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PLANNING AND DEVELOPMENT ACT 2005

**CITY OF
GERALDTON-GREENOUGH**

**LOCAL PLANNING SCHEME
No. 5 DISTRICT SCHEME
(GREENOUGH)**

PLANNING AND DEVELOPMENT ACT 2005*City of Geraldton-Greenough***LOCAL PLANNING SCHEME NO. 5 DISTRICT SCHEME (GREENOUGH)**

Ref: TPS/0154

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005*, that the Minister for Planning approved the City of Geraldton-Greenough Local Planning Scheme No. 5 on 11 March 2010, the scheme text of which is published as a Schedule annexed hereto.

IAN CARPENTER, Mayor.
ANTHONY BRUN, Chief Executive Officer.

Preamble

This Local Planning Scheme of the City of Geraldton-Greenough consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the City of Geraldton-Greenough.

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

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

SCHEME DETAILS

The City of Geraldton-Greenough under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF GERALDTON-GREENOUGH

**LOCAL PLANNING SCHEME NO. 5 DISTRICT SCHEME
(GREENOUGH)**

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PLANNING AND DEVELOPMENT ACT 2005

CITY OF GERALDTON-GREENOUGH

**LOCAL PLANNING SCHEME NO. 5 DISTRICT SCHEME
(GREENOUGH)****PART 1—PRELIMINARY****1.1 Citation**

1.1.1 The City of Geraldton-Greenough Local Planning Scheme No. 5 (Greenough) (“**the Scheme**”) comes into operation on its Gazettal date.

1.1.2 The following Schemes are revoked—

Name: City of Geraldton-Greenough Town Planning Scheme No. 4 (Greenough)
Gazettal date: 30 March 1984

1.2 Responsible Authority

The City of Geraldton-Greenough is the responsible authority for implementing the Scheme.

1.3 Scheme Area

The Scheme applies to the Scheme area, which covers that part of the Local Government district of the City of Geraldton-Greenough as shown on the Scheme Map (a portion of the former Shire of Greenough Local Government district).

1.4 Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1-12).

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

Note The Scheme Map comprises a set of twelve maps

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 the First Schedule to the Town Planning Act.

1.6 The Aims of the Scheme

The aims of the Scheme are—

- to assist the effective implementation of regional plans and policies including the State Planning Strategy.
- to ensure there is sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- to provide for housing choice and variety with a community identity and high levels of amenity.
- to assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home based employment.
- to facilitate a diverse and integrated network of open space catering for active and passive recreation, consistent with the needs of the community.
- to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.

- to protect and enhance the environmental values and natural resources of the Scheme area and to promote ecologically sustainable land use and development.
- to safeguard and enhance the character and amenity of the built and natural environment of 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 2005*; or
- (b) if they are not defined in that Act—
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes of Western Australia.

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

By way of information, the following other Schemes of the City of Geraldton-Greenough are, at the Gazettal date of the Scheme, complementary to the Scheme—

City of Geraldton-Greenough Town Planning Scheme No. 3—Waggrakine Guided Development Scheme. Gazettal date: 6 February 1981.

City of Geraldton-Greenough Town Planning Scheme No. 1A (Cape Burney). Gazettal date: 30 May 1986

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme Determinations to Conform with Local Strategies

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

2.2 Local Planning Policies

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

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

and may amend or add to or rescind the Policy.

2.3 Relationship of Local Planning Policies to Scheme

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

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

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

2.4 Procedure for Making or Amending a Local Planning Policy

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

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

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

- (a) review the proposed Policy in 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 Western Australian Planning Commission, forward a copy of the Policy to the Western Australian Planning 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.

2.6 Local Planning Policies Made Under Previous Scheme

Where pursuant to the requirements of the former City of Geraldton-Greenough Town Planning Scheme No. 4 (Greenough), a Local Planning Policy had been adopted and was operative at the date of the gazettal of this Scheme, the Local Planning Policy shall continue to have effect and may be amended or revoked as if it were a Local Planning Policy under this Scheme.

PART 3—RESERVES

3.1 Reserves

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

3.2 Regional Reserves

There are no regional reserves in the Scheme Area.

3.3 Local Reserves

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

3.4 Use and Development of Local Reserves

3.4.1 A person must not—

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

3.4.2 In determining an application for planning approval the Local Government is to have due regard to—

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

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

3.5 Use and Development of land adjacent to Major Road Reserves

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

PART 4—ZONES AND THE USE OF LAND

4.1 Zones

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

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

4.2 Objectives of the Zones

The objectives of the zones are—

Residential Zone

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.

Civic and Cultural Zone

To provide for civic/cultural uses such as club premises, sports grounds, religious grounds or privately owned land, which caters for community needs.

Commercial Zone

To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the community as a whole.

Highway Commercial Zone

To provide for service commercial development including large format retailing in locations with regard for relevant strategies and policies adopted by the Local Government, and in consultation with Main Roads WA.

Light Industry Zone

To provide land for industry which will not adversely affect surrounding residential areas through emission of noise, odours, light, vibration, dust, smoke, wastewater or other waste products.

General Industry Zone

To provide land for manufacturing industry which by reason of its emissions and bulk require adequate separation from residential areas.

Rural Zone

To provide for extensive agricultural uses which contribute to the general wellbeing of the region and state and which are compatible with the capability of the land.

Rural Smallholding Zone

To provide for the use of land for minor rural pursuits, conservation lots and alternative residential lifestyle purposes where part time income from cottage industries, home occupation and the use of land for agriculture may be derived, whilst preserving and enhancing landscape quality, environmental values and conservation attributes.

Rural Residential Zone

To provide for the use of the land for residential purposes in a rural setting for alternative rural-residential lifestyle while preserving the amenity of such areas, ensure landscape protection and conservation, and controlling land use impacts.

Tourist Zone

To provide for tourist accommodation and uses associated with tourist accommodation including commercial management facilities, ancillary uses and subsidiary uses thereto, unless otherwise specifically defined.

Development Zone

To provide for comprehensive planning of large scale/broadacre development including residential, industrial and/or commercial through a structure plan to facilitate subdivision and development.

Special Use Zone

To provide for special categories of land use which are not fully compatible with other zones in the Scheme.

4.3 Zoning Table

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

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

“P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

“D” means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.

“A” means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

“X” means a use that is not permitted 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.

TABLE 1: ZONING TABLE

(Special Use Zones to be regulated in terms of conditions in Schedule 4)

P—Permitted D—Discretion A—Advertising X—Not Permitted

USE CLASSES	ZONES									
	Residential	Commercial	Highway Commercial	Light Industry	General Industry	Rural	Civic and Cultural	Rural Smallholding	Rural Residential	Tourist
Aged and Dependant Persons Dwelling	D	X	X	X	X	X	X	X	D	A
Agriculture Extensive	X	X	X	X	X	P	X	D	X	X
Agriculture Intensive	X	X	X	X	X	A	X	A	X	X
Agroforestry	X	X	X	X	X	D	X	A	X	X
Ancillary Accommodation	D	X	X	X	X	D	X	D	D	X
Animal Establishment	X	X	X	X	X	D	X	A	X	X
Animal Husbandry Intensive	X	X	X	X	X	D	X	X	X	X
Bed and Breakfast	A	X	X	X	X	D	X	D	D	D
Caravan Park	X	X	X	X	X	X	X	X	X	P
Caretaker's Dwelling	D	D	D	X	X	D	A	D	D	D
Child Care Premises	A	D	A	X	X	X	D	X	X	X
Cinema/Theatre	X	P	X	X	X	X	D	X	X	P
Civic Use	X	D	D	X	X	X	P	X	X	D
Club Premises	X	D	D	X	X	X	P	X	X	D
Community Purpose	X	D	D	X	X	A	P	A	X	D
Consulting Rooms	A	P	D	D	X	X	X	X	X	X
Convenience Store	A	P	D	X	X	X	X	X	X	D
Educational Establishment	A	D	A	X	X	X	D	X	X	X
Exhibition Centre	X	D	A	X	X	X	D	X	X	D
Fast Food Outlet	X	P	A	X	X	X	X	X	X	D
Fuel Depot	X	X	X	A	A	X	X	X	X	X
Funeral Parlour	X	A	D	D	X	X	X	X	X	X
Grouped Dwelling	D	X	X	X	X	X	X	X	X	X
Holiday Home	A	X	X	X	X	A	X	A	A	D
Home Occupation	D	X	X	X	X	D	X	D	D	X
Home Business	A	X	X	X	X	A	X	A	A	X
Home Business—Hire	A	X	X	X	X	A	X	A	A	X
Hospital	X	A	A	X	X	X	X	X	X	X
Hotel	X	A	X	X	X	X	X	X	X	P
Industry Cottage	A	X	X	P	X	A	X	A	A	X
Industry Extractive	X	X	X	X	X	A	X	A	X	X
Industry Light	X	X	A	P	D	X	X	X	X	X
Industry General	X	X	X	X	P	X	X	X	X	X
Industry Mining	X	X	X	X	D	A	X	X	X	X
Industry Rural	X	X	X	D	D	A	X	A	X	X
Industry Service	X	X	D	P	D	X	X	X	X	X
Industry Resource Processing	X	X	X	X	A	X	X	X	X	X
Industry Hazardous	X	X	X	X	A	X	X	X	X	X

USE CLASSES	ZONES									
	Residential	Commercial	Highway Commercial	Light Industry	General Industry	Rural	Civic and Cultural	Rural Smallholding	Rural Residential	Tourist
Industry Noxious	X	X	X	X	A	X	X	X	X	X
Large Format Retail	X	D	D	X	X	X	X	X	X	X
Lunch Bar	X	A	A	A	A	X	D	X	X	A
Market	X	P	A	D	X	X	X	X	X	D
Medical Centre	A	A	D	X	X	X	X	X	X	X
Motel	X	D	X	D	X	X	X	X	X	P
Motor Vehicle, Boat or Caravan Sales	X	D	D	A	X	X	X	X	X	X
Motor Vehicle Repairs	X	D	D	D	D	X	X	X	X	X
Multiple Dwelling	A	X	X	X	X	X	X	X	X	X
Night Club	X	A	X	X	X	X	X	X	X	D
Office	X	P	A	X	X	X	X	X	X	X
Park Home Park	X	X	X	X	X	X	X	X	X	D
Place of Worship	A	X	A	X	X	A	P	A	X	X
Produce Stall	A	P	X	X	X	D	X	D	A	A
Reception Centre	X	D	A	X	X	X	D	X	X	D
Recreation Private	X	A	A	A	X	A	A	A	X	A
Residential Building	A	X	X	X	X	X	X	X	X	D
Restaurant	X	P	D	X	X	X	D	X	X	P
Rural Pursuit	X	X	X	X	X	P	X	D	D	X
Service Station	X	D	A	D	D	X	X	X	X	D
Shop	X	P	A	X	X	X	D	X	X	D
Showroom	X	P	D	A	X	X	X	X	X	X
Single House	P	X	X	X	X	P	X	P	P	X
Stockpiling	X	X	X	X	D	A	X	X	X	X
Storage	X	X	A	D	D	A	X	X	X	X
Tavern	X	A	X	X	X	X	X	X	X	P
Telecommunications Infrastructure	D	D	D	D	D	D	D	D	D	D
Tourism Development	X	A	X	X	X	X	X	X	X	P
Trade Display	X	D	A	P	D	X	X	X	X	X
Veterinary Centre	X	D	D	D	X	D	X	A	X	X
Warehouse	X	D	A	P	P	X	X	X	X	X
Wind Farm or Wind Energy Facility	X	X	X	X	X	A	X	X	X	X

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—

- determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- 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
- determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

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

Restricted Uses which apply to the Scheme Area are listed in Schedule 3.

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 Zones

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 Development Zone

4.8.1 Purpose—

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

4.8.2 Planning requirements

4.8.2.1 The Local Government requires a Structure Plan for a Development Zone, or for any particular part or parts of a Development Zone, before recommending subdivision or approving development of land within the Development Zone. The Structure Plan is to be in accordance with the requirements of clause 5.17 Structure Plan areas.

4.8.2.2 Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions.

4.8.2.3 The Local Government or the Western Australian Planning Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the Local Government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.

4.9 Non-conforming Uses

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

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

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

4.10 Extensions and Changes to a Non-conforming Use

4.10.1 A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained planning approval under the Scheme.

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

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

4.11 Discontinuance of Non-conforming Use

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

4.12 Termination of a Non-conforming Use

The Local Government may effect the discontinuance of a non-conforming use by the 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: Part 11 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 town planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.

4.13 Destruction of Non-conforming Use Buildings

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

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with Development Standards and Requirements

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

5.2 Residential Design Codes

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

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

5.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Maps 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.

5.2.4 Where Residential zoned land does not have a designated Residential Design Code density, the Local Government requires a structure plan before recommending subdivision or approving development within this zone. The structure plan is to be in accordance with the requirements of clause 5.17 Structure Plan Areas.

