattice, battens or mesh as approved by the local government; and
- (b) that any activity beneath the structure does not include any industrial use and is only used for car parking, landscaping, display purposes or any other uses the local government may deem fit.

5.12 Rural/Pastoral Zone

5.12.1 Building Setbacks

Setbacks to buildings shall be at the discretion of the local government, taking into consideration landform and road access.

5.13 Amenity Control

5.13.1 Vehicles, Caravans, Boats and Trailers in Residential Areas

Except as hereinafter provided, no person within any lot zoned Residential Zone may, without the written approval of the local government—

- (a) allow any commercial vehicle or truck to remain or be parked for a period of more than 48 hours consecutively;
- (b) repair, maintain, service or clean a commercial vehicle or truck; or
- (c) keep, park, repair or store any boat, trailer, caravan or any material not specifically for the immediate use by the occupant in front of the building setback line.

5.13.2 Transportable/Transported Homes

Subject to clause 8.1, the local government may permit the erection or placement of any new transported, transportable or prefabricated home on a lot providing that the design of the building is to the satisfaction of the local government and in its opinion does not adversely affect the amenity of other properties in the vicinity.

5.13.3 Temporary Accommodation

Where temporary accommodation is proposed or used in the establishment of an industry or in any zone or for the accommodation of a seasonal or otherwise temporary workforce, the local government may grant approval for the establishment and occupancy of such temporary accommodation for a period not exceeding 3 calendar months.

Extensions to this period may be granted where the applicant can show cause, to the satisfaction of the local government, why such extension of a similar period should be granted.

Occupancy of such temporary accommodation shall only be permitted to persons directly engaged in the development of industry or development of that lot upon which the accommodation stands or in employment related to the industry specified on an Application for Planning Approval as specified in the Scheme.

5.13.4 Derelict Vehicles

The local government shall not permit the storage and/or wrecking of any vehicle or boat on any street verge or on any lot between the front boundary and the front setback line within any Zone.

5.13.5 Outbuildings

No outbuilding exceeding 60m² in area shall be erected on any lot without the consent of the local government in accordance with Part 9 of the Scheme and—

- (a) no part of any outbuilding shall be within 0.5m of any side or rear boundary;
- (b) as required under the Residential Design Codes;
- (c) any additional setback as required by any servicing authority; and
- (d) as otherwise stated in any other part of the Scheme.

5.13.6 Rear Access and Loading Docks

When considering any application for planning approval, the local government shall have regard to and may require the provision of loading docks and/or rear access. In particular, the local government may impose conditions concerning—

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

5.13.7 Building Heights

To maintain the amenity of any dwelling in the residential area, the local government shall have due regard to building heights for any lot located between Knight Terrace and Hughes Street.

5.13.8 View Corridors—Rural Areas

The local government shall not permit the erection of any structure which, in its opinion, would spoil or detract from the visual amenity as viewed from any road, vantage point or public place with the exception of authorised directional and information signs posting or notice boards.

5.14 Car Parking

5.14.1 Car Parking Requirements

No person shall develop or use land or erect, use or adapt any building for any purpose unless car parking spaces of the number specified in Table 2—Car Parking Requirements are provided, constructed and maintained in accordance with the provisions of the Scheme.

Where an application is made for planning approval and the purposes for which the land or building is to be used is not specified in Table 2—Car Parking Requirements the local government shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities.

5.14.2 Conditions of Planning Approval

When considering an application for planning approval the local government shall have regard to, and may impose conditions on the number and location of car parking spaces to be provided.

In particular the local government shall have regard to—

- (a) the means of access to each parking space;
- (b) the location of the spaces on the site and their affect upon the amenity of any adjoining properties;
- (c) the extent to which the spaces are located within the building setback areas;
- (d) the provision and location of disabled car parking bays, if necessary;
- (e) the location of the spaces other than on the lot if such spaces are to be provided in conjunction with a public car park; and
- (f) the location of the proposed public footpaths, vehicular crossings, and the effect of both pedestrian and vehicular traffic movements and safety.

TABLE 2—CAR PARKING REQUIREMENTS

Use	No. Car Parking Spaces
Residential	As prescribed within the provisions of the Residential Design Codes
Caravan and Camping Grounds	As per <i>Caravan Parks and Camping Grounds Regulations 1997</i>
Public Worship, Place of	1 for every 4 seats, and 1 for every 4m ² of public standing area
Child Care Premises	1 for every 5 children and 1 for each staff member
Consulting Rooms	4 for every practitioner
Restaurant	1 for every 4 seats
Short Term Accommodation	1 for every bedroom
Hospital/Hospital—Special Purpose	1 for every 4 beds provided and 1 for every person employed
Industry—Service	1 for every 20m ² Gross Floor Area and 1 for every 50m ² service area
Industry—Light	1 for every 50m ² Gross Floor Area
Industry—General	1 for every 50m ² Gross Floor Area
Community Purpose	1 for every 35m ² Gross Floor Area
Hotel	1 for every bedroom and 1 for every 4m ² of public bar/lounge Gross Leasable Area
Liquor Store	1 for every 20m ² Gross Leasable Area
Medical Centre	4 for every consulting room and 1 for every 20m ² of dispensary or shop Gross Leasable Area
Motel	1 for every bedroom and 1 for every 25m ² gross floor area of service building
Motor Vehicle Repair/Service Station	2 for every working bay and 1 for each employee
Office	1 for every 50m ² floor area
Club Premises	1 for every 4 persons accommodated
Residential Building	1 for every bedroom and 1 for every staff member
Shop	1 for every 20m ² Gross Leasable Area
Take-Away Food Outlet	1 for every 10m ² Gross Leasable Area
Betting Agency	1 for every 10m ² Gross Floor Area
Tavern	1 for every 4m ² public floor area
Warehouse/Showroom	1 for every 100m ² Gross Floor Area

All other requirements shall be determined by the local authority.

