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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF ROEBOURNE

TOWN PLANNING SCHEME No. 8
AMENDMENT No. 18

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Roebourne

Town Planning Scheme No. 8—Amendment No. 18

Ref: TPS/0436

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Roebourne local planning scheme amendment on 14 February 2011.

N. LOCKWOOD, Shire President.
C. LONGMORE, Chief Executive Officer.

SHIRE OF ROEBOURNE

TOWN PLANNING SCHEME No. 8

INCORPORATING THE ENTIRE MUNICIPALITY OF THE SHIRE OF ROEBOURNE

The Council of the Shire of Roebourne, in accordance with the powers conferred upon it by the *Planning and Development Act, 2005* (as amended), referred to here as The Act, makes the following Town Planning Scheme for the purposes set out in the Act.

PLANNING AND DEVELOPMENT ACT 2005**APPROVED LOCAL PLANNING SCHEME AMENDMENT***Shire of Roebourne*

Town Planning Scheme No. 8—Amendment No. 18

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PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Roebourne

Town Planning Scheme No. 8—Amendment No. 18

PART I—PRELIMINARY**1.1 CITATION**

This Town Planning Scheme may be cited as the Shire of Roebourne Scheme No. 8 (hereinafter called “the Scheme”) and shall come into operation on the publication of the Scheme in the *Government Gazette*.

1.2 RESPONSIBLE AUTHORITY

The authority responsible for implementing the Scheme is the Shire of Roebourne (hereinafter called the Council).

1.3 SCHEME AREA

The Scheme applies to the municipal district of the Shire of Roebourne as generally shown by the Scheme area boundary on the Scheme Maps. All offshore islands are included in the municipal district including Depuch Island in the east and in the west excluding Barrow, Pascoe and Lowendal but including the Montebello Islands and those of the Great Sandy Island Nature Reserve.

1.4 CONTENTS OF THE SCHEME

The Scheme comprises—

- (a) This Scheme Text; and
- (b) The Scheme Maps (Sheets 1-16)

1.5 PURPOSES OF SCHEME

The purposes of the Scheme are to—

- (a) set out the Shire of Roebourne’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 Appendix 7 of the Act.

1.6 AIMS OF THE SCHEME

The general aims of the scheme are to—

- (a) facilitate community input into planning for the appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity;
- (b) respond to and implement strategic planning directions for the Shire by facilitating development in accordance with development objectives for precincts of the Shire;
- (c) define the uses and types of development to be permitted on land within the Scheme Area; and
- (d) control and regulate the development of land, erection and demolition of buildings, and the carrying out of works.

1.7 RELATIONSHIP WITH LOCAL LAWS

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

1.8 REVOCATION OF EXISTING SCHEMES

The Shire of Roebourne Town Planning Scheme Nos. 4, 6 and 7, and all amendments thereto, are revoked by the publication of this Scheme.

1.9 INTERPRETATION

1.9.1 Words and expressions used in the Scheme, and requiring a specific interpretation for the purposes of the Scheme, shall have the respective meanings given to them in the Act or in Appendix 1, elsewhere in the Scheme, or in the Residential Design Codes of Western Australia.

1.9.2 Where a word or term is defined in the R Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the R Codes, unless the word has been specifically redefined by Appendix 1.

PART II—RESERVATIONS

2.1 CATEGORIES

The land shown as Scheme Reservations on the Scheme Maps (Reservations) is land which is intended to be used or developed for public purposes or other purposes indicated on the Scheme Maps. The following Reservations apply—

Public Purposes

- (a) Open Space
 - i. Parks, Recreation and Drainage
 - ii. Conservation, Recreation and Natural Landscapes
- (b) Roads
 - i. State and Regional
 - ii. District
 - iii. Local
- (c) Other Public Purposes
 - i. Community
 - ii. Health
 - iii. Education
 - iv. Telecommunications
 - v. Energy
 - vi. Waste Disposal and Treatment
 - vii. Water and Drainage
 - viii. Cemetery
 - ix. Airport

Other Purposes

- (d) Infrastructure

2.2 DEVELOPMENT AND USE OF RESERVATIONS

A person shall not carry out any development on a reservation other than the erection of a boundary fence defined or accepted by Council, or change the use of a reservation without first applying for and obtaining the written approval of the Council.

2.3 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for planning consent is made with respect to land within a reservation, the Council shall have regard to the ultimate purpose intended for the reservation and Council shall confer with the organisations it considers relevant to that purpose and the proposed use or development.