5.3 Special Application of Residential Design Codes

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

5.3.2 Within the area codes R12.5 or R15, the Local Government may permit the construction of not more than 2 Grouped Dwellings in accordance with the standards of the R20 Code as to minimum effective frontage, minimum area of lot per dwelling unit, and minimum private open space on any lot of not less than 900m².

5.3.3 Within an area coded R20, the average site area will be 450m².

5.4 Restrictive Covenants

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

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

5.5 Variations to Site and Development Standards and Requirements

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

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

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

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

5.6 Environmental Conditions

5.6.1 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.

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

5.6.3 The Local Government is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
- (b) make the statements available for public inspection at the offices of the Local Government.

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

5.7 Site and Development Requirements

5.7.1 The Site and Development Requirements Table (Table 2) sets out the site and development requirements for development in each of the proposed zones of the Scheme.

5.7.2 A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces in accordance with the Site and Development Requirements Table or as specified by the Local Government are provided and such spaces are constructed and maintained in accordance with the requirements of the Local Government.

5.7.3 The Local Government in determining applications for any development shall require such development to comply with the standards required in that zone as required in the Site and Development Requirements Table (unless otherwise approved by Local Government in accordance with Clause 5.5 of the Scheme) to ensure that the scale, nature, design, general appearance and impact of such uses is compatible with the intentions for the development in that zone and the objectives of the Scheme.

5.8 Access for Loading and Unloading of Vehicles

5.8.1 Development of land for business or industry uses shall require the provision of a paved access-way for vehicles from a street to the building for the purpose of loading and unloading and of a nature mentioned hereunder.

5.8.2 The access-way shall be so constructed that vehicles using it may return to a street in forward gear.

5.8.3 If there exists a right-of-way to the side or rear of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain in the right-of-way and the area shall be of such a size that if no alternative route exists vehicles may manoeuvre so as to return to a street in forward gear.

5.8.4 Except as hereinafter mentioned the access-way shall be not less than 4.5m in width. If the size of the lot makes the provision of a 4.5m wide access-way impracticable or unreasonable the Local Government may permit an access-way of a narrower width but in no case less than 3m in width.

5.8.5 The Local Government may vary the requirement of clauses 5.8.1 to 5.8.4 if all buildings are set 20m back from the street frontage.

5.9 Car Parking

5.9.1 Car parking requirements are set out in Table 3 Car Parking Guidelines for the land uses shown therein. In addition the following general provisions apply.

5.9.2 The dimensions of parking spaces required under the provisions of the Scheme, shall be as per Australian Standards.

5.9.3 All car parking spaces, and all necessary access ways shall, unless the Local Government agrees otherwise and except as hereinafter provided, be paved. This clause shall not apply to the areas required appurtenant to a Single House or domestic shed.

5.9.4 Where the maximum dimension of any open car parking area exceeds 20m in length or width, one car parking space in every 10 shall be used for garden and tree planting to provide visual relief and, so long as the garden and tree planting areas shall be maintained in good order, those car parking spaces shall be included in calculations as car parking and not as landscaping.

5.9.5 Where the owner can demonstrate to the satisfaction of the Local Government that there is not the demand for the number of parking spaces specified in the Site and Development Requirements Table landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping, provided that the Local Government may from time to time require that additional parking spaces be provided by the owner.

5.9.6 In the Commercial Zone where a developer can satisfy the Local Government that the minimum car parking requirements cannot be provided on the site the Local Government may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this clause—

- (a) A “cash-in lieu” payment shall be not 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, or by a licensed valuer appointed by Local Government of that area of his land which would have been occupied by the parking spaces.
- (b) Before the Local Government agrees to accept a cash payment “in lieu” of the provision of parking spaces, the Local Government must either have already provided a public car park nearby, or must have firm proposals for providing a public car park area nearby within a period of not more than 18 months from the time of agreeing to accept the cash payment.
- (c) Payments made under this clause shall be paid into a special fund to be used to provide public car parks and the Local Government may use this fund to provide a public car parks anywhere in the immediate vicinity.

5.9.7 When considering an application to commence development the Local Government shall have regard to, and may impose conditions in respect of—

- the location and design of the required car parking spaces;
- natural planting;
- pedestrian spaces on the lot; and
- any other matter deemed relevant.

In determining these requirements, the local government may consider matters including—

- (a) the proportion of car spaces to be roofed or covered;
- (b) the proportion of car spaces to be below natural ground level;
- (c) the means of access to each car space and the adequacy of any vehicular manoeuvring area;
- (d) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- (e) the extent to which car spaces are located within required building setback areas;
- (f) the locations of proposed public footpaths, vehicular crossings, or private footpaths within the lot, and the effect on both pedestrians and vehicular traffic movement and safety; and
- (g) the suitability and adequacy of elevated structural deck for development and service as a proportion of the required area for natural planting and pedestrian space.

5.10 Landscaping

5.10.1 The landscaping requirement shown in the Site and Development Requirements Table or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use and at the discretion of the Local Government it may include natural bushland, swimming pools and areas under covered ways. Garbage collection and handling spaces, and other open storage areas shall not be included.

5.10.2 The Local Government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require “in lieu” thereof the planting of trees and shrubs of a nature that require little maintenance.

5.10.3 Where a proposed development utilises less than 50% of the allowable plot ratio, the Local Government may reduce the landscaping requirement, provided that the landscaping requirement shall be required proportionately as subsequent development occurs.

5.10.4 A requirement of the landscaping is that one tree capable of growing to a height of 3m or more shall be planted for every 10m² of landscape area but the Local Government may relax this requirement in the case of residential land use.

5.10.5 No person shall, unless the Local Government otherwise approves, occupy any buildings forming part of an approved development until the required landscaping has been constructed and planted.

5.11 Development of Lots with More than One Street Alignment

Where development is proposed on a lot, not covered by the requirements of the R-Codes, with more than one street alignment, the front setback as required in the Site and Development Requirements Table will apply to all street alignments on the lot and the remaining boundaries shall be treated as side boundaries.

5.12 Use of Land Between Street Alignment and Front Building Setback

5.12.1 In any zone other than the Residential, Rural-Residential and Rural-Smallholding zones a person shall not use the land between the street alignment and the front setback as prescribed in Table 2, or where no setback is prescribed, the setback as determined by the Local Government, or the front setback of an existing building, except for one or more of the following purposes—

- (a) gardens and other landscaping;
- (b) access driveways; and
- (c) vehicle parking to the satisfaction of the Local Government.

5.12.2 Within the Residential, Rural-Residential and Rural-Smallholding zones a person shall not use the land between the street alignment and the minimum front setback or the front setback of an existing dwelling, except for one or more of the following purposes—

- (a) gardens and other landscaping;
- (b) access driveways; and
- (c) the parking of motor cars, commercial vehicles or caravans for periods of not more than 8 hours consecutively.

5.12.3 In the Residential, Rural-Residential and Rural-Smallholding zones the Local Government may permit the use of the land between the street alignment and the minimum front setback prescribed in Table 2 or the front setback of an existing dwelling for the purposes of a swimming pool and fence enclosing the swimming pool where the Local Government is satisfied that—

- (a) the streetscape will not be adversely affected; and
- (b) a traffic hazard will not be caused.

5.13 Water Resources

5.13.1 Waterways, Wetlands and Estuaries

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

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

5.13.2 Foreshore Reserves—

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

5.13.3 Flood Risk—

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

5.14 General Requirements for Rural Residential Zones.

5.14.1 The principal use of land within the Rural Residential Zone shall be for residential purposes. Opportunities, however, exist for Rural Pursuits in the form of small scale farming uses in accordance with the provisions of Parts 4 and 5 and Schedule 11 of the Scheme. In exercising discretion in relation to permitting Rural Pursuits, the Local Government shall have regard to maintaining rural character and preventing any detrimental effect on nearby broad acre farming or other uses.

5.14.2 Lot sizes within the Rural Residential Zone shall generally be between 1ha and 4ha in area or in accordance with the lot sizes indicated in Schedule 11.

5.14.3 In considering applications for planning consent Local Government shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, water course or underground aquifer and may require no further clearing of remnant native vegetation

5.14.4 As a condition of planning consent for development on each lot, Local Government may require the planting and maintenance of at least 20 native or locally acceptable trees.

5.14.5 Applications for planning consent shall clearly indicate the location of existing remnant native vegetation and where necessary, Local Government may require that the remnant native vegetation be protected

5.14.6 In order to conserve the features of the rural environment, all trees shall be retained unless their removal is authorised by the Local Government.

5.14.7 Water management and drainage design should—

- (a) ensure all stormwater runoff from new development to be retained on site with no direct drainage into watercourses or wetlands; and
- (b) incorporate principles of water sensitive urban design and give due regard to water reuse and efficiency measures.

5.14.8 Conventional septic systems shall be located at least 100m from any watercourse or wetland with a minimum of 2m vertical separation between the base of the leach drain or soak well and the highest known groundwater level or bedrock, unless variation to this is authorised by the Local Government.

5.14.9 Appropriate effluent disposal or domestic waste water systems are required to be installed to the satisfaction of the local government and the Department of Health.

5.14.10 Scheme Amendments proposing to zone land to Rural Residential zone will be considered in the context of the current Local Planning Strategy and Rural Planning Strategy as endorsed by the Western Australian Planning Commission, and shall address—

- (a) the protection of water resources as outlined in the provisions of Clause 5.13 Water Resources;
- (b) the identification of management techniques to reduce existing or potential soil erosion problems;
- (c) preparation of a detail fire protection strategy (DC 3.7 and Planning for Bush Fire Protection) which makes provision for firebreaks and fuel reduced areas around buildings, fire vehicle access, fire hydrants or pipe stands and tanks, and adequate fire fighting equipment; and
- (d) only consider proposals outside those areas identified in the Rural Planning Strategy once the Strategy has been reviewed to include the additional land.

5.14.11 All land zoned Rural Residential will be developed in accordance with an overall structure plan.

5.14.12 Prior to supporting any subdivision of land within a Rural Residential Zone, Local Government will require the preparation and approval of an overall structure plan. Once the land has been subdivided, Local Government will not support the further subdivision of the land.

5.14.13 As a condition of subdivision approval within the Rural Residential Zone, Local Government may request that the subdivider be required to enter into an agreement with Local Government for the planting and maintenance of native or locally acceptable trees within specified road reserves in such a manner as to create an avenue of trees within the subdivision

5.14.14 In addition to such other provisions of the Scheme as may affect it, any land that is included in a Rural Residential Zone shall be subject to those provisions as may be specifically set out against it in Schedule 11.

5.14.15 Only one dwelling per lot will be permitted in the Rural Residential Zone.

5.14.16 Location of development in Rural Residential Zones shall be controlled (including the siting of dwellings, ancillary buildings, service roads and firebreaks) so that it does not significantly detract from any scientific landscape and /or conservation attributes.

5.14.17 All structures in the Rural Residential Zone in high bushfire risk areas shall be requested to be constructed to Australian Standard AS 3959.

5.14.18 Road design in Rural Residential Zones shall allow for safe egress in the event of an emergency.

5.14.19 The provision in the Rural Residential Zone of a mandatory reticulated potable water supply to an appropriate standard as determined by the licence holder.

5.15 General Requirements for Rural Smallholding Zones

5.15.1 The principal use of land within the Rural-Smallholding Zone shall be for residential purposes. Opportunities, however, exist for Rural Pursuits in the form of small scale farming uses in accordance with the provisions of Parts 4 and 5 and Schedule 11 of the Scheme. In exercising discretion in relation to permitting Rural Pursuits, the Local Government shall have regard to maintaining rural character and preventing any detrimental effect on nearby broad acre farming or other uses.

5.15.2 Lot sized within the Rural Smallholding Zone shall generally be between 4ha and 40ha in area or in accordance with the lot sizes indicated in Schedule 12.

5.15.3 In considering applications for planning consent Local Government shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, watercourse or underground aquifer and may require no further clearing of remnant native vegetation.

5.15.4 As a condition of planning consent for development on each lot, Local Government may require the planting and maintenance of at least 20 native or locally acceptable trees.

5.15.5 Application for planning consent shall clearly indicate the location of existing remnant native vegetation and where necessary, Local Government may require that the remnant native vegetation be protected.

5.15.6 In order to conserve the features of the rural environment, all trees be retained unless their removal is authorised by the Local Government.

5.15.7 Water management and drainage design should—

- (a) ensure all stormwater runoff from new development to be retained on site with no direct drainage into watercourses or wetlands; and
- (b) incorporate principles of water sensitive urban design and give due regard to water reuse and efficiency measures.

5.15.8 Conventional septic systems shall be located at least 100m from any water course or wetland with a minimum of 2m vertical separation between the base of the leach drain or soak well and the highest known ground water level or bedrock, unless variation to this is authorised by the Local Government.