5.14.3 Off Street Parking

Where public off street parking facilities are located or are proposed to be located in the near vicinity of land or building being the subject of an application for planning approval the local government may approve such application notwithstanding that the required number of car parking spaces are not to be provided on site subject to—

- (a) the local government being satisfied that off street parking facilities are sufficient to cater for the requirements of the land or buildings; and
- (b) the applicant entering into an agreement with the local government to pay for the cost of providing and maintaining the required number of spaces as required.

5.14.4 Shared or Combined Parking

Where the number of car parking spaces proposed to be provided on land or in a building subject to an application for planning approval is less than the number required to be provided pursuant to the Scheme, the local government may approve the application if it can be demonstrated that off-street parking facilities, in the near vicinity, are available to cater for the requirements of the proposal and that arrangements to the satisfaction of the local government have been made to enable those facilities to be used for that purpose.

5.14.5 Standards

The dimensions of car parking spaces, parking angles, driveway widths and landscaping detail shall be in accordance with Appendix 1—Car Parking Layouts.

The local government may vary any dimension or requirement by up to 10% where obstructions, site dimensions or topography result in the loss of a car parking space in any run of car parking spaces. This provision shall not be used to modify landscaping, shade tree or driveway access requirements.

5.14.6 Landscaping, Construction and Maintenance

The owner or occupier of premises on which car parking spaces are provided shall ensure that the parking area is landscaped with shade trees, the car parking is laid out, drained and maintained in accordance with the approved plans relating thereto.

5.14.7 Town Centre Zone

5.14.7.1 In the Town Centre Zone, if the local government is satisfied that adequate constructed car parking is to be provided in close proximity to a proposed development, notwithstanding the provisions of Table 2 it may accept a cash payment in lieu of the provision of car parking spaces but subject to the following requirements—

- (a) a cash-in-lieu payment shall not be less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by the Valuer General of Western Australia, of that area of land which would have been occupied by the parking spaces;
- (b) before the local government agrees to accept a cash payment in-lieu of parking spaces, the local government must have already provided a public car park nearby, or must have firm proposals for providing a public car park within a period of not more than 18 months from the time of agreeing to accept the cash payment; and
- (c) payments made under this clause shall be paid into a special fund to be used to provide public car parks in the near vicinity.

5.14.7.2 Car parking provision for the World Heritage Interpretive Centre may be reduced to 6 staff bays, nil public bays and a 20 m 'drop off' zone, without the requirement to pay cash in lieu for a reduction in car bays.

5.15 Control of Advertising

5.15.1 Power to Control Advertisements

- (a) For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the local government. Such planning approval is required in addition to any licence pursuant to the local government's local laws.
- (b) Applications for planning approval to this Part shall be submitted in accordance with the provisions of Part 9 of the Scheme and shall be accompanied by a completed Additional Information for Advertisements Form in the form set out in Schedule 7 giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.15.2 Existing Advertisements

Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the local government prior to the approval of this Scheme, hereinafter in this Part referred to as 'existing advertisements';

may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

5.15.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the local government shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

5.15.4 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the *Main Roads (Control of Advertisements) Regulations 1996* and notwithstanding the provisions of clause 5.15.1, the local government's prior consent is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this Part are referred to as 'exempted advertisements'.

The exemptions listed in Schedule 5 do not apply to buildings, conservation areas or landscape protection zones which are—

- (a) listed by the Heritage Council;
- (b) listed on the register of the National Estate;
- (c) included in the local authority Local Planning Scheme because of their heritage or landscape value; or
- (d) included in clause 5.13.8.

5.15.5 Discontinuance

Notwithstanding the Scheme objectives and clause 5.15.4, where the local government can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may by notice in writing, giving clear reasons, require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of time specified in the notice.

5.15.6 Scheme To Prevail

Where the provisions of this Part are found to be at variance with the provisions of the local government's local laws, the provisions of the Scheme shall prevail.

5.15.7 Enforcement and Penalties

The offences and penalties provisions specified in clause 11.2 of the Scheme apply to the advertiser in this Part.

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of Special Control Areas

6.1.1 The following Special Control Area is shown on the Scheme Maps—

- (a) Shark Bay World Heritage Property.

6.1.2 In respect of a Special Control Area shown on a 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 Shark Bay World Heritage Property

6.2.1 Scheme Map

The Shark Bay World Heritage Property is shown on the Scheme Map.

6.2.2 Purpose

To ensure that all proposals for development are in accordance with the protection of World Heritage Values.

6.2.3 Application Requirements

Planning approval is required for all development unless included under 8.2(a) and (c) of the Scheme, unless, in the opinion of the local government, the application is considered to be minor in nature, and constitutes ancillary rural activities or minor structure extensions which, in the opinion of the local government, would not compromise World Heritage Values.

6.2.4 Relevant Considerations

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

- (a) The 'Guidance Statement for Assessment of Development Proposals in Shark Bay World Heritage Property No. 49' of the Environmental Protection Authority (November 2000) or any succeeding document which guides development in the World Heritage Property.