PART III—ZONES

3.1 CATEGORIES

The zones on the Scheme Maps have the following categories—

- (a) Residential
 - i. Residential
 - ii. Urban Development
 - iii. Transient Workforce Accommodation
- (b) Commercial
 - i. Town Centre
 - ii. Commercial
 - iii. Tourism
 - iv. Mixed Business
 - v. City Centre

- (c) Industrial
 - i. Strategic Industry
 - ii. Industry
 - iii. Industrial Development
- (d) Rural
 - i. Rural
 - ii. Rural Residential

3.2 ZONING TABLE

3.2.1 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 development is determined by cross reference between the list of uses on the left side of the zoning table and the list of zones at the top of the zoning table.

3.2.2 The symbols used in the zoning table have the following meanings—

- P the use is permitted by the Scheme
- AA the use is not permitted unless the Council has granted planning approval
- SA the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3
- IP the use is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council
- X a use that is not permitted by the Scheme

3.2.3 Notwithstanding the provisions of clause 3.2.2, development may only be permitted within the Urban Development and Industrial Development Zones where—

- (a) a Development Plan has been adopted for the subject land and the development is in accordance with the plan; or
- (b) Council has resolved that a Development Plan is not required.

ZONING TABLE		Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	City Centre				
														Precinct 1 Retail Core	Precinct 2 Commercial	Precinct 3 Entertainment	Precinct 4 Accommodation	
	RESIDENTIAL		Development and use of land to be in accordance with an endorsed Development Plan															
1	Aged or Dependent Persons Dwelling	AA		AA	AA	AA	AA	X	X	X		AA	SA	X	X	X	X	
2	Ancillary Accommodation	AA		X	X	X	X	X	X	X		X	AA	X	X	X	X	
3	Caravan Park	X		SA	SA	X	AA	X	X	X		SA	X	X	X	X	X	
4	Caretaker's Dwelling	IP		IP	AA	AA	IP	IP	X	AA		IP	IP	X	X	X	X	
5	Grouped Dwelling	P		AA	AA	AA	AA	X	X	X		AA	AA	X	X	X	X	
6	Home Business	AA		X	AA	AA	AA	X	X	X		P	AA	AA	AA	AA	AA	
7	Home Occupation			X	AA	AA	AA	X	X	X		P	AA	AA	AA	AA	AA	
8	Hotel	X		AA	AA	AA	AA	X	X	X		SA	X	SA	SA	AA	P	
9	Motel	X		AA	AA	AA	AA	X	X	X		SA	SA	SA	SA	AA	AA	
10	Multiple Dwelling	SA		SA	SA	SA	SA	X	X	X		X	X	AA	AA	AA	AA	
11	Park Home Park	X		SA	SA	X	AA	X	X	X		SA	X	X	X	X	X	
12	Residential Building	AA		AA	AA	AA	AA	X	X	X		AA	AA	X	SA	X	X	
13	Rural Settlement	X		X	X	X	X	X	X	X		AA	SA	X	X	X	X	
14	Short Stay Accommodation	X		X	AA	X	AA	X	X	X		IP	SA	AA	AA	AA	P	
15	Single House	P		P	AA	AA	AA	AA	X	X		AA	P	X	X	X	X	
16	Tourist Resort	X		X	AA	X	P	X	X	X		SA	X	X	SA	SA	SA	
17	Transient Workforce Accommodation	SA	P	SA	SA	SA	AA	AA	X		AA	SA	X	X	X	X		
	INDUSTRY																	
18	Abattoir	X	X	X	X	X	X	X	AA		AA	X	X	X	X	X		
19	Aerodrome	X	X	X	X	X	X	X	X		AA	X	X	X	X	X		
20	Agriculture	X	X	X	X	X	X	X	X		P	AA	X	X	X	X		