5.15.9 Appropriate effluent disposal or domestic waste water systems are required to be installed to the satisfaction of the local government and the Department of Health.

5.15.10 Scheme Amendments proposing to zone land to Rural Smallholding Zone will be considered in the context of the current Local Planning Strategy and Rural Planning Strategy as endorsed by the Western Australian Planning Commission, and shall address—

- (a) the protection of water resources as outlined in the provisions of Clause 5.13 Water Resources;
- (b) the identification of management techniques to reduce existing or potential soil erosion; and
- (c) preparation of a detail fire protection strategy (DC 3.7 and Planning for Bush Fire Protection) which makes provision for firebreaks and fuel reduced areas around buildings, fire vehicle access, fire hydrants or pipe stands and tanks and adequate fire fighting equipment.

5.15.11 All land zoned Rural Smallholding will be developed in accordance with an overall structure plan.

5.15.12 Prior to supporting any subdivision of land within a Rural smallholding Zone, Local Government will require the preparation and the approval of an overall subdivision structure plan. Once the land has been subdivided, Local Government will not support the further subdivision of the land.

5.15.13 As a condition of subdivision approval in the Rural Smallholding Zone, Local Government may request that the subdivider be required to enter into an agreement with Local Government for the planting and maintenance of native or locally acceptable trees within the specified road reserves in such a manner as to create an avenue of trees within the subdivision.

5.15.14 In addition to such other provisions of the Scheme as may affect it, any land that is included in a Rural Smallholding Zone shall be subject to those provisions as may be specifically set out against it in Schedule 12.

5.15.15 Only one dwelling per lot will be permitted in the Rural Smallholding Zone.

5.15.16 Location of development in Rural Smallholding Zones shall be controlled (including the siting of dwellings, ancillary buildings, service roads and firebreaks) so that it does not significantly detract from any scientific landscape and/or conservation attributes.

5.15.17 All structures in the Rural Smallholding Zone in high bushfire risk areas shall be required to be constructed to Australian Standard AS 3959.

5.15.18 Road design in Rural Smallholding Zones shall allow for safe egress in the event of an emergency.

5.15.19 In the Rural Smallholding Zone an adequate sustainable potable water supply for domestic use shall be provided.

5.15.20 In the Rural Smallholding Zone a separate water supply for land management and firefighting purposes shall be provided.

5.16 General Requirements for Rural Zones

5.16.1 In considering applications for planning consent to commence development in a Rural Zone the Local Government shall have regard to—

- (a) the need to protect the economic viability of the rural land use generally;
- (b) the need to preserve the rural character and a rural appearance of the area;
- (c) the need to ensure that the existing standard of roads, water and electricity supply and other services is sufficient for the additional demands that the proposed development would create; and
- (d) the need to consider the existence of basic raw materials and the impact of the proposal on existing and potential extractive operations in the area.

5.16.2 Only one dwelling per lot will be permitted in the Rural Zone.

5.17 Structure Planning Areas

5.17.1. Interpretation

In this part, unless the context otherwise requires—

- “Detailed Area Plan” means a plan prepared and adopted pursuant to clause 5.7.1.16 of this Part;
- “owner” means an owner or owners of land in the Structure Planning Area;
- “structure plan” means a structure plan that has come into effect in accordance with clause 5.7.1.12 and includes any Outline Development Plan or Subdivision Guide Plan prepared and approved under the previous local planning scheme of the local government, where applicable to a structure planning area; and
- “structure planning area” is an area that requires structure planning and may be required in any zone.

5.17.2 Purpose of Structure Planning Areas

5.17.2.1 The purpose of Structure Planning Areas are to—

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

5.17.3 Subdivision and Development in Structure Planning Areas

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

5.17.4 Structure Plan required

5.17.4.1 The local government is not to—

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

5.17.4.2 Notwithstanding clause 5.17.4.1 a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area.

5.17.4.3 Where a proposed Structure Plan imposes a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and such Proposed Structure Plan requires the preparation of a Development Contribution Plan, the proposed Structure Plan may only be adopted if the subject area is listed in Schedule 13 of the Scheme as a Development Contribution Area.

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

5.17.4.5 Notwithstanding the provisions of sub-clause 5.17.4.4, the local government may approve the construction of the following structures outside of the building envelopes—

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

5.17.5 Preparation of proposed structure plans

5.17.5.1 A proposed structure plan may be required by the—

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

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

5.17.6 Details of proposed structure plan

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

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
 - (i) landform, topography and land capability;
 - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - (iii) hydrogeological conditions, including approximate depth to water table;
 - (iv) sites and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including—
 - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
 - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
 - (iii) existing and future land use;
- (d) for district structure plans a map showing proposals for—
 - (i) the pattern of neighbourhoods around town and neighbourhood centres;
 - (ii) arterial routes and neighbourhood connector streets;
 - (iii) the protection of natural features such as water courses and vegetation;
 - (iv) major open spaces and parklands;
 - (v) major public transport routes and facilities;
 - (vi) the pattern and disposition of land uses; and
 - (vii) schools and community facilities;
- (e) for local structure plans a map showing proposals for—
 - (i) neighbourhoods around proposed neighbourhoods and town centres;
 - (ii) existing and proposed commercial centres;
 - (iii) natural features to be retained;
 - (iv) street block layouts;
 - (v) the street network including street types;
 - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
 - (vii) land uses including residential densities and estimates of population;
 - (viii) schools and community facilities;
 - (ix) public parklands; and
 - (x) urban water management areas;
- (f) a written report to explain the mapping and to address the following—
 - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
 - (ii) the site analysis including reference to the matters listed in clause 5.17.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
 - (iii) the context analysis including reference to the matters listed in clause 5.17.6.1 (c) above;
 - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
 - (v) the design rationale for the proposed pattern of subdivision, land use and development;
 - (vi) traffic management and safety;

- (vii) parkland provision and management;
 - (viii) urban water management;
 - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
 - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development;
- (g) any other matter that is required for orderly and proper planning.

5.17.6.2 The maps referred to in clause 5.17.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 5.17.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

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

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

5.17.7 Submission to local government and Commission

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

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

5.17.7.3 The Commission may provide comments as to the suitability of the proposed structure plan.

5.17.8 Advertising of structure plan

5.17.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5.17.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—

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

5.17.8.2 The advertisement and notice are to—

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

5.17.9 Adoption of proposed structure plan

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

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

5.17.9.2 (a) In making a determination under clause 5.17.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

- (b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 5.17.9.1.

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

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

and thereafter, the procedures set out in clause 5.17.8.1 onwards are to apply.

5.17.9.4 If within the period referred to in clause 5.17.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 5.17.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

5.17.10 Endorsement by Commission

5.17.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 5.17.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

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

5.17.10.3 The Commission is to notify the local government of its determination under clause 5.17.10.2.

5.17.11 Notification of structure plan

5.17.11.1 As soon as practicable after adopting a proposed structure plan under clause 5.17.9.1 and if clause 5.17.10 applies, as soon as practicable after being notified of the Commission's decision under clause 5.17.10.3, the local government is to forward a copy of the structure plan to—

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

5.17.12 Operation of structure plan

5.17.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.17.10.2; or
- (b) on the day on which it is adopted by the local government under clause 5.17.9.1 in all other cases.

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

5.17.13 Inspection of structure plan

5.17.13.1 The structure plan and the Commission's notification under clause 5.17.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

5.17.14 Variation to structure plan

5.17.14.1 The local government may vary a structure plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 5.17.6 onwards.

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

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

5.17.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 5.17.14.3, the Commission is to determine whether to endorse the proposed variation.

5.17.14.5 The Commission is to notify the local government of its determination under clause 5.17.14.4.

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

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.17.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 5.17.14.1 (a).

5.17.15 Detailed area plan

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

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

5.17.15.2 A detailed area plan may include details as to—

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;

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

5.17.15.3 When a proposed detailed area plan is prepared under clause 5.17.15.1, the local government is to—

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

5.17.15.4 The advertisement and notice are to—

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

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

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

5.17.15.6 If within 60 days of receiving a detailed area plan prepared under clause 5.17.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 5.7.1.15.5, the local government is deemed to have refused to approve the detailed area plan.

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

5.17.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 5.17.15 onwards provided such variations do not prejudice the intention of any related structure plan.

5.17.16 Appeal

5.17.16.1 An owner who has submitted a proposed structure plan under clause 5.17.6 may appeal, in accordance with the *Planning and Development Act 2005*—

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 5.17.8;
- (b) any determination of the local government—
 - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

5.17.16.2 An owner who has submitted a detailed area plan in accordance with clause 5.17.15 may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by the local government under clause 5.17.15.5.

5.17.17 Structure plans and other Instruments Adopted or Initiated Under Previous Scheme

5.17.17.1 Where pursuant to the requirements of the former City of Geraldton-Greenough Town Planning Scheme No. 4 (Greenough) (the previous scheme), a Structure Plan, Outline Development Plan, Subdivision Guide Plan, Detailed Area Plan or any similar instrument (a “planning instrument”) had been adopted and was operative at the date of gazettal of this Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Structure Plan under this Scheme.

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

TABLE 2: SITE AND DEVELOPMENT REQUIREMENTS TABLE

Zone	Minimum Lot Size	Minimum Setbacks	Minimum Landscaping (% of site) (landscaping to be generally at street frontage)	Maximum Site Coverage
Residential	*	*	*	*
Commercial	**	**	**	**
Highway Commercial	**	**	**	**
Light Industry	1,000m ²	Front—10m Side—5m (one side) Rear—5m	10%	60%
General Industry	2,000m ²	Front—15m Side—5m (one side) Rear—5m	10%	50%
Rural	##	Front—15m Side—5m Rear—15m	**	**
Civic and Cultural	**	**	**	**
Rural Smallholding	## (generally ranging from 4-40ha)	Front—15m Side—5m Rear—10m	**	**
Rural Residential	## (generally ranging from 1-4ha)	Front—10m Side—5m Rear—5m	**	**
Tourist	**	**	10%	**
Special Use	**	**	**	**

* As per the Residential Design Codes except for non-residential development in which case the standards shall be as determined by the Local Government in each particular case.

** As determined by the Local Government in each particular case.

Development may occur on existing smaller lots but the Local Government will not support the creation of any new lots smaller than this size (for the purposes of this clause “lot” excludes a strata lot created under the Strata Titles Act 1985).

As determined by the Local Government consistent with the Local Planning and Local Rural Strategies.

TABLE 3: CAR PARKING GUIDELINES

USE (Other than City Centre)	MINIMUM PARKING SPACES REQUIRED
Amusement Parlour	1 / 4 patrons
Betting Agency	1 / 15m ²
Civic Use	1 / 30m ²
Club Premises	1 / 50m ²
Club (Licensed)	1 / 5m ² bar and other activity area
Consulting Rooms	5 / practitioner
Day / Family Care Centre	1 / staff member + 4
Dry Cleaning / Laundry	1 / 30m ² GFA
Fast Food Outlet	1 / 4 seated patrons
Fish Shop	1 / 15m ² GFA
Funeral Parlour	6 spaces
Garden Centre	1 / 100m ² GFA
Health Studio	1 / 50m ² GFA
Hire Service	1 / 50m ² GFA
Hotel	1 / 5m ² public area + 1 / bedroom
Industry—General	1 / 100m ² GFA
Industry—Light and Service	1 / 50m ² GFA
Laundromat	1 / 2 machines installed

USE (Other than City Centre)	MINIMUM PARKING SPACES REQUIRED
Liquor Store	1 / 25m ² GFA
Medical Centre	5 / practitioner
Motel	1 / unit + 1 / 25m ² service area
Motor Vehicles / Marine Sales	1 / 100m ² GFA
Night Club	1 / 4 patrons
Office	1 / 40m ² GFA
Professional Office	1 / 40m ² GFA
Public Amusement	1 / 4 seats provided
Public Worship	1 / 4 seats provided
Reception Centre	1 / 4 patrons
Recreation Active—Squash Courts	3 / court
Recreation Active—Bowling Alley	3 / lane
Recreation Active—Tennis Courts	3 / court
Recreation Active—Indoor Cricket	1 / 4 players
Residential	As per the Residential Design Codes
Restaurant	1 / 4 patrons
Restricted Premises	1 / 25m ² GFA
Service Station	1 / 200m ² gross site area
Shop	1 / 20m ² GFA
Showroom	1 / 75m ² GFA
Tavern	1 / 5m ² public area
Veterinary Consulting	4 / practitioner
Video Sales / Hire	1 / 15m ² GFA
Warehouse	1 / 100m ² GFA
Other Uses Not Listed	As determined by the local government after consideration of the parking needs generated by the use

Note—

- (a) In determining its decision in respect to the provision and construction of car parking requirements, the local government will have regard to any Parking Policies adopted under the provisions of the Scheme.
- (b) For the purposes of interpreting Table 3, gross floor area (GFA) is defined as the total floor area of a building measured to the outer face of external walls, but does not include areas occupied by lift, lift motor or plant rooms, car parking spaces or loading bays or internal access thereto, nor public arcades or toilets.