6.2.5 Referral of Applications

Any rezoning, subdivision and development proposal will be referred, at the discretion of the local government, to CALM, the Scientific Advisory Committee and Community Consultative Committee as required by 6.2.4(a).

The local government will have due regard to any recommendations and advice provided by the above referees.

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 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 consideration of the submissions.

7.1.4 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 to the owner and occupier of the place.

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

7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

Note:1. The purpose and intent of the 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 that 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;
- (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;
 - (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) 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 (being not 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

7.5.1 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 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 of this Part) and the use of land (subject of 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 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;
- (b) The erection on a lot of a single house including any extension, ancillary outbuildings with areas less than 60m² and swimming pools, except where—
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;
 - (ii) the development will be located in a heritage area designated under the Scheme;
 - (iii) the building will have a floor level less than RL3.2m AHD; or
 - (iv) the proposal is for a transportable or transported dwelling;
- (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 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 within a Heritage Area designated under the Scheme;
- (d) A home office;
- (e) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- (f) The erection of a boundary fence except as otherwise required by the Scheme;
- (g) The carrying out of works deemed urgently necessary for the purposes of public safety or for the safety or security of plant or equipment or for the maintenance of essential services;
- (h) Any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (i) 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.

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.

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 3.2.1;
- (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 under clause 4.12;
- (h) variation of a site or development requirement under clause 5.6;
- (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; or
- (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 local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or 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) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing vegetation exceeding 2m in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) 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; or
- (d) any other information which the local government indicates that it considers relevant.

9.4 Advertising of 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 specified 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 specified day being not less than 14 days from the day the notice is published; or
- (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 that application 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.

10.2 Matters to be Considered by Local Government

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 Local 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 of 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 the 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 proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the 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 transport services are necessary and, if so, whether they are available and adequate for the proposal;

- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) 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;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1; and
- (aa) 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 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 for 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 of Details

10.8.1 Where an application is for a development that includes the carrying out of any building or 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 Right of Review

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may make application for review under Part 14 of the Planning and Development Act.

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; 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 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 on 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 on whom notice is served under this clause may make application for review under Part 14 of the Planning and development Act against the determination of the local government.

11.3 Delegation of Functions

11.3.1 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.

11.3.2 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.

11.3.3 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*.

11.3.4 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.

11.4 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 standards laid down and 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 provides that a person who—

- (a) contravenes or fails to comply with the provisions of a Local Planning Scheme; or
 (b) commences or continues to carry out any development which is required to comply with a Local 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.

11.5 Compensation

11.5.1 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—

- (a) in any case, within 6 months of the date of publication of 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.

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

Note: A claim for compensation under section 173 of the Planning and Development Act may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

11.6 Purchase or Taking of Land

11.6.1 If, where compensation for injurious affection is claimed under the Planning and Development Act, 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.

11.6.2 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 empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

11.7 Notice for Removal of Certain Buildings

11.7.1 Under section 214 of the Planning and Development Act, 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.

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

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 Zone
Schedule 5	Exempted Advertisements
Schedule 6	Form 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 1—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS [cl. 1.7]

2. 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 any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

'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;

'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 a 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 (as amended) a van, utility or light truck which is created by the manufacturer as being suitable to carry loads of up to 1.5 tonnes;

'commission' means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985*;

'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 to it in and for the purposes of the Act;

'district' means the municipal district of the Shire of Shark Bay;

'existing use' means use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme, in accordance with the conditions set out in the Scheme;

'façade' means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building;

'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 of the Planning and Development Act;

'gross floor area' means the aggregate of the total floor area of each level of a building including the thickness of external walls but excluding the space set aside for the parking of wheeled vehicles and for the accommodation of service vehicles where such space is provided within the building;

'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—

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

'incidental use' means a use of premises which is ancillary and subordinate to the predominant use;

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

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees, incidental to any of those industrial operations;

'land' shall have the same meaning given to it in and for the purposes of, the Act;

'local government' means the Shire of Shark Bay;

'lot' has the same meaning as in the Planning and Development Act but does not include a strata or survey strata lot;

'minerals' has the same meaning as in the *Mining Act 1978*;

'Minister' means the Minister for Planning and Infrastructure;

‘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;

‘outline development plan’ means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such subdivision and development;

‘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;

‘potable water’ means water in which level 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;

‘place’, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

‘place of natural beauty’ means the natural beauties of the area including lakes and other inland water, banks of rivers, foreshores of harbours, frontal dunes, and other parts of the sea, hill slopes and summits and valleys;

‘Planning and Development Act’ means the *Planning and Development Act 2005*;

‘plot ratio’, in the case of residential dwellings has the same meaning as in the Residential Design Codes;

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

‘predominant use’ means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

‘premises’ means land or buildings;

‘reserve’ means any land reserved for a public purpose;

‘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;

‘site coverage’ means the proportion of a lot which may be covered by buildings and is expressed in this Scheme as a percentage of the total lot area;

‘storey’ means for other than residential development, that portion of a building which is situated between the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it;

‘street alignment’ means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment so prescribed;

‘transportable dwelling’ means a structure designed for ease of transporting from one location to another, and includes structures such as ‘donga’ units with skid mountings, metal sandwich panel and flat roof design.