ZONING TABLE		Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	City Centre			
														Precinct 1 Retail Core	Precinct 2 Commercial	Precinct 3 Entertainment	Precinct 4 Accommodation
21	Intensive Agriculture	X		X	X	X	X	X	X	AA		AA	AA	X	X	X	X
22	Harbour Installation	X		X	X	X	X	X	P	AA		X	X	X	X	X	X
23	Hire Service (Industrial)	X		X	X	X	X	AA	X	P		X	X	X	X	X	X
24	Industry—Extractive	X		X	X	X	X	X	IP	AA		AA	X	X	X	X	X
25	Industry—General	X		X	X	X	X	X	X	P		X	X	X	X	X	X
26	Industry—Light	X		SA	X	X	X	AA	X	P		X	X	X	X	X	X
27	Industry—Noxious	X		X	X	X	X	X	SA	AA		X	X	X	X	X	X
28	Industry—Rural	X		X	X	X	X	X	X	AA		P	SA	X	X	X	X
29	Industry—Service	X		SA	X	X	X	P	X	P		X	X	X	SA	X	X
30	Industry—Resource Processing	X		X	X	X	X	X	P	SA		SA	X	X	X	X	X
31	Road Freight Terminal	X		X	X	X	X	X	AA	AA		SA	X	X	X	X	X
32	Stockyard	X		X	X	X	X	X	X	AA		P	X	X	X	X	X
33	Storage Facility/Depot/Lay Down Area	SA		X	X	X	X	AA	AA	P		AA	X	X	X	X	X
	COMMERCE																
34	Animal Establishment	X		X	SA	AA	X	AA	X	AA		AA	X	X	X	X	X
35	Display Home	AA		X	X	X	X	X	X	X		X	X	X	X	X	X
36	Dry Cleaning Premises	X		IP	X	AA	AA	P	X	AA		AA	X	P	P	IP	IP
37	Market	X		X	P	P	AA	X	X	AA		X	SA	P	AA	P	SA
38	Motor Vehicle and/or Marine Repair	X		X	AA	AA	X	AA	IP	P		IP	X	X	X	X	X
39	Motor Vehicle and/or Marine Sales & Hire	X		X	AA	AA	AA	P	X	P		X	X	X	SA	X	X
40	Motor Vehicle and/or Marine Service Station	X		X	SA	SA	SA	SA	IP	AA		SA	X	SA	AA	X	X
41	Motor Vehicle and/or Marine Wrecking	X		X	X	X	X	X	X	P		X	X	X	X	X	X
42	Motor Vehicle Wash	X		IP	AA	AA	AA	AA	IP	P		X	X	IP	SA	X	X
43	Office	X		IP	P	P	IP	AA	IP	IP		IP	X	AA	P	AA	IP
44	On-site Canteen	X		IP	X	X	X	X	IP	IP		IP	X	X	X	X	X
45	Outdoor Display	X		X	AA	AA	X	P	X	P		AA	X	AA	AA	AA	AA
46	Reception Centre	X		IP	AA	AA	IP	X	X	X		X	X	AA	SA	P	AA
47	Restaurant	X		IP	P	P	P	X	X	X		IP	X	AA	AA	P	P
48	Restricted Premises	X		X	SA	SA	X	SA	X	X		X	X	SA	SA	SA	SA
49	Shop	X		IP	P	P	IP	AA	X	IP		X	X	P	P	P	AA
50	Showroom	X		X	AA	AA	X	P	X	P		X	X	AA	P ¹	X	X
51	Take-away Food Outlet	X		AA	P	P	AA	X	X	AA		AA	X	P	P	P	IP
52	Vehicle Store	X		X	AA	AA	X	P	X	P		SA	X	X	X	X	X
53	Warehouse	X		X	SA	AA	X	P	IP	AA		X	X	X	X	X	X
	HEALTH, WELFARE AND COMMUNITY SERVICES																
54	Car park	IP		AA	AA	AA	AA	AA	IP	X		X	X	AA	AA	SA	IP
55	Child Care Premises	SA		AA	AA	AA	IP	SA	X	X		IP	SA	AA	AA	X	IP
56	Community Use	SA		X	AA	AA	AA	X	X	X		X	IP	AA	P	AA	AA
57	Consulting Rooms	X		IP	AA	AA	X	AA	X	X		X	X	AA	P	X	X
58	Corrective Institution	X		X	X	X	X	X	X	X		SA	X	X	X	X	X
59	Education Establishment	X		IP	X	X	X	X	X	X		X	X	SA	AA	IP	IP
60	Emergency Services	X		X	AA	AA	X	AA	AA	AA		X	X	AA	AA	X	X
61	Funeral Parlour	X		X	AA	AA	X	AA	X	AA		X	X	X	X	X	X
62	Hospital	X		X	AA	AA	X	X	X	X		X	X	X	SA	X	X
63	Juvenile Detention Centre	X		X	X	X	X	X	X	X		SA	X	X	X	X	X
64	Medical Centre	X		X	AA	AA	X	AA	X	X		X	X	AA	P	X	X

Development and use of land to be in accordance with an endorsed Development Plan