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of Special Control Areas

6.1.1 The following special control areas are shown on the map as a SCA with a number with the exception of Development Control Areas which are shown as DCA with a number—

- (a) Greenough Heritage (SCA 1)
- (b) Moresby Range Landscape (SCA 2)
- (c) Narngulu Wastewater Treatment Plant (SCA 3)
- (d) Narngulu Waste Disposal Facility (SCA 4)
- (e) Development Contribution Areas

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 Greenough Heritage Special Control Area (SCA 1)

6.2.1 Major Values

The Greenough Heritage Area is classified as an important heritage area in the Mid-west region. The area comprises a contiguous area of buildings of heritage value in the Greenough front flats. The area is noted as one of the best heritage precincts in the State.

6.2.2 Purpose of the Special Control Area—

- (a) To conserve the buildings and overall heritage values of the Greenough Hamlet and surrounding buildings.
- (b) To ensure that all development conserves and enhances the heritage values and landscape character of the area.

6.2.3 Application Requirements for Subdivision and Development

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

6.2.4 Relevant Considerations

In considering any rezoning request, subdivision or development application the Local Government will have regard to the following—

- (a) There is a presumption against rezoning of land within the Greenough Heritage Area for more intensive land uses.
- (b) The Local Government may consider supporting subdivision applications within the Greenough Heritage Area where—
 - (i) The subdivision is for the use of land that will not create the potential for additional development;
 - (ii) The subdivision is for a boundary realignment, rationalisation of landholdings or lots created for management purposes, that will not create the potential for additional development; and
 - (iii) The subdivision is consistent with the policies of the Western Australian Planning Commission and the local authority's Local Rural Strategy.
- (c) Development applications for land within the Greenough Heritage Area should not be approved where the development may result in development that detracts from the heritage values. Proposals for aquaculture, commercial tree plantations, earthworks (such as filling and excavation) and intensive agriculture will be assessed having regard to heritage values of the Greenough Heritage Special Control Area.
- (d) Public works (for example, road or bridge construction) or community facilities may be permitted.
- (e) Development applications within the Greenough Heritage Area may be subject to a 100m setback from public roads and places on the City's Heritage List.
- (f) Materials and colours of buildings shall be of the earth "colours" range (red, browns, yellow browns, and green browns) and the buildings shall be in keeping with the style of the existing heritage building.
- (g) Landscaping of proposed buildings to screen the visual impact may be required.

6.2.5 Referral of Applications

Applications regarding rezoning, subdivision or development may be referred to the Heritage Council of Western Australia for comment.

6.3 Moresby Range Landscape Special Control Area (SCA 2)

6.3.1 Major Values

The Moresby Range is classified as an important landscape area in the Mid-west region. The area comprises foot slopes, steep side slopes and flat tops which are a prominent landscape unit. The area is noted as a significant landscape backdrop to the City and the regional centre of Geraldton.

6.3.2 Purpose of the Special Control Area—

- (a) To conserve the landscape values of the Moresby Range.
- (b) To avoid development that would negatively impact on the landscape values and qualities of the area.
- (c) To ensure that landscape and aesthetic considerations are taken into account in preparing amendments to the Scheme and in assessing subdivision and development applications.
- (d) To ensure that any development takes place in such a manner so as to conserve the visual qualities of the area.

6.3.3 Application Requirements for Subdivision and Development

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

6.3.4 Relevant Considerations

In considering any rezoning request, subdivision or development application the Local Government will have regard to the following—

- (a) There is a presumption against rezoning of land within the Moresby Range Special Control Area for more intensive land uses;
- (b) Subdivision applications for land within the range will generally not be supported by the Local Government to avoid creating the potential for additional development and intensification of land use;
- (c) The Local Government may consider supporting subdivision applications within the Moresby Range Special Control Area where—
 - (i) The subdivision is for the use of land that will not create the potential for additional development;
 - (ii) The subdivision is for a boundary realignment, rationalisation of landholdings or lots created for management purposes, that will not create the potential for additional development within the range; and
 - (iii) The subdivision is consistent with the policies of the Western Australian Planning Commission;

- (d) Development applications for land within the Moresby Range Special Control Area should not be approved where the development may result in reduction of environmental and visual landscape quality. Proposals for aquaculture, commercial tree plantations, earthworks (such as filling and excavation) and intensive agriculture will be assessed having regard to the environmental and landscape values of the Moresby Range Special Control Area;
- (e) Public works (for example, road or rail construction) or community facilities may be permitted within the range, provided that such public works or development can be designed and located in a manner so as to minimise environmental degradation;
- (f) Within the Moresby Range Special Control Area no clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for—
 - (i) Clearing to comply with the requirements of the *Bush Fires Act 1954 (as amended)*, the Local Government's Bush Fire Notice and/or any fire management plan endorsed by the Local Government;
 - (ii) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the Local Government; and/or
 - (iii) Clearing as may be allowed under the Department of Environment and Conservation Land Clearing Regulations;
 - (iv) Trees that are diseased or dangerous.
- (g) In the determination of any application for planning approval within the Moresby Range Special Control Area the Local Government may, having regard to the purpose of the Special Control Area set out in Clause 6.3.2 and the assessment criteria detailed in the Moresby Ranges Management Strategy, require modification of development proposals, or impose conditions of approval regarding—
 - (i) The siting of the proposed development;
 - (ii) The design and layout of the proposed development;
 - (iii) The materials and finishes to be used in the proposed development;
 - (iv) The protection of remnant native vegetation or re-vegetation located on the site;
 - (v) The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or
 - (vi) The installation and maintenance of vegetation, retaining walls or other works to prevent erosion.

6.3.5 Referral of Applications

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

6.4 Narngulu Wastewater Treatment Plant Special Control Area (SCA 3)

6.4.1 The Narngulu Wastewater Treatment Plant is a strategic infrastructure element for the treatment of wastewater in Geraldton.

6.4.2 Purpose of the Special Control Area—

- (a) To identify land likely to be the subject of offsite impacts from the Narngulu Wastewater Treatment Plant.
- (b) To ensure that the use and development of the land in the vicinity of the Narngulu Wastewater Treatment Plant is compatible with any existing or proposed future use and development of the plant.

6.4.3 Application Requirements for Subdivision and Development

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

The local government will not generally approve any development for residential purposes or other sensitive uses as defined in Statement of Planning Policy 4.1.

6.4.4 Relevant Considerations

Before deciding on any application for development approval the local government must consider—

- (a) the provisions of the Statement of Planning Policy No. 4.1: State Industrial Buffer Policy;
- (b) whether the proposal is compatible with existing and proposed future use of the Narngulu Wastewater Treatment Plant;
- (c) advice and recommendations of the Department of Environment and Conservation, Department of Health and the relevant wastewater provider.

6.4.5 Referral of Applications

Before deciding on any application for planning approval for residential purposes or any other sensitive use as defined in SPP 4.1 and with respect to land partly or wholly within the Special Control Area, the local government is to consult with the Department of Environment and Conservation, Department of Health and the relevant wastewater provider.

6.5 Narngulu Waste Disposal Facility Special Control Area (SCA 4)

Residential development or subdivision will not be approved or supported respectively within the Narngulu Waste Disposal Facility Special Control Area.

6.6 Development Contribution Areas

- (a) Development Contribution Areas are shown on the Scheme Map as DCA with a number and included in Schedule 13.
- (b) In respect of a Development Contribution Area shown on the a Scheme Map, the provisions applying to the Development Contribution Area apply in addition to the provisions applying to the underlying zone or reserve and any general provisions of the scheme.

6.6.1 Interpretation

In clause 6.6, unless the context otherwise requires—

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

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

“Cost apportionment schedule” means a schedule prepared and distributed in accordance with clause 6.6.10.

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

“Development contribution area” means shown on the scheme map as DCA with a number and included in Schedule 13.

“Development contribution plan” means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 6.6 of the scheme (as incorporated in Schedule 13 to this scheme).

“Development contribution plan report” means a report prepared and distributed in accordance with clause 6.6.10.

“Infrastructure” means the standard infrastructure items (services and facilities set out in appendix 1 of *State Planning Policy 3.6 Development Contributions for Infrastructure*) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.

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

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

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

6.6.2 Purpose

The purpose of having development contribution areas is to—

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

6.6.3 Development contribution plan required

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

6.6.4 Development contribution plan part of scheme

The development contribution plan is incorporated in schedule 13 as part of this scheme.

6.6.5 Subdivision, strata subdivision and development

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

6.6.6 Guiding principles for development contribution plans

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

- (a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

- (b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

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

6.6.7 Recommended content of development contribution plans

6.6.7.1 The development contribution plan is to specify—

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

6.6.8 Period of development contribution plan

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

6.6.9 Land excluded

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

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

6.6.10 Development contribution plan report and cost apportionment schedule

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

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

6.6.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.6.11.

6.6.11 Cost contributions based on estimates

6.6.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

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

- (a) in the case of land to be acquired, in accordance with clause 6.6.12; and
- (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

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

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

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

6.6.11.5 Where an owner's cost contribution is adjusted under clause 6.6.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

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

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

- (a) by any method agreed between the local government and the owner; or
- (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

6.6.12 Valuation

6.6.12.1 Clause 6.6.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6.6.12.2 In clause 6.6.12—

"Value" means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 14. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10% profit factor is to be excluded from the calculation.

"Valuer" means a licensed valuer agreed by the local government and the owner, or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

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

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

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

6.6.13 Liability for cost contributions

6.6.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.6.

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

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

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

6.6.13.3 Notwithstanding clause 6.6.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

6.6.13.4 Where a development contribution plan expires in accordance with clause 6.6.8, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

6.6.14 Payment of cost contribution

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

- (a) cheque or cash;
- (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;

- (c) the provision of physical infrastructure;
- (d) some other method acceptable to the local government; or
- (e) any combination of these methods.

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

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

6.6.15 Charge on land

6.6.15.1 The amount of any cost contribution for which an owner is liable under clause 6.6.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

6.6.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.6.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

6.6.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.6.15.

6.6.16 Administration of funds

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

6.6.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.6.16.1 is to be applied in the development contribution area to which the reserve account relates.

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

6.6.17 Shortfall or excess in cost contributions

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

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

but nothing in paragraph 6.6.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

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

6.6.18 Powers of the local government

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

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

6.6.19 Arbitration

Subject to clauses 6.6.12.3 and 6.6.12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

PART 7—HERITAGE PROTECTION

7.1 Heritage List

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

7.1.2 In the preparation of the Heritage List the Local Government is to—

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

7.1.3 For the purpose of this Clause, the Heritage List means the City of Geraldton-Greenough Municipal Inventory as it relates to the Scheme Area, as amended from time to time, prepared by the local government pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended), or such parts thereof described in the Heritage List.

7.1.4 In considering a proposal to include a place on the Heritage List the Local Government is to—

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

7.1.5 Where a place is included on the Heritage List, the Local Government is to give notice of the inclusion to the Western Australian Planning Commission, the Heritage Local Government of Western Australia and to the owner and occupier of the place.

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

7.1.7 The Local Government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.4.

Note: (a) *The purpose and intent of the heritage provisions are—*

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

(b) *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 objectives and guidelines for the conservation of the heritage area; and
- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3 If a Local Government proposes to designate an area as a heritage area, the Local Government is to—

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

7.2.4 Notice of a proposal under clause 7.2.3(b) 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 Local Government of Western Australia, the Western Australian Planning 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—

- (a) 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.
- (b) Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4 Heritage Assessment

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

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

Where desirable to—

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

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

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for Approval to Commence Development

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

- Note:*
- (a) 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).
 - (b) 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 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) is a relocated building;
 - (iv) is situated on a lot which has no access to a Gazetted road.
 - (v) is a second dwelling on a lot in any zone; and
 - (vi) is located in a Rural Residential or Rural Smallholding zone and the proposal requires the exercise of discretion under the Scheme.
- (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) any works which are temporary and in existence for less than 48 hours or such longer time as the Local Government agrees; and
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area.

Note: Development carried out in accordance with a subdivision approval granted by the Western Australian Planning Commission is exempt under the Planning and Development Act 2005.

8.3 Amending or Revoking a Planning Approval

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

8.4 Unauthorized Existing Developments

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

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

Note: (a) Applications for approval to an existing development are made under Part 9.

(b) 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 3.3;
- (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 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4.
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1;
- (l) the erection, placement or display of an advertisement; and
- (m) applications in Special Control Areas,

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) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Local Government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4 Advertising 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;
- (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.

10.1.3 In the case of coastal and foreshore reserves the Local Government may consult with the Department of Water and/or Department of Environment and Conservation before making its determination.