‘transportable home’ means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected;

‘vehicle’ includes a tractor;

‘waterway’ means an artificial channel, lake, harbour or embayment, for the navigational, irrigational, ornamental, and recreation purposes, or for any of those purposes; and includes any addition to or alteration of a waterway as so defined;

‘**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.

3. Land Use Definitions

In the Scheme—

‘**abattoir**’ means any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products;

‘**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 one hectare;

‘**airfield**’ means land and buildings used in connection with the operation of aeroplanes, including a passenger terminal, offices, parking and servicing of aircraft, and car parking, but not including occasional or seasonal use of temporary facilities for purposes associated with agriculture;

‘**amenity building**’ means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment or leisure as distinct from the work of the industry or business;

‘**amusement parlour**’ means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 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;

‘**auction mart**’ means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock;

‘**bank**’ means premises used for offices but wherein special provision is made for access by the public for services in the areas of finance and banking;

‘**bed and breakfast**’ means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

‘**betting agency**’ means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

‘**bulk fuel**’ means the handling, storage and dispensing of liquid or gaseous fuels in containers but excludes the dispensing of liquid or gaseous fuels direct to vehicular tanks for consumption by that vehicle;

‘**camping area**’ means an area of land set aside for the purpose of camping involving the erection of tents and other forms of temporary shelter not involving trailers, caravans, chalets or mobile homes;

‘**canteen**’ means a shop which provides food and refreshments for the workforce of the surrounding area and which has a maximum gross floor area of 75m² including any storage and food preparation area;

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

‘**caretaker’s dwelling**’ means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

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

‘**child care premises**’ has the same meaning as in the *Community Services (Child Care) Regulations 1988*;

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

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

- ‘club premises’** means premises used by a legally constituted club or association or other body of persons united by a common interest;
- ‘community service 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;
- ‘community purpose’** means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
- ‘consulting rooms’** means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- ‘convenience store’** means premises—
- used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
 - operated during hours which include, but may extend beyond, normal trading hours;
 - which provide associated parking; and
 - the floor area of which does not exceed 300m² net lettable area;
- ‘corrective institution’** means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- ‘display home centre’** means a group of 2 or more dwellings which are intended to be open for public inspection;
- ‘dry cleaning agency’** means a building at which the public may lodge and receive articles for dry cleaning and where in some instances subject to the provisions of the *Health Act 1911* a limited amount of dry cleaning may be carried out on the premises;
- ‘educational establishment’** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- ‘equestrian centre’** means land and buildings used for the stabling and exercise of horses and includes facilities for events of a competitive nature;
- ‘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;
- ‘farm supply centre’** means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment;
- ‘family day care’** means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;
- ‘funeral parlour’** means premises used to prepare and store bodies for burial or cremation;
- ‘garden centre’** means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings;
- ‘harbour installations’** means land and buildings used for and incidental to the purposes of loading, unloading and maintaining ships;
- ‘hire service’** means land and buildings used for the storage and hire of machinery and other bulky equipment;
- ‘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—
- does not employ more than 2 people not members of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 50m²;
 - does not involve the retail sale, display or hire of goods of any nature;
 - in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
 - does not involve the use of an essential service of greater capacity than normally required in the zone;
- ‘home occupation’** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- does not employ any person not a member of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 20m²;
 - does not display a sign exceeding 0.2m²;
 - does not involve the retail sale, display or hire of goods of any nature;
 - in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and

- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;
- '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—
- entail clients or customers travelling to and from the dwelling;
 - involve any advertising signs on the premises; or
 - require any external change to the appearance of the dwelling;
- 'home store'** means any shop with a net lettable area not exceeding 100m² 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;
- 'hospital—special purposes'** means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use;
- 'hotel'** means premises providing accommodation the subject of a hotel licence under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;
- 'industry—cottage'** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—
- does not cause injury to or adversely affect the amenity of the neighbourhood;
 - where operated in a residential zone, does not employ any person other than a member of the occupier's household;
 - is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
 - does not occupy an area in excess of 50m²; and
 - does not display a sign exceeding 0.2m² in area;
- 'industry—extractive'** means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;
- 'industry—general'** means an industry other than a cottage, extractive, light, mining, rural or service industry;
- 'industry—hazardous'** means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries;
- 'industry—light'** means an industry—
- in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
 - the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;
- 'industry—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 rural products; or
 - a workshop servicing plant or equipment used for rural purposes;
- 'industry—service'** means—
- an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
 - premises having a retail shop front and used as a depot for receiving goods to be serviced;
- 'kindergarten'** means land and buildings set aside for use for the care and teaching of pre-school children;
- 'laundrobar'** means a building or buildings wherein machines are installed providing for the washing and drying of household clothing and other fabric for reward or profit and which may involve the use of coin-operated machines, 'Laundrette' and 'Laundromat' shall have the same meaning;
- 'liquor store'** means any land or buildings the subject of a Store Licence granted under the provisions of the *Liquor Control Act 1988*.
- 'lunch bar'** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