10.1.4 In the case of potential major road alignments shown upon the Local Planning Strategy Map the Local Government may consult with Main Roads WA 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 and any other relevant town planning schemes operating within the Scheme area;

- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Western Australian Planning Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Western Australian Planning 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, including but not limited to, the likely visual impact of the height, bulk, scale, orientation, architectural style, colour and appearance of materials used, and the degree of consistency or sympathy with the design and appearance of existing adjacent buildings;
- (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;
- (za) 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 Appeals

An applicant aggrieved by a determination of the Local Government in respect of the exercise of a discretionary power under the Scheme may appeal under 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 2005*; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the *Town Planning 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 appeal under Part V of the Town Planning 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 223 of the *Planning and Development Act 2005* provides that a person who commits an offence under this Act is liable to a penalty of \$50,000 and, in the case of a continuing offence, a further fine of \$5,000 for each day during which day the offence continues.

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 Part 11 of the *Planning and Development Act 2005*—

- (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 11.5.1.

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

11.6 Purchase or Taking of Land

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

11.6.2 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: Part 11 of the Planning and Development Act 2005 empowers the Local Government to purchase or compulsorily acquire land comprised in a scheme.

SCHEDULES

Schedule 1	Dictionary of defined words and expressions General definitions Land use definitions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	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 11	Rural Residential Zones—Additional Requirements and Modifications.
Schedule 12	Rural Smallholding Zones—Additional Requirements and Modifications.
Schedule 13	Development Contribution Areas
Schedule 14	Development Contribution—Statutory Static Feasibility Assessment Model.

Schedules 2, 10 and 13 do not apply to the Scheme

SCHEDULE 1

DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[Cl. 1.7]

1 General Definitions

In the Scheme—

“**advertisement**” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

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

“**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;

“**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*;

“**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

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

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

“**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Government Gazette* under section 7(3) of the Town Planning Act;

“**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;

“**Local Government**” means the City of Geraldton-Greenough;

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

“**lot**” has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot;

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

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

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

“**non-conforming use**” has the same meaning as it has in section 12(2)(a) of the Town Planning Act;

“**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;

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

“**plot ratio**” means the ratio of the gross total of the areas of all floors of a building, to the area of land within the lot boundaries excluding the area of any land proposed to be excised for road widening purposes, and in calculating the gross total of the areas of all floors—

- (a) in relation to any residential dwelling, the floor area is measured in the manner defined in the Residential Design Codes; and
- (b) in relation to any-residential building or part of a building, the floor area is measured from the inner faces of external walls, and does not include the area of any lift shaft, toilet, stairs, plant room, kitchen, lunch room, store area, storage room, passage and any area within the building used for parking of vehicles or for vehicular access.

“**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;

“**Residential Design Codes**” means the Residential Design Codes in Appendix 1 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;

“**Town Planning Act**” means the *Planning and Development Act 2005*;

“**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.

2 Land Use Definitions

In the Scheme—

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

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

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

- “**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than 1ha;
- “**amusement 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;
- “**ancillary accommodation**” has the same meaning as in the Residential Design Codes of Western Australia;
- “**animal establishment**” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;
- “**animal husbandry—intensive**” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
- “**bed and breakfast**” means a 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 *Racing and Wagering Western Australia Act 2003*;
- “**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 *Child Care Services Act 2007*;
- “**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 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—
- (a) 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;
 - (b) operated during hours which include, but may extend beyond, normal trading hours;
 - (c) which provide associated parking; and
 - (d) 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;
- “**dwelling**” has the same meaning as in the Residential Design Codes of Western Australia;
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “**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;
- “**family day care**” means premises used to provide family day care within the meaning of the *Child Care Services Act 2007*;
- “**fast food outlet**” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
- “**fuel depot**” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- “**funeral parlour**” means premises used to prepare and store bodies for burial or cremation;
- “**grouped dwelling**” has the same meaning as in the Residential Design Codes of Western Australia;
- “**holiday home**” means a residential building used to provide accommodation for short-stay guests, rather than permanent residency, and excluding those uses more specifically defined elsewhere;

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

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50m²;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) 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
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home business—hire” means a business, service or profession involved in hiring goods carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 2 people not members of the occupier’s household.
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area—
 - (i) greater than 50m² (inclusive of any administration areas of the business within the dwelling) where the application is located within a residential zone; and
 - (ii) does not occupy an area greater than 100m² (inclusive of any administration areas of the business within the dwelling) where the application is located within a rural-residential, rural smallholding or agriculture general zone;
- (d) does not involve the retail sale or display of goods of any nature;
- (e) in relation to vehicles and parking—
 - (i) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;
 - (ii) does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight or in excess of 8m in length; and
 - (iii) provides an area behind the street setback line for the storage of vehicles or vessels associated with the business that is fully screened from the primary or secondary street;
- (f) 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;

- (a) does not employ any person not a member of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20m²;
- (d) does not display a sign exceeding 0.2m²;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single 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—

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

“home store” means any shop with a net lettable area not exceeding 100m² attached to a dwelling and which is operated by a person resident in the dwelling;

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

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

- (a) the storage of goods;
- (b) the work of administration or accounting;

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

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

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m²; and
- (e) 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 by reason of the processes involved or the method or manufacture or the nature of the materials used or produced requires isolation from other buildings, but does not include a nuclear activity;

“industry—light” means an industry—

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

“industry—mining” means land used commercially to extract minerals from the land;

“industry—noxious” means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act, 1911* (as amended);

“industry—resource processing” means the winning, processing or treatment of minerals, and would normally involve—

- (a) substantial capital investment;
- (b) significant employment;
- (c) a need for substantial separation or buffer distances to sensitive areas;

“industry—rural” means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry—service” means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“large format retail” means any buildings where goods of a bulky or non-bulky nature, not normally purchased on a daily basis, are kept for display or sale by retail or wholesale and the area for display and sale is not less than 400m²;

“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;

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

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

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

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

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

“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;

“**multiple dwelling**” has the same meaning as in the Residential Design Codes of Western Australia;

“**night club**” means premises—

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

“**office**” means premises used for administration, clerical, technical, professional or other like business activities;

“**outbuilding**” has the same meaning as in the Residential Design Codes of Western Australia;

“**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 the Department of Conservation and Land Management and the Australian Forest Growers;

“**Power generation**” means premises used to generate electricity.

“**produce stall**” means premises used to sell goods by way of display on a produce/craft stall, such produce is to be grown or made within the District and offered for sale only from the produce stall.

“**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 of Western Australia;

“**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 Act 1988*;

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

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) 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.

“**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;

“**single house**” has the same meaning as in the Residential Design Codes of Western Australia;

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

“**storage**” means premises used for the storage of goods, equipment, plant or materials;

“**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;

“tourism development” means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of 3 months in any 12 month period and excludes those uses more specifically defined elsewhere.

“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;

“wind farm or wind energy facility” means premises used to generate electricity by wind force and includes any turbine, building, or other structure used in, or in conjunction with, the generation of electricity by wind force but does not include turbines used principally to supply electricity for a domestic property, rural use of the land or anemometers;

“winery” means premises used for the production of viticultural produce and may include sale of the produce.

SCHEDULE 2
ADDITIONAL USES

No.	Description of land	Additional use	Conditions

SCHEDULE 3
RESTRICTED USES

No.	Description of land	Restricted use	Conditions
R1	Area of land bounded by Edward Road, Southern Transport Corridor alignment, Arthur Road, Moonyoonooka-Narngulu Road shown on Scheme Map 1/12 and 5/12 as R1	<ul style="list-style-type: none"> • Light Industry, • Service Industry, • Trade Display are NOT PERMITTED	Prior to any subdivision a structure plan shall be prepared and endorsed by both the Local Government and the Western Australian Planning Commission and subdivision shall be in accordance with this Plan.
R2	Area of land bounded by Southern Transport Corridor alignment and Deepdale Road shown on Scheme Map 4/12 and 5/12 as R2	<ul style="list-style-type: none"> • Consulting Rooms, • Cottage Industry, • Funeral Parlour, • Market, • Motel, and • Private Recreation are NOT PERMITTED	Prior to any subdivision a structure plan shall be prepared and endorsed by both the Local Government and the Western Australian Planning Commission and subdivision shall be in accordance with this Plan.

No.	Description of land	Restricted use	Conditions
R3	Lots 219 & 220 Brand Highway, Mount Tarcoola as shown on Scheme Map 5/12 as R3	As displayed upon the Zoning Table	<p>Subdivision and Development of the site shall generally be in accordance with development guidelines adopted by the Local Government that address the following issues—</p> <ul style="list-style-type: none"> (a) development of the site so that levelled and retained building areas are established, to clearly designate (particularly upon the proposed duplex lots) the future location and height of each dwelling; (b) retaining walls to be of a uniform surcharged design standard and materials; (c) the Brand Highway frontage to the site to be designed through landscaping and possibly “stepped” retaining design so that the site does not present a solid featureless wall to local and tourist traffic along this major distributor route; (d) No dwelling or other noise-sensitive development shall be approved by the Local Government until it is satisfied that indoor noise levels of affected noise-sensitive development accords with AS 2107:200 (Acoustics—Recommended design sound levels and reverberation times for building interiors); (e) design guidelines that promote the use of complementary materials, colours, and design features (such as roof pitches, fencing materials and heights, boundary setbacks, parking/garaging, landscaping) for dwellings within this area; (f) building envelopes that prohibit private landowner construction on the steeply sloping Eastern / rear portion of the lot, or the excavation / undermining of lot, or the undermining of this section of steeply sloping land; (g) The location, design and construction of the any proposed access to the Brand Highway, including any upgrade of street lighting and drainage, will require the approval of Main Roads Mid West Regional Manager and will be undertaken by the developer at the developer’s expense;

No.	Description of land	Restricted use	Conditions
			<p>(h) No structure (inclusive of roofs and aerials) shall exceed a maximum height level with the existing 31 metre contour line (31 AHD) at the northern end of the property (i.e. adjacent to the eastern boundary of numbers 38-60 Bayview Street);</p> <p>(i) No structure (inclusive of roofs and aerials) shall exceed a maximum height level with the existing 29 metre contour line (29 AHD) at the southern end of the property (i.e. adjacent to the eastern boundary of numbers 62-72 Bayview Street);</p>
R4	Lot 9000 African Reef Boulevard, Greenough as shown on Scheme Map 7/12 as R4	<ul style="list-style-type: none"> • Agriculture Extensive, • Agriculture Intensive, • Agroforestry, • Animal Establishment, • Animal Husbandry Intensive, • Caretaker's Dwelling, • Community Purpose, • Cottage Industry, • Extractive Industry, • Holiday Home, • Home Business, • Home Business-Hire, • Mining Industry, • Place of Worship, • Private Recreation, • Produce Stall, • Rural Industry, • Rural Pursuit, • Stockpiling, • Tele-communications Infrastructure, • Veterinary Centre <p>ARE NOT PERMITTED</p>	<p>Notwithstanding any other provision within the Scheme to the contrary, no person shall use land within the Restricted Use 4 (R4) zone for any purpose other than a Single House, Ancillary Accommodation or associated outbuilding, provided further that such development is situated within a Building Envelope the position of which has been approved by the Local Government.</p> <p>No person shall clear any vegetation outside of the Building Envelope on land within the Restricted Use 4 (R4) zone except with the written approval of the Local Government for the purposes of—</p> <ul style="list-style-type: none"> (a) complying with the Bush Fires Act; or (b) to construct a vehicle accessway.
R5	Lot 202, Narngulu as shown on Scheme Map 5/12 as R5	<ul style="list-style-type: none"> • Dry Cleaning Premises; • Industry—Light; • Industry—Service; • Motor Vehicle Wash; <p>ARE NOT PERMITTED</p>	<p>(1) Prior to any subdivision a structure plan shall be prepared and endorsed by both the local government and the Western Australian Planning Commission and subdivision shall be in accordance with this Plan.</p> <p>(2) Any future title created has a Section 70A Notice under the <i>Land Administration Act 1997</i> notifying the area is within respective environmental buffer zones.</p>