- ‘machinery sales’** means land or a building or buildings used for the display or sale of machinery and industrial implements whether new or second-hand and the workshop incidental to the servicing of that equipment;
- ‘marina’** means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;
- ‘marine collector’s yard’** means land and buildings used for the storage of marine stores under the provisions of the *Marine Stores Act 1902* and land Marine Dealer’s Yard and Marine Store have the same meaning;
- ‘marine dealer’** means land and buildings occupied for the purpose of storing, sorting, packing and sale of second-hand or waste materials, including metals, paper, rags, bottles and glass whether for waste disposal or recycling elsewhere, but does not include premises used for motor vehicle wrecking or a refuse disposal yard;
- ‘marine filling station’** means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
- ‘market’** means premises used for the display and sale of goods from stalls by independent vendors;
- ‘medical centre’** means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
- ‘milk depot’** means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.
- ‘motel’** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988*;
- ‘motor vehicle hire’** means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.
- ‘motor vehicle wrecking’** means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.
- ‘motor vehicle, boat or caravan sales’** means premises used to sell or hire motor vehicles, boats or caravans;
- ‘motor vehicle repair’** means premises used for or in connection with—
- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
 - (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
- ‘motor vehicle wash’** means premises where the primary use is the washing of motor vehicles;
- ‘night club’** means premises—
- (a) used for entertainment with or without eating facilities; and
 - (b) licensed under the *Liquor Control 1988*;
- ‘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 premises used for administration, clerical, technical, professional or other like business activities;
- ‘park home park’** has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;
- ‘place of worship’** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- ‘plantation’** has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by CALM and the Australian Forest Growers;
- ‘plant nursery’** means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden décor;
- ‘private hotel’** means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the *Liquor Control Act 1988*;
- ‘produce store’** means land and buildings wherein fertilisers and grain are displayed and offered for sale;
- ‘public amusement’** means land and buildings used for the amusement or entertainment of the public, with or without charge;
- ‘public assembly—place of’** means any land or buildings used as a special place of assembly including grounds for athletics, all sports grounds with spectator provision, race courses, trotting tracks, stadium or showgrounds;

- ‘public recreation’** 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;
- ‘public utility’** means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;
- ‘reception centre’** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- ‘recreation—private’** means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
- ‘residential building’** has the same meaning as in the Residential Design Codes;
- ‘restaurant’** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control 1988*;
- ‘restricted premises’** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—
- (a) publications that are classified as restricted under the *Classification (Publications Films and Computer Games) 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;
- ‘rural pursuit’** means any premises used for—
- (a) the rearing or agistment of animals;
 - (b) the stabling, agistment or training of horses;
 - (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
 - (d) the sale of produce grown solely on the lot, but does not include agriculture—extensive or agriculture—intensive;
- ‘Service Station’** means premises used for—
- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
 - (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
- ‘shop’** means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;
- ‘short term accommodation’** means two or more detached dwellings, chalets or similar, on one lot let for holiday purposes, none of which is occupied by the same tenant for continuous period of more than four months;
- ‘storage’** means premises used for the storage of goods, equipment, plant or materials;
- ‘showroom’** means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;
- ‘retirement village’** means a development containing accommodation for aged persons together with ancillary facilities;
- ‘roadhouse’** means land and a building or buildings used primarily as a Service Station but with a supplementary use as a restaurant, take-away food outlet or as a shop providing an approved limited range of day-to-day travel commodities and services;
- ‘salvage yard’** means land and 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;
- ‘sawmill’** means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works;
- ‘special facility’** means a facility established for purposes in section 46(5) of the *Liquor Control Act 1988* or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a Special Purpose Licence within the meaning of the *Liquor Control Act 1988*.
- ‘stables’** means premises used for the keeping, breeding, and rearing of horses and ponies involving the erection of buildings, corrals, and compounds and their use for those purposes, except that the expression shall not include land used solely for agistment of horses;
- ‘take-away food outlet’** means land and buildings which are used for the preparation and sale of food and refreshments to the public at large for consumption otherwise than on the premises concerned;
- ‘tavern’** means premises licensed as a tavern under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises;

- ‘telecommunications infrastructure’** means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;
- ‘temporary accommodation’** means any habitable building not permanently affixed to the ground and includes any caravan, transportable dwelling, or any structure used for habitation for the purposes of accommodation for a period not exceeding 6 months;
- ‘transport depot’** means land and 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 such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles;
- ‘trade display’** means premises used for the display of trade goods and equipment for the purpose of advertisement;
- ‘veterinary centre’** means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
- ‘warehouse’** means premises used to store or display goods and may include sale by wholesale;
- ‘wayside stall’** means a stall located adjacent to a street, but not in the road reserve, in which only fruit, vegetables and artefacts grown, produced or made on the land upon which it is located are sold or offered for sale;
- ‘winery’** means premises used for the production of viticultural produce and may include sale of the produce;
- ‘zoological gardens’** means land, structures and buildings used for the keeping of animals and birds, and for the growing of plants for inspection and observation by the public at large, and where a charge may be made for admission.

SCHEDULE 2—ADDITIONAL USES [cl. 4.5]

No.	Description of land	Additional use	Conditions
There are currently no Restricted Uses applying to the Scheme Area			

SCHEDULE 3—RESTRICTED USES [cl. 4.6]

No.	Description of land	Restricted use	Conditions
There are currently no Restricted Uses applying to the Scheme Area			

SCHEDULE 4—SPECIAL USE ZONE [cl. 4.7.1]

No.	Description of Land	Special Use	Conditions
1.	Lot 310 Stella Rowley Drive, Denham and Unallocated Crown Land	Short Term Accommodation, including Caravan and Camping areas, Shop and Associated uses as approved by local government.	As required by the local government.
2.	Lot 119 Spaven Way	Short Term Accommodation, including Caravan Park, Camping Area, and associated uses as approved by local government.	As required by the local government.
3.	Part North Loc 59 Denham-Hamelin Road, Denham	Short Term Accommodation and Incidental Tavern, Restaurant and Recreation—Private, and Residential.	<p>Development of the site shall be in accordance with an approved Outline Development Plan. The Outline Development Plan shall be prepared generally in accordance with the requirements of Clause 5.9 and will address the following—</p> <ul style="list-style-type: none"> • Development should be set back and buffered from adjoining residential uses to the satisfaction of the local government; and • Development should be setback from the dune ridge on the southern boundary of the site, and this ridge should be landscaped and protected to the satisfaction of the local government.

No.	Description of Land	Special Use	Conditions
4.	Part North Loc 59 Denham-Hamelin Road, Denham	Roadhouse, Restaurant, Bulk Fuel.	<ul style="list-style-type: none"> • The boundary of the site abutting the Cemetery Reserve No. 8886 shall be landscaped to the satisfaction of the local government. • Development shall be setback from the modified Denham-Hamelin Road and Monkey Mia Road intersection to the satisfaction of the local government.
5.	Part Edel Loc 17 Nanga	Tavern, Caravan Park, Service Station, Shop, Arts and Crafts Centre. Short Term Accommodation including Edel Loc Caravan Park, Exhibition Centre and Staff Accommodation.	<p>Development of the site shall be in accordance with an approved Outline Development Plan, which has generally been prepared in accordance with the requirements of Clause 5.9 and endorsed by the Western Australian Planning Commission. The Outline Development Plan should demonstrate that—</p> <ul style="list-style-type: none"> • the proposed development is sympathetic to the location, taking into account the topography and landscape character of the surrounding area; and • the interface with the foreshore is generally in accordance with Statement of Planning Policy 2.6—State Coastal Planning Policy. This includes clear demarcation between the development site and the foreshore reserve and definition of the setback for development from the permanent vegetation line.
6.	Overlander Lot 174 North West Coastal Highway	Service Station, Bulk Fuel, Shop, Restaurant, Transport Depot, Caravan Park, Camping Areas and limited Transient Accommodation.	As required by the local government.
7.	Billabong Lot 2 and 3 North West Coastal Highway	Roadhouse, Limited Short Term Accommodation, Wayside Hotel, Caravan Park, Service Station, Bulk Fuel Depot, Shop, Restaurant, Transport Depot.	As required by the local government.
8.	Murchison Loc 161 Hamelin Pool	Tourist facilities (including Short Term Accommodation), Caravan Park, Camping Areas and historic buildings.	<p>Development of the site shall be in accordance with an approved Outline Development Plan that has generally been prepared in accordance with the requirements of Clause 5.9 and endorsed by the Western Australian Planning Commission. The Outline Development Plan should demonstrate that—</p> <ul style="list-style-type: none"> • the proposed development is sympathetic to the location, taking into account the topography and landscape character of the surrounding area; and • the interface with the foreshore is generally in accordance with Statement of

No.	Description of Land	Special Use	Conditions
			<p>Planning Policy 2.6—State Coastal Planning Policy. This includes clear demarcation between the development site and the foreshore reserve and definition of the setback for development from the permanent vegetation line.</p>
9.	<p>Monkey Mia Reserve 1686 (Edel Loc 80) Reserve 40727 (Edel Loc 67)</p>	<p>The following uses are permitted—</p> <ul style="list-style-type: none"> • Motel • Short Term Accommodation • Special Facility • Park Home Park • Caravan Park • Camping Area • Reception Centre • Residential Building • Office • Shop • Restaurant • Carpark • Staff Accommodation • Power Generation Plant • Desalination Plant 	<p>The following conditions of development apply—</p> <ol style="list-style-type: none"> i. The intent of this Special Use Zone is to provide for the needs of tourists in a manner that enhances the management and welfare of the Shark Bay World Heritage Property, and particularly, the welfare of the dolphins. ii. Development shall be generally in accordance with the Monkey Mia Outline Development Plan (O'Brien 1995), and development shall only occur following, and generally in accordance with, the preparation of an Outline Development Plan (formerly Concept Development Plan) and its approval by the local government and the Commission. The Outline Development Plan should incorporate, and have regard for, the relevant management provisions required in the current lease agreement in respect of the land. <p>Note: The purpose of the 1995 O'Brien Outline Development Plan report was to establish the principles for the preparation of an Outline Development Plan, and is not itself an Outline Development Plan.</p> <ol style="list-style-type: none"> iii. If the local government or the Commission— <ol style="list-style-type: none"> (a) fail to make a determination in respect of the Outline Development Plan within 5 months of lodgement of such a plan with the local government, or within such other time frame agreed by the proponent; or (b) makes a determination or imposes a requirement in respect of the Outline Development Plan and the proponent is dissatisfied with such a determination;