SCHEDULE 4
SPECIAL USE ZONES

No	Description of land	Special use	Conditions
SU1	<p>Narngulu Industrial Estate Buffer Precinct D—Area of land bounded by Stansfield Road, Edward Road, Goulds Road, the Southern Transport Corridor and Hardey Road shown on Scheme Map 4/12 and 5/12 as SU1 (Lots 2, 3, 11-14 and 20 Stansfield Road, Narngulu, Part Lot 22 Stansfield Road, Narngulu, Lots 50 and 100 Goulds Road, Narngulu, and Part Lots 350 & 351 Ventura Place, Narngulu)</p>	<p>The following uses are not permitted unless the Local Government has exercised its discretion by granting planning approval—</p> <ul style="list-style-type: none"> • Funeral Parlour; • Industry-Light; • Industry-Service • Motor Vehicle Repairs; • Telecommunications Infrastructure; • Trade Display; • Veterinary Centre; • Warehouse <p>The following uses are not permitted unless the Local Government considers it is incidental to the predominant use and has exercised its discretion by granting a planning approval—</p> <ul style="list-style-type: none"> • Car Park; • Caretaker's House; • Office; • Fuel Depot; and • Power Generation. <p>The following uses are not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4—</p> <ul style="list-style-type: none"> • Lunch Bar 	<p>(a) Prior to any subdivision a structure plan shall be prepared and endorsed by both the Local Government and the Western Australian Planning Commission and subdivision shall be in accordance with this Plan.</p> <p>(b) Caretaker's House is only permitted upon land situated outside the confines of the Narngulu Industrial Estate Buffer as shown upon the Greater Geraldton Structure Plan and Local Planning Strategy.</p> <p>(c) The approval of Caretaker's House shall be subject the following requirements—</p> <ul style="list-style-type: none"> • notification upon the title at the time of development/subdivision approval advising that the subject land is located within proximity to the Narngulu Industrial Estate and may be subject to associated impacts; • a caretakers house should be incidental to the predominant industrial use of the site; • only one caretaker's house is permitted on a lot and that dwelling should be on the same lot as the associated industrial use; • a caretaker's house is to have a total floor area that does not exceed 100m² measured form the external face of walls; and • open verandahs may be permitted but must not be enclosed by any means unless the total floor area of the caretaker's house remains within 100m². <p>(d) Any development application within the area shown upon the structure plan as "Uses compatible with rural residential" must be accompanied by an Overall Site Plan for the lot, which demonstrates the compatibility of the particular development with the adjacent rural-residential area.</p> <p>(e) Any development shall comply with the plot ratio, boundary setback, landscaping and car parking provisions of the Light Industry Zoning & Development Table of the Scheme, unless the Local Government is satisfied with the proposed variation.</p> <p>(f) Direct access onto the Southern Transport Corridor alignment will not be granted by Main Roads WA.</p> <p>(g) Any development application shall comply with the <i>Environmental Protection (Noise) Regulations 1997</i> and as a condition of development approval the Local government may require the restriction of hours of</p>

No	Description of land	Special use	Conditions
SU2	Glenfield Service Trade Area shown on Scheme Map 2/12 and 3/12 as SU2	<p>The following uses are listed as "D" uses—</p> <ul style="list-style-type: none"> • Motor Vehicle, Boat and Caravan sales; • Showroom; • Telecommunications Infrastructure; • Trade Display; and • Industry Service. <p>The following uses are listed as "A" uses—</p> <ul style="list-style-type: none"> • Industrial Light; • Motor Vehicle Repairs; and • Warehouse. 	<p>operation to ensure this compliance and compatibility with nearby residential land uses.</p> <p>Prior to any further subdivision or approval of any development on the land a structure plan in accordance with the provisions of Part 4.8 of the Scheme shall be prepared and endorsed.</p>
SU3	Portion of Lot 9007 Barrett Drive, Wandina shown on Scheme Map 5/12 and 3/12 as SU3	<p>The following uses are listed as "P" uses—</p> <ul style="list-style-type: none"> • Child Care Premises; • Civic Use; • Consulting Rooms; • Exhibition Centre; • Fast Food Outlet; • Medical Centre; • Office; • Recreation—Private; • Restaurant; • Service Station; • Shop; and • Shop with dwelling attached. <p>The following uses are listed as "D" uses—</p> <ul style="list-style-type: none"> • Cinema/Theatre; • Grouped Dwelling; • Industry—Service; and • Tavern. 	<p>It is intended that the Seacrest Village Centre be developed as a pedestrian friendly local centre, encompassing townscape elements and comprising a range of retail and related mixed use activities (including residential) to service the local community.</p> <p>(a) Any Development Application must be accompanied by a Local Government approved structure plan for the lot, which demonstrates the relationship of the particular development with future or existing development on that lot, even if only presented in conceptual form. The structure plan should address—</p> <ul style="list-style-type: none"> Building Elevations; Building setbacks; Active frontages & major openings; Building footprints; Car parking; Pedestrian movement network; Vehicular access; Staging and future development on the lot; Landscaping. <p>(b) Any residential development shall comply with the provisions of the R40 code of the R-Codes.</p> <p>(c) A front setback of nil to 2m is mandatory for all developments abutting the "The Main Street Precinct" as shown on the Main Street Precinct Plan contained in the Amendment document for Amendment No. 96 to the City of Geraldton-Greenough Town Planning Scheme No.4. (Greenough). Notwithstanding this requirement, a setback to 6m may be granted for up to 30%</p>

No	Description of land	Special use	Conditions
			<p>of the total effective building frontage to create protective courtyards or entry forecourts providing—</p> <ul style="list-style-type: none"> (i) high quality landscape and paving finishes are used; and (ii) the boundary of the courtyard is not detrimental to the access or outlook of the development. <p>(d) Setbacks to all boundaries which abut streets other than Main Street Precinct, or abut other lot boundaries or laneways are deemed to be either front, side or rear boundaries and shall comply with the following standards—</p> <p>Minimum Boundary Setbacks—</p> <p>Front (Except the Main St Precinct): 3m</p> <p>Rear: 7.5m</p> <p>Side: Nil</p> <p>(e) Large areas of permanent Carpark are not permitted abutting the Main Street Precinct. The building line adjacent the Main Street Precinct, should be a generally continuous façade and may only be broken for the following—</p> <ul style="list-style-type: none"> Public Roads; Building setback requirements; Pedestrian access & Open Space; Vehicle Driveway Access; Servicing requirement/service areas; Landscaping & courtyards and other uses or features deemed appropriate by Local Government; <p>Local Government may approve temporary carparks abutting the Main Street Precinct as part of staged development.</p> <p>(f) Buildings on the Main Street Precinct should be designed to address the Main Street Precinct frontage. Blank facades to street or Carpark frontages are not permitted and at least 70% of the horizontal dimension of the street front ground level façade shall be glazed.</p> <p>(g) Buildings adjacent the Main Street Precinct should be designed to have continuous awnings and/or colonnades along public frontages to give pedestrians protection from the weather.</p>

No	Description of land	Special use	Conditions
			<p>(h) Service areas, bin and material storage areas and services such as air conditioners, compressors and other machinery, shall be located away from public areas and screened from view from streets and public areas, by an enclosure in the style and material of the building.</p> <p>(i) Car parking to be provided in accordance with Scheme Provisions.</p>
SU4	Glenfield Mixed Business Area shown on Scheme Map 3/12 as SU4	<p>The following uses are listed as "P" uses—</p> <ul style="list-style-type: none"> • Consulting Rooms; • Convenience Store; • Cottage Industry • Fast Food Outlet; • Home Business; • Home Occupation; • Lunch Bar; • Market; • Medical Centre; • Office; • Motor Vehicle, Boat or Caravan Sales; • Restaurant; • Shop; • Showroom; and • Single House. <p>The following uses are listed as "D" uses—</p> <ul style="list-style-type: none"> • Industry Light; • Industry Service; • Cinema/Theatre; and • Trade Display. <p>The following uses are listed as "A" uses—</p> <ul style="list-style-type: none"> • Veterinary Centre. 	<p>It is intended that the Glenfield Mixed Business Area be developed as a composite business/residential zone where residents may reside on larger lots and undertake Home Based or Home Occupational, Light Industrial and Mixed Commercial uses—</p> <p>(a) Minimum Lot size to be 1,250m² in area.</p> <p>(b) Subdivision to be generally in accordance with the Glenfield Structure Plan.</p> <p>(c) Proposed development applications will be required to demonstrate that the proposed non-residential component of the land use will not cause any detrimental effect on the residential component of the land use within this zone.</p> <p>(d) Car Parking and Landscaping to be provided in accordance with Scheme Provisions.</p>

SCHEDULE 5
EXEMPTED ADVERTISEMENTS

Land Use and/or Development Requiring Advertising	Exempted Sign ¹ (All Non-Illuminated, and within the Property Boundary Unless Otherwise Stated)	Maximum Area of Sign
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .

Land Use and/or Development Requiring Advertising	Exempted Sign ¹ (All Non-Illuminated, and within the Property Boundary Unless Otherwise Stated)	Maximum Area of Sign
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 the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of 2 free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements, shall not exceed 15m².</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m².</p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	<p>(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or Local Government of a Local Government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>(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 Local Government, and</p> <p>(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.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
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

¹ Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

Temporary Signs	Exempted Sign Type and Number ² (All Non-Illuminated, and within the Property Boundary Unless Otherwise Stated)	Maximum Area of Sign
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows— (a) Dwellings. (b) Multiple Dwellings, Shops, Commercial and Industrial projects. (c) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work. One sign for each dwelling on display One sign for each group of buildings displaying details of the project building company/companies and details of the range of buildings on display One sign displaying details of the project, the Architect, the building company or companies, details of the building on display and contact details relating to queries in respect of the project.	2m ² 5m ² 10m ² 10m 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
Property Transactions	Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows— (a) Dwellings (b) Multiple Dwellings, Shops, Commercial and Industrial Properties. (c) Large properties comprised of shopping centres, buildings in excess of 4 storeys and rural properties in excess of 5ha. (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.	Each sign shall not exceed an area of 2m ² . Each sign shall not exceed an area of 5m ² . Each sign shall not exceed an area of 10m ² . 2m ² . 5m ²

² Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

SCHEDULE 6
FORM OF APPLICATION FOR PLANNING APPROVAL
Application for planning approval

Owner details		
Name:		
Address:		Postcode:
Phone— (work): (home)— (mobile):	Fax—	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: (work)— (home)— (mobile):	Fax—	E-mail—
Contact person for correspondence:		
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**

1.	Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:
2.	Details of proposed sign: a. Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other): b. Height: Width: Depth: c. Colours to be used: d. Height above ground level — • (to top of advertisement): • (to underside): e. Materials to be used: Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:
3.	Period of time for which advertisement is required:
4.	Details of signs (if any) to be removed if this application is approved— 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**
Planning and Development Act 2005
 City of Geraldton-Greenough
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 of Geraldton-Greenough		

SCHEDULE 9
NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Planning and Development Act 2005

City of Geraldton-Greenough

Determination on application for planning approval

Location:	
Lot:	Plan/Diagram:
Vol. No.:	Folio No.:
Application date:	Received on:
Description of proposed development:	
<p>The application for planning approval is—</p> <p style="padding-left: 40px;"><input type="checkbox"/> granted subject to the following conditions—</p> <p style="padding-left: 40px;"><input type="checkbox"/> refused for the following reasons(s)—</p> <p>Conditions/reasons for refusal—</p> <p>.....</p> <p>.....</p> <p>.....</p>	
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 appeal under the <i>Planning and Development Act 2005</i> . An appeal must be lodged within 60 days of the determination.
Signed—	Dated—
.....	
for and on behalf of the City of Geraldton-Greenough	

SCHEDULE 10
ENVIRONMENTAL CONDITIONS

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE 11
RURAL RESIDENTIAL ZONES
Additional Requirements and Modifications

No.	Area	Additional Requirements for TPS No. 5
RR1	Moresby/ Forrester Park shown on Scheme Map 3/12 as RR1	<ul style="list-style-type: none"> (a) Minimum lot size shall be 1ha. (b) As this zone comprises of an area with high landscape value, all buildings on any one lot shall be erected within 25m of the outer walls of the dwelling. (c) Notwithstanding (b), where by reason of the nature of materials to be stored in a building, the Local Government is satisfied that it would be undesirable that buildings be clustered it may allow buildings to be separated by such distance as determined by the Local Government. (d) No building or structure with a height exceeding 6m above the natural grounds surface shall be permitted. (e) No development or land use activity shall impede in any way the natural water flow along any creek line or water course. (f) Within this locality, the keeping of stock is permitted with the following restrictions— <ul style="list-style-type: none"> (i) Only one stock option as described in (ii) below or a combination equivalent of one option is permitted. (ii) Maximum stocking rates are— <ul style="list-style-type: none"> 2 Horses/hectare; 2 Cows or Heifers/hectare; 10 Sheep/hectare; or 10 Goats/hectare. (iii) Where stables, yards and supplementary feeding are provided to the animals, maximum stocking rates of twice the above rates are permitted without the special approval of the Local Government. (iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare of public nuisance, Local Government may require restriction of stocking rates to the above rate as described in part (ii). (g) All trees and remnant native vegetation shall be protected from grazing by stock, and the Local Government may require fencing to ensure protection is maintained.
RR2	Woorree Eastlyn/ Deepdale shown on Scheme Maps 4/12 and 5/12 as RR2	<ul style="list-style-type: none"> (a) Minimum lot size shall be 1ha. (b) No building shall be constructed in such a manner or of such materials that it would, in the opinion of the Local Government, impact adversely on the local amenity. (c) Within this locality, the keeping of stock is permitted with the following restrictions— <ul style="list-style-type: none"> (i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted. (ii) Maximum stocking rate options for a 1ha lot are— <ul style="list-style-type: none"> 2 Horses; 2 Cows/Heifers; 10 Sheep; or 10 Goats (iii) Where stables, yards and supplementary feeding are provided to the animals, maximum stocking rates of twice the above rates are permitted without the special approval of the Local Government. (iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare of public nuisance, the Local Government may require restriction of stocking rates to the above rate as described in part (ii). (d) Notwithstanding the zoning table all existing remnant native vegetation shall be protected from grazing by stock and the Local Government may require fencing to ensure protection is maintained excluding access roadways, firebreaks and building envelopes. (e) All buildings on lots within the airport area of influence (as shown on the Local Planning Strategy Map) shall only be located within the building envelopes shown on the subdivision guide plan adopted by the Local Government.