No.	Description of Land	Special Use	Conditions
			<p>the proponent may appeal in accordance with Part V of the Planning and Development Act.</p> <p>iv. Any minor variation to the Outline Development Plan, including uses considered incidental to the primary activity of the tourist development, may be approved by the local government.</p> <p>No structure shall exceed 7.75 m in height above finished ground level unless it forms part of the essential services (water or fuel tanks, powerlines or communication aeriels). The location, intensity and design of two-storey development shall comply with an endorsed Outline Development Plan.</p>
10.	Monkey Mia Lot 63	Loading Area and associated uses	As required by the local government.
11.	Edel Loc 90 Peron Road	Pearl Farming, aquaculture, Residential, Staff Accommodation, plantation tree farming and associated uses	Development of the site shall be in accordance with an approved Outline Development Plan. The Outline Development Plan shall be prepared generally in accordance with the requirements of Clause 5.9.
12.	Useless Loop	Extractive Industry, Incidental Community Uses, Accommodation, Industrial uses, incidental commercial uses.	As required by the local government.
13.	Lot 296 Stella Rowley Drive	Residential Dwellings, Tourist Accommodation	<p>Conditions of Development</p> <p>Limit height of all development to 4.5 m above the height of Stella Rowley Drive (calculated in accordance with the Residential Design Codes)</p> <ul style="list-style-type: none"> • Prior to commencement of development, approval of a foreshore management plan, by the Shire and the WAPC, for the coastal reserve between the site and the coast in accordance with Statement of Planning Policy 2.6—State Coastal Planning Policy. The management plan shall include the provision of a dual use path to provide clear demarcation between the development site and the foreshore reserve and definition of the setback for development from the permanent vegetation line. • The maximum percentage of permanent residential development on site shall comply with the following at all stages of development of the site— <ul style="list-style-type: none"> (i) the proportion of permanent residential units relative to the total

No.	Description of Land	Special Use	Conditions
			<p>number of accommodation units on the site shall be equal to or less than 20 percent;</p> <p>(ii) The gross floor area of the permanent residential units relative to the gross floor area of all units on the site shall be equal to or less than 20 percent;</p> <p>(iii) The site area occupied by the permanent residential units, and any areas designated for the specific use of the occupiers of those units, relative to the area occupied by the tourist development shall be equal to or less than 1.22 ha. In calculating the area occupied by the tourist development those facilities available for common use shall be excluded from the calculation.</p> <p>The percentage of permanent residential development may be varied with the approval of Council and the endorsement of the WAPC.</p> <p>Outline Development Plan</p> <p>Development of the site shall be in accordance with an approved Outline Development Plan, that has been endorsed by the Western Australian Planning Commission. The plan shall generally be prepared in accordance with the provisions of Clause 5.9 of the Scheme and should address the following design and development guidelines—</p> <ul style="list-style-type: none"> • The proposed development is sympathetic to the location taking into account the built form, topography and landscape character of the surrounding area; • Good visual permeability of the foreshore and ocean from nearby residential areas, roads and public open spaces; • Adequate provision for open space and landscaping on the site; • Provision for pedestrian access to the foreshore reserve; • Where a residential component is incorporated

No.	Description of Land	Special Use	Conditions
			<p>within the site, those areas of the site providing the highest tourist values, eg beachfront, should be retained predominantly for tourist purposes, and not permanent residential units</p> <ul style="list-style-type: none"> • Design of the tourist and permanent residential units within the complex shall be complementary and provide the opportunity for integration between the two types of accommodation; • The development shall incorporate facilities normally associated with tourist accommodation developments such as recreation, entertainment facilities and integrated management facilities; and • Include a management plan to deal with the interface between residential and tourist uses.

SCHEDULE 5—Exempted advertisements [cl. 8.2(f)]

Land Use and/or Development	Exempted Sign	Maximum Size
Residential/Home Office	One professional name-plate as appropriate.	0.2m ²
Home Occupation/Home Business	One advertisement describing the nature of the home occupation.	0.2m ²
Place of Worship, Community Purposes and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas/Theatres/Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time.	Each sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of building subject to a compliance with the requirements of the Signs, Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof—of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.	Total area of any such advertisements shall not exceed 15m ²
	A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A

Land Use and/or Development	Exempted Sign	Maximum Size
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a municipality, and	N/A
	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):		
i) Residential	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
ii) Multiple Dwellings, Shops Commercial & Industrial projects	One sign as for (i) above.	5m ²
iii) Large development or redevelopment projects involving shopping centres, Office or other buildings exceeding 3 storeys in height.	One sign as for (i) above. One additional sign showing the name of the project builder	5m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²

Land Use and/or Development	Exempted Sign	Maximum Size
Property Transactions (advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows):		
i) Residential	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign(s) are displayed.	Each sign shall not exceed and area of 2m ²
ii) Multiple dwellings, shops Commercial & Industrial Properties.	One sign as for (i) above.	Each sign shall not exceed and area of 5m ²
iii) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha.	One sign as for (i) above.	Each sign shall not exceed and area of 10m ²
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection.	i) One sign for each dwelling on display. ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

SCHEDULE 6—Form of application for planning approval [cl. 9.1.1]

Application for Planning Approval

Owner Details			
Name:			
Address:			Postcode:
Phone: (home)		Fax:	
(work)		Mobile:	
E-mail			
Contact Person:			
Signature:		Date:	
Signature:		Date:	
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i>			

Applicant Details			
Name:			
Address:			Postcode:
Phone: (home)		Fax:	
(work)		Mobile:	
E-mail			
Contact Person:			
Signature:		Date:	
Signature:		Date:	

Property details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest street intersection:		
Existing building/land use:		
Description of proposed development and/or use:		
Nature of any existing buildings and/or use:		
Approximate cost of proposed development:		
Estimated time of completion:		

OFFICE USE ONLY			
Acceptance Officer's initials:		Date Received:	
Local government reference 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 oscillating 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:
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. Signature of advertiser(s) (if different from land owners): Date:	