No.	Area	Additional Requirements for TPS No. 5
		<p>(f) No dwellings (habitable buildings), and building envelopes for dwellings, will be permitted within the airport inner buffer (as shown on the Local Planning Strategy Map).</p> <p>(g) Any lots created within the airport area of influence (as shown on the Local Planning Strategy Map), shall have memorials lodged on the titles to advise people that the properties are within an area that may be affected by aircraft noise due to the proximity of the lot to the Geraldton Airport.</p> <p>(h) All trees and remnant native vegetation shall be protected from grazing by stock, and local government may require fencing to ensure protection is maintained.</p>
RR3	Meru shown on Scheme Maps 4/12 and 5/12 as RR3	<p>(a) Minimum lot size shall be 1ha.</p> <p>(b) No building shall be constructed in such a manner of such materials that it would, in the opinion of the Local Government, impact adversely on the local amenity.</p> <p>(c) Within this locality the keeping of stock is permitted with the following restrictions—</p> <p>(i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted—</p> <p>(ii) Maximum stocking rate options for 1ha of land are—</p> <p>2 Horses;</p> <p>2 Cows/Heifers;</p> <p>10 Sheep; or</p> <p>10 Goats.</p> <p>(iii) Where stables, yards and supplementary feeding are provided to the animals, maximum stocking rates of twice the above rates are permitted without the special approval of the Local Government.</p> <p>(iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare of public nuisance, the Local Government may require restriction of stocking rates to the above rate as described in part (ii).</p> <p>(d) All trees and remnant native vegetation shall be protected from grazing by stock and the Local Government may require fencing to ensure protection is maintained.</p> <p>(e) The local government will request of the Western Australian Planning Commission at the time of subdivision that lots be subject to notification upon the title advising that the subject land is located within proximity to the Narngulu Industrial Estate and may be subject to associated impacts.</p> <p>(f) The local government will require as a condition of development the identification, planting and maintenance of a landscape buffer to provide visual relief, and noise and odour screening to minimise any associated impacts of the Narngulu Industrial Estate.</p>
RR4	Waggrakine shown on Scheme Maps 2/12 and 3/12 as RR 4.	<p>(a) Minimum lot sizes and subdivision within RR4 shall be in accordance with a structure plan endorsed by the Local Government and the Western Australian Planning Commission.</p> <p>(b) Within this locality the keeping of stock is permitted where a pasture land management plan has been provided to the local government's satisfaction, subject to the following restrictions—</p> <p>(i) Only one stock option as described in (ii) below or a combination equivalent of one option is permitted.</p> <p>(ii) Maximum stocking rates per hectare—</p> <p>1 horse;</p> <p>1 cow/heifer;</p> <p>6 sheep; or</p> <p>5 goats.</p> <p>(iii) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, the Local Government may require further restrictions of stocking rates to the above rate as described in part (ii).</p> <p>(c) New buildings proposed between the 100m and 120m contour shall be single storey, the materials and colours should be of the earth colour range (cream, yellow browns, red browns, green browns) and screening around the building should be required.</p>

No.	Area	Additional Requirements for TPS No. 5
		<p>(d) No building shall be constructed in such a manner or of such materials that it would, in the opinion of the Local Government, have a detrimental impact on the local amenity.</p> <p>(e) New outbuildings should, where possible be clustered with the residence and conform to the local authority's local planning policies.</p> <p>(f) Prior to subdivision, a Detailed Area Plan shall be prepared by the subdivider relevant to their lot, in accordance with the Waggrakine Rural Residential Structure Plan and to the approval of the Western Australian Planning Commission. The Detailed Area Plan shall identify areas of native vegetation, a "building envelope" for each proposed lot, and strategic firebreak and vehicle accessway.</p> <p>(g) No person shall clear any vegetation outside the "building envelope", strategic firebreak and vehicle accessway as shown on the approved Detailed Area Plan.</p>
RR5	former Victoria Locations 3003 & 6478 Crowther Road, Company Road, African Reef Boulevard, Abrolhos Close, Greenough shown on Scheme Map 7/12 as RR5	<p>(a) Subdivision shall be in accordance with the Subdivision Guide Plan adopted by the Local Government and endorsed by the Western Australian Planning Commission. No further subdivision of lots shall be permitted beyond that permitted by the Subdivision Guide Plan.</p> <p>(b) All buildings shall be located within the area shown on the Subdivision Guide Plan as the "Building Envelope".</p> <p>(c) The location of Building Envelopes may be altered by the Local Government.</p> <p>(d) No person shall clear any vegetation outside the "Building Envelope" shown on the Subdivision Guide Plan except with the written consent of the Local Government for the purposes of complying with the Bush Fires Act or the construction of a vehicle accessway.</p> <p>(e) The following restrictions shall apply to the keeping of grazing animals—</p> <p>(i) The keeping of cows and horses is prohibited on all lots on the Subdivision Guide Plan;</p> <p>(ii) The keeping of stock is prohibited on Lots 1, 2 and in areas marked on the Subdivision Guide Plan as "Dune Preservation Area" or "Landscape Protection Area"; and</p> <p>(iii) The keeping of stock onto Lots other than 1, 2 shall not exceed the equivalent of 2 sheep or goats per hectare of cleared lot area.</p> <p>(iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, the Local Government may require further restrictions of stocking rates to the above rate as described in part (ii).</p> <p>(f) No person shall erect a fence in areas marked on the Subdivision Guide Plan and "Dune Preservation Area" or "Landscape Protection Area".</p> <p>(h) The Local Government may request as a condition of subdivision approval the preparation of a detailed fire management strategy including a fire break plan, provision for fuel reduced areas around buildings, fire vehicle access, management of the secondary fire escape and adequate provision of fire fighting facilities.</p> <p>(i) All firebreaks shall be cut and maintained in accordance with the adopted fire management strategy.</p>
RR6	Eastlyn Lot 25 Geraldton-Mt Magnet Road shown on Scheme Map 4/12 as RR 6.	<p>(a) Subdivision shall generally be in accordance with a structure plan as adopted by the local government or any subsequent changes endorsed/approved by the local government/WAPC.</p> <p>(b) Within the locality, the keeping of stock is permitted with the following restrictions—</p> <p>(i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted.</p> <p>(ii) Maximum stocking rate options for a 1ha lot area—</p> <p>2 horses;</p> <p>2 cows/heifers;</p> <p>10 sheep; or</p> <p>10 goats.</p>

No.	Area	Additional Requirements for TPS No. 5
		<p>(iii) Where stables, yards and supplementary feeding are provided to the animals, maximum stocking rates of twice the above rates are permitted without the special approval of the local government.</p> <p>(iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, the local government may require restriction of stock rates to the above rates as described in part (ii).</p> <p>(c) All trees and remanent vegetation shall be protected from grazing by stock, and the local government may require fencing to ensure protection is maintained.</p> <p>(d) The following uses are not permitted unless special approval is given by the local government after advertising— Horse Training; Dog Kennels (more than 2 dogs); Veterinary Clinic; and Veterinary Hospital.</p>

SCHEDULE 12

RURAL SMALLHOLDING ZONES

Additional Requirements and Modifications

No.	Area	Additional Requirements for TPS No. 5
RS1	Walk— away shown on Scheme Map 8/12 as RS1	<p>(a) Minimum lot sizes shall be 2ha as depicted on the Subdivision Guide Plan endorsed by Local Government.</p> <p>(b) The Subdivision Guide Plan shall indicate requirements for fill/building envelopes that have regard for the Greenough River 100 Year ARI Floodplain.</p> <p>(c) No lot shall have direct road access onto any future major roads except via existing roads.</p> <p>(d) Any land required for future major road shall be vested in the Crown as a condition of subdivision.</p> <p>(e) A recreation area of approximately 5.8ha in the North East corner of the area shall be vested in the Crown free of cost as a condition of subdivision and added to the polo ground.</p> <p>(f) Prior to support or approval being given to any subdivision application a comprehensive flood and stormwater drainage system for the entire area must be prepared and approved by the relevant government agencies.</p> <p>(g) As a condition of subdivision Local Government may request, if it is deemed necessary, the subdivider to contribute towards the construction of a drainage system with flood management controls adequate to reduce the impact of flooding and stormwater drainage on the land.</p> <p>(h) Within this locality, the keeping of stock is permitted with the following restrictions— (i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted; (ii) Maximum stocking rate options are— 2 Horses/ha; 2 Cows/Heifers/ha; 10 Sheep/ha; or 10 Goats/ha.</p> <p>(iii) Where stables, yards and supplementary feeding are provided to the animals, maximum stocking rates of twice the above rates are permitted without the special approval of Local Government.</p> <p>(iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare of public nuisance, Local Government may require restriction of stocking rates to the above rate as described in Part (ii).</p> <p>(i) All trees and remnant native vegetation shall be protected from grazing by stock, and Local Government may require fencing to ensure protection is maintained.</p>

No.	Area	Additional Requirements for TPS No. 5
		<p>(j) Any lots created within areas impacted upon by the Greenough River 100 year API floodplain shall have memorials lodged on the titles to advise people that the properties are within an area that may be subject to inundation and that the Department of Water must be consulted by the landowner and the Department's requirements complied with, in respect to appropriate building floor levels, prior to the lodgement of a development application and the commencement of any development.</p> <p>(k) Local Government shall not approve development below the 26m contour line and where this contour line dissects proposed lots, building envelopes shall be shown on the overall subdivision plan.</p>
RS2	Rudds Gully shown on Scheme Map 6/12 as RS 2.	<p>(a) Subdivision within RS2 shall be in accordance with a structure plan endorsed by the Local Government and the Western Australian Planning Commission. Minimum lot size to be 2ha with an average lot size of 4ha. A minimum lot size of 4ha for those lots abutting the future highway reserve, excluding the road reserve area, subject to suitable arrangements for the road reserve to be set aside, and those lots will require building envelopes to maximise the distance between the road alignment and any habitable building.</p> <p>(b) No lot shall have direct access to the future highway.</p> <p>(c) The stream and foreshore of Rudds Gully shall be incorporated into a recreation reserve that shall be created at the time of subdivision of the land.</p> <p>(d) No building shall be sited between Rudds Gully and Rudds Gully Road.</p> <p>(e) Within this locality the keeping of stock is permitted with the following restrictions—</p> <p>(i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted—</p> <p>(ii) Maximum stocking rate options are—</p> <p>1 Horse/2ha;</p> <p>1 Cow/2ha;</p> <p>5 Goats/ha; or</p> <p>4 dry Sheep/ha.</p> <p>(iii) Where stables, yards and adequate supplementary feeding is provided to the animals, maximum stocking rates of twice the above rates are permitted without the special approval of Local Government.</p> <p>(iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare of public nuisance, Local Government may require restriction of stocking rates to the above rate as described in Part (ii).</p> <p>(f) All trees and remnant native vegetation shall be protected from grazing by stock and Local Government may require fencing to ensure protection is maintained.</p>
RS3	Mt Hill shown on Scheme Map 1/12 as RS 3	<p>(a) Minimum lot size to be 20ha with an average lot size of 30ha.</p> <p>(b) In addition to the requirements of Clause 6.1, all applications for planning consent are to be accompanied by an structure plan for the lot (as per Part 5.17 of the Scheme) delineating the following—</p> <p>(i) Areas of degradation (i.e. affected by waterlogging, salinity, wind and water erosion) where evident;</p> <p>(ii) appropriate mechanisms and measures to the satisfaction of Local Government and other relevant authorities to make good those areas of degradation identified in (i) above).</p> <p>(iii) areas of remnant vegetation, surface water, waterbodies and other significant topographical features.</p> <p>(iv) contours (AHD);</p> <p>(v) areas of stock grazing and proposed stock numbers;</p> <p>(vi) building envelopes;</p> <p>(vii) location of existing and proposed effluent disposal systems;</p> <p>(viii) existing tracks and fences and proposed location of fences and driveway areas;</p> <p>(ix) materials of external cladding of all proposed buildings;</p>

No.	Area	Additional Requirements for TPS No. 5
		<p>(x) suitable landscaped areas to Local Government's satisfaction to enhance the high landscape value of the area.</p> <p>(c) Notwithstanding the zoning table as the area falls within the Arrowsmith Groundwater Management Area, proposed intensive rural pursuits will be referred to the Department of Water and the Department of Environment and Conservation, and any other relevant Government agency as determined by the Local Government for comment and approval where appropriate.</p> <p>(d) Piggeries, feedlots and extractive industry are prohibited.</p> <p>(e) Provision and location of a building envelope to the specifications of the City for each lot created and to contain any dwelling and other ancillary buildings.</p> <p>(f) Notwithstanding (d) above, where by reason of the nature of material to be stored in a building, it is considered that it would be undesirable that the buildings be clustered, the buildings may be separated by such distance as determined by Local Government.</p> <p>(g) No building shall be constructed in such a manner or of such materials that it would in the opinion of the Local Government, have a detrimental impact on the local amenity.</p> <p>(h) No removal of any remnant vegetation is permitted without the prior approval of Local Government.</p> <p>(i) No development or land use activity shall impede in any way the natural water flow along any creek line or water course.</p> <p>(j) Within this locality, the keeping of stock is Permitted with the following restrictions—</p> <p>(i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted.</p> <p>(ii) Maximum stock rates options are— 1 Horse/2ha; 1 Cow/Heifer/2ha; 2 Sheep/ha; and 4 Goats/ha.</p> <p>(iii) Where it can be demonstrated that given— Soil quality; Pasture management; or Stabling, yarding and supplementary feeding; The doubling of the maximum stocking rate would not result in land degradation then such an increased rate is permitted without the special approval of Local Government.</p> <p>(iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaking, animal welfare of public nuisance, Local Government may require restriction of stocking rates to the above rate as described in part (ii).</p>
RS4	Moonyoo-nooka shown on Scheme Map 1/12 as RS 4.	<p>(a) Minimum lot size shall 8ha.</p> <p>(b) Local Government shall not approve development above the 85m contour line and where this contour line dissects proposed lots, building envelopes shall be shown on an structure plan as per Part 5.17 of the Scheme.</p> <p>(c) All trees and remnant vegetation shall be protected from grazing by stock, and Local Government may require fencing to ensure protection is maintained.</p> <p>(d) No development or land use activity shall impede in any way the natural flow along any watercourse.</p> <p>(e) Within this locality, the keeping of stock is permitted with the following restrictions—</p> <p>(i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted;</p> <p>(ii) Maximum stock rates options are— 5 dry sheep per hectare; 5 goats per hectare; 1 horse per 2 hectares; or 1 cow per 2 hectares.</p> <p>(iii) Where stables, yards and supplementary feeding are provided to the animals, maximum stocking rates of twice the above rates are permitted without the approval of Local Government.</p>

No.	Area	Additional Requirements for TPS No. 5
		<p>(iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare of public nuisance, Local Government may require restriction of stocking rates to the above rate as described in part (ii).</p> <p>(f) All buildings on lots within the airport area of influence (as shown on the Local Planning Strategy Map) shall only be located within the building envelopes shown on the subdivision guide plan adopted by the Local Government.</p> <p>(g) Any lots created within the airport area of influence (as shown on the Local Planning Strategy Map), shall have memorials lodged on the titles to advise people that the properties are within an area that may be affected by aircraft noise due to the proximity of the lot to the Geraldton Airport.</p> <p>(h) Any proposed development for habitable purposes upon existing rural-residential zoned lots within the airport inner buffer (as shown on the Local Planning Strategy Map) is required to address the following matters to the approval of the Local Government—</p> <p>(1) noise attenuation to achieve the following indoor design sound levels—</p> <ul style="list-style-type: none"> • 50dBA indoor design sound level for bedrooms and dedicated lounge area; • 55dBA indoor design sound level for all other habitable spaces; & • 60dBA indoor design sound level for bathroom, toilet and laundry. <p>(2) memorials lodged on the titles to advise people that the properties are within an area that may be affected by aircraft noise due to the proximity of the lot to the Geraldton Airport and may be affected by noise due to the proximity to the Geraldton Speedway and Go-Kart track.</p>
RS5	Moonyoonooka (Giles Road) shown on Scheme Map 1/12 as RS 5.	<p>(a) A minimum lot size shall be 4ha with an average lot size of 6ha in accordance with the adopted Subdivision Guide Plan.</p> <p>(b) In addition to the requirements of Clause 6.1, all applications for planning consent are to be accompanied by an structure plan for the lot (as per Part 5.17 of the Scheme) delineating the following—</p> <p>(i) Areas of degradation where evident (i.e. affected by wind and water erosion).</p> <p>(ii) Appropriate mechanisms and measures to the satisfaction of Local Government to make good those areas of degradation identified in (i) above.</p> <p>(iii) Areas of remnant vegetation, creek lines or water courses.</p> <p>(iv) Contours (AMD)</p> <p>(v) Building envelope</p> <p>(vi) Location of existing and proposal efficient disposal systems</p> <p>(vii) Suitable landscaped areas to Local Government's satisfaction to enhance existing remnant vegetation areas or erosion prone areas.</p> <p>(c) As the area is in close proximity to the Chapman River area, proposed intensive rural pursuits will be referred to the Department of Environment and Conservation and Department of Water and any other relevant Government Agency, as determined by the City, for comment and approval where appropriate.</p> <p>(d) Provision and location of a building envelope to the specifications of the Local Government for each lot created and to contain any dwelling and other ancillary buildings.</p> <p>(e) Notwithstanding (d) above, whereby reason of the nature of material to be stored in a building, it is considered that it would be undesirable that the buildings be clustered. The building may be separated by such distance as determined by the Local Government.</p> <p>(f) No building shall be constructed in such a manner or of such materials that it would, in the opinion of the Local Government, have detrimental impact on the local amenity.</p> <p>(g) No removal of any remnant vegetation is permitted without the prior approval by Local Government.</p> <p>(h) No development or land use activity shall impede in any way the</p>

No.	Area	Additional Requirements for TPS No. 5
		<p>natural water flow along any creek line or watercourse.</p> <p>(i) Within this locality, the keeping of stock is permitted with the following restrictions. Only one stock option (as described below) or a combination equivalent of one option is permitted.</p> <p>(i) Maximum stocking rate options are, on that area of well drained red duplex soils grading into deep red uniform sands (marked Bsw on the Geraldton Rural-Residential Land Capability Study) and on that area of gently rolling terrain (marked GrR in the above study)—</p> <p>5 dry sheep per hectare; 5 goats per hectare; 1 horse per 2 hectares; or 1 cow per 2 hectares.</p> <p>(ii) Where it can be demonstrated that given— Soil quality; Pasture Management; or Stabling, yarding and Supplementary feeding; The doubling of the maximum stocking rates would not result in land degradation then such an increased rate is permitted without the special approval of Local Government..</p> <p>(j) No dwelling shall be constructed unless it is connected to the water mains already serving the land, however Local Government may relax this requirement it is satisfied that there is an adequate supply of potable water available on the site.</p> <p>(k) Notwithstanding the Zoning Table, Agriculture-Intensive is prohibited within this zone.</p> <p>(l) All buildings on lots within the airport area of influence (as shown on the Local Planning Strategy Map) shall only be located within the building envelopes shown on the subdivision guide plan adopted by the Local Government.</p> <p>(m) Any lots created within the airport area of influence (as shown on the Local Planning Strategy Map), shall have memorials lodged on the titles to advise people that the properties are within an area that may be affected by aircraft noise due to the proximity of the lot to the Geraldton Airport.</p> <p>(n) Any proposed development for habitable purposes upon existing rural-residential zoned lots within the airport inner buffer (as shown on the Local Planning Strategy Map) is required to address the following matters to the approval of the Local Government—</p> <p>(i) noise attenuation to achieve the following indoor design sound levels—</p> <ul style="list-style-type: none"> • 50dBA indoor design sound level for bedrooms and dedicated lounge area; • 55dBA indoor design sound level for all other habitable spaces; and • 60dBA indoor design sound level for bathroom, toilet and laundry. <p>(ii) memorials lodged on the titles to advise people that the properties are within an area that may be affected by aircraft noise due to the proximity of the lot to the Geraldton Airport.</p>

SCHEDULE 13

DEVELOPMENT CONTRIBUTION AREAS

Ref No	Area	Development Contributions

SCHEDULE 14
DEVELOPMENT CONTRIBUTIONS—STATUTORY STATIC FEASIBILITY ASSESSMENT
MODEL

STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL

Gross realisation			
Net lot yield @ average market value per lot			
"X" lots @ "\$Y" per lot	\$		(1)
Less GST @ standard / normal rates			
(1) Multiplied by GST rate/(100+GST rate)	\$		(2)
(1-2)		\$	(3)
Less selling, marketing, advertising & settlement fees			
@ market % multiplied by (1)	\$		(4)
Add back Input Tax Credit on selling fees			
(4) Multiplied by GST rate/(100+GST rate)	\$		(5)
(4-5)			(6)
Balance after selling costs etc & Input Tax Credit (3-6)		\$	(7)
Less adjusted profit & risk allowance as per SPP 3.6			
Market determined profit & risk allowance	%		(8)
Less fixed profit allowance per SPP3.6	10%		(9)
Risk rate applied (8-9)	= %		(10)
EXPLANATION: (10) to be expressed as a whole number eg 15% = 15			
ie Risk = (7) multiplied by (10)/100+(10)			
Balance after profit & risk factor (7-11)		\$	(12)
Less development costs @ "X" lots multiplied by "\$Z" per lot	\$		(13)
Add back Input Tax Credit on (13)			
(13) Multiplied by GST rate/(100+GST rate)	\$		(14)
Development cost after Input Tax Credit (13-14)	\$		(15)
Add interest on net development costs (15)			
For 1/2 development & 1/2 selling term			
@ Applicable market rates			
(15) Multiplied by % rate	\$		(16)
(15+16)		\$	(17)
Balance after deduction of development costs & interest (12-17)		\$	(18)
Less interest on land value, rates & taxes and stamp duty			
Assessed over 1/2 development and 1/2 selling term			
@ Applicable market rates			
(18) Multiplied by (% rate/100+%rate)		\$	(19)
Balance after interest on the land (18-19)		\$	(20)
Less rates & taxes		\$	(21)
Balance after rates & taxes (20-21)		\$	(22)
Less Stamp Duty @ current statutory rates			
(22) Multiplied by stamp duty rate/(100+stamp duty rate)		\$	(23)
Residual Land Value prior to GST considerations (22-23)		\$	(24)
Add GST (24) + GST at prevailing statutory rate		\$	(25)
ASSESSED STATUTORY CONTRIBUTION PER SPP 3.6 (22+23)	\$		

The Static Feasibility Model is based upon—

- (i) The number of lots yielded from the land will have a gross sale price which, when multiplied by the number of lots created, establishes the Gross Realisation (i).
- (ii) GST will be calculated by the standard/normal method.
- (iii) Selling, marketing, advertising and settlement fees expressed as a percentage shall be added and then expressed as a total percentage against the gross realisation.
- (iv) The adjusted risk component applied in the model is the established market profit and risk at the date of valuation less the fixed 10 per cent profit applied in SPP 3.6.
- (v) Development costs will be established as an appropriate servicing cost per lot at the date of valuation, multiplied by the lots realised from the land.
- (vi) Interest against the development costs will be established by the application of bank lending rates for such projects at the date of valuation.
- (vii) Interest against the land in development will be established by the application of bank lending rates for such development acquisitions at the date of valuation.
- (viii) Rates and taxes will be applied for the full term of acquisition, development and sale.
- (ix) Stamp Duty will be applied at the statutory rate as applicable at the date of valuation.
- (x) GST will be applied at the appropriate rate adopted at the date of valuation.

ADOPTION

Adopted by resolution of the Local Government of the Shire of Greenough at the meeting of the Local Government held on the 30 March 2005.

I. CARPENTER, Mayor.

Date: 15 February 2010.

A. BRUN, Chief Executive Officer.

Date: 15 February 2010.

FINAL APPROVAL

Adopted for final approval by resolution of the Local Government of the City of Geraldton-Greenough at the meeting of the Local Government held on the 15.day of April 2009 and the common seal of the Municipality was pursuant to that Resolution hereto affixed in the presence of—

I. CARPENTER, Mayor.

Date: 15 February 2010.

A. BRUN, Chief Executive Officer.

Date: 15 February 2010.

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

J. BREEZE, delegated Under S.16 of the PD Act 2005.

Date: 10 March 2010.

Final approval granted—

JOHN DAY Minister for Planning.

Date: 11 March 2010.