SCHEDULE 8—Notice of public advertisement of planning proposal [cl. 9.4.4]

PLANNING AND DEVELOPMENT ACT 2005

*Shire of Shark Bay***NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.		
Lot No.:	Street:	Suburb:
Proposal:		
Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the..... day of.....		
Signed:		
Dated:		
for and on behalf of the City/Town/Shire of:		

SCHEDULE 9—Notice of determination on application for planning approval [cl. 10.4.1]

PLANNING AND DEVELOPMENT ACT 2005

*Shire of Shark Bay***DETERMINATION ON APPLICATION FOR PLANNING APPROVAL**

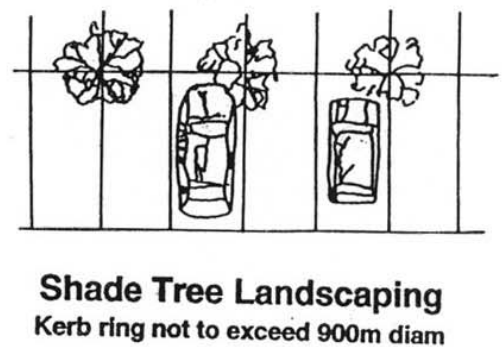
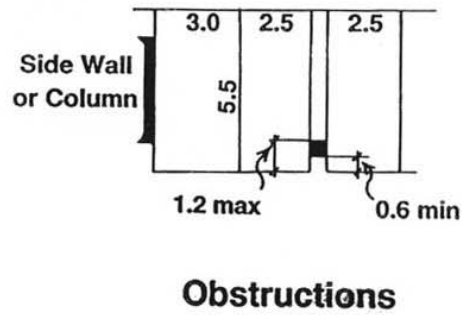
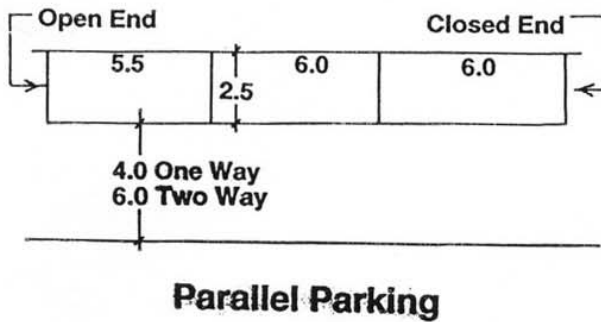
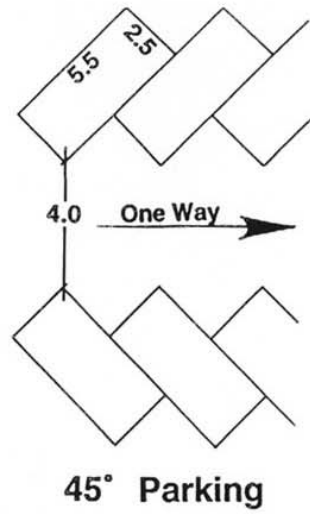
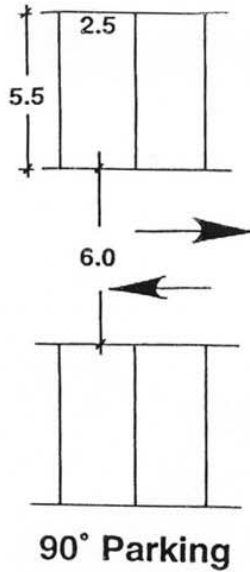
Location:	
Lot:	Plan/Diagram:
Vol. No.:	Folio No.:
Application date:	Received on:
Description of proposed development:	
.....	
.....	
The application for planning approval is:	
Granted subject to the following conditions:	
Refused for the following reasons(s):	
Conditions/reasons for refusal:	
.....	
.....	
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 <i>Planning and Development Act 2005</i> . An application for review must be lodged within 28 days of the determination.
Signed:	
Dated:	
for and on behalf of the City/Town/Shire of:	

SCHEDULE 10—Environmental conditions [cl. 5.6.1]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions
There are currently no Environmental Conditions applying to the Scheme Area		

APPENDIX 1

CARPARKING LAYOUTS



- 90° & 45° Parking - 5.5m x 2.5m
- Parallel Parking - 6.0m x 2.5m
- OR - 5.5m x 2.5m where Open Ended
- Driveway Widths 90° - 6.0m access
- 45° - 4.0m one way access
- Parallel - 0m one way access
- 6.0m two way access
- Disabled Parking - min 3.0m wide

ADOPTION

Adopted by resolution of the Council of the Shire of Shark Bay at the Ordinary Meeting of the Council held on the 29th day of June 2005.

R. W. EDDINGTON, Shire President.

Dated: 11 December 2007.

K. MATTHEWS, Chief Executive Officer.

Dated: 11 December 2007.

FINAL APPROVAL

1) Adopted by Resolution of the Council of the Shire of Shark Bay at the Ordinary Meeting of the Council held on the 28th day of February 2007 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

R. W. EDDINGTON, Shire President.

Dated: 11 December 2007.

K. MATTHEWS, Chief Executive Officer.

Dated: 11 December 2007.

2) Recommended/Submitted for final approval by the Western Australian Planning Commission.

P. WOODWARD, Delegated under S.16 of the PD Act 2005.

Dated: 31 December 2007.

3) Final approval granted—

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Dated: 8 January 2008.