Development and use of land to be in accordance with an endorsed Development Plan

ZONING TABLE		Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	City Centre			
														Precinct 1 Retail Core	Precinct 2 Commercial	Precinct 3 Entertainment	Precinct 4 Accommodation
65	Nursing Home	AA		X	AA	AA	X	X	X	X		X	X	X	X	X	X
66	Place of Public Meeting, Assembly or Worship	SA		IP	AA	AA	IP	X	X	X		AA	AA	AA	P	AA	IP
67	Minor Utility Installation	SA		AA	AA	AA	AA	AA	P	P		P	AA	AA	AA	AA	AA
68	Utility Installation	AA		AA	AA	AA	AA	AA	AA	AA		AA	AA	AA	AA	AA	AA
69	Veterinary Centre	X		X	AA	AA	X	AA	X	AA		AA	X	SA	SA	X	X
ENTERTAINMENT, RECREATION AND CULTURE																	
70	Equestrian Centre	X		X	X	X	SA	X	X	X		SA	X	X	X	X	X
71	Entertainment Venue	X		X	SA	SA	SA	SA	X	SA		SA	X	AA	AA	P	P
72	Marina	X		X	AA	AA	P	X	X	AA		X	X	X	X	X	X
73	Private Recreation	X		IP	AA	AA	P	AA	X	X		AA	X	AA	P	P	AA
74	Public Recreation	AA		AA	P	P	P	X	X	X		AA	AA	P	P	P	P
75	Tavern	X		X	AA	AA	AA	X	X	X		SA	X	AA	AA	P	AA

Note: 1. Showrooms are not permitted on land abutting Dampier Road.
 2. All uses are prohibited on Lot 3815 Welcome Road containing the Catholic Church with the exception of Place of Public Meeting, Assembly or Worship; Private Recreation; and Public Recreation which are "P" and a Car Park which is an "IP" use.

- 3.2.4 A change in the use of land from one use to another is permitted if—
- (a) the Council 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.

Note: 1. The planning approval of the Council 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 Council 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 an SA use, the Council will have regard to the matters set out in clause 4.3.3.
 4. The Council must refuse to approve any (X) use of land.

3.2.5 Where a use is included in the general and land use definitions in Appendix 1 it is deemed to be excluded from the definition of any other development which may include it by more general reference.

3.2.6 If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the development categories the Council may determine—

- (a) that the use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or
- (b) by absolute majority that the proposed use may be consistent with the objectives and purposes of the zone and/or the precinct objectives and an application for planning approval should be determined in accordance with Part IV, including the advertising procedures of clause 4.3.

PART IV—USE AND DEVELOPMENT OF LAND

4.1 REQUIREMENT FOR PLANNING APPROVAL

4.1.1 Subject to the exclusions in clause 4.1.3 the planning approval of Council is required for all development, including building, works, changes in use and new uses, on zoned and reserved land in the Scheme. Accordingly no person shall commence or carry out development, including a change in

the use of land, without having first obtained the approval of the Council pursuant to the provisions of this part.

4.1.2 All development is to be in accordance with the provisions of this Scheme.

4.1.3 Unless otherwise referred to in clause 4.1.4 the planning approval of Council is not required for the following development of land—

- (a) The development of land in a reserve, where such land is held by the Council or a public authority, and where the proposed development is for the purpose for which the land—
 - (i) is reserved under the Scheme, or
 - (ii) may be lawfully developed by the Council or public authority.
- (b) The use of land which is a permitted (P) use in the zone in which that land situated provided it does not involve the carrying out of any building or other works and the requirements of clause 3.2.4 have been satisfied,
- (c) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building,
- (d) The carrying out of works urgently necessary for public safety, the safety or security of plant or equipment or the maintenance of essential services,
- (e) The erection of a boundary fence except as otherwise required by the Scheme,
- (f) The erection on a lot of a single house, including swimming pool(s), outbuilding(s) and ancillary works in a zone in which a single house is a permitted (P) use, except as otherwise required by the Scheme,
- (g) The development of land in a rural settlement where Council has resolved that an endorsed Development Plan adequately addresses Council requirements for planning approval,
- (h) The parking of a moveable dwelling where Council has previously approved the use of the site for that purpose,
- (i) The carrying out of works on, in, over or under a street or road by a public authority acting pursuant to any Act, except as otherwise required by the Scheme,
- (j) The development of land, which, under State or Commonwealth legislation, is exempt from the requirement for planning approval,
- (k) Street trading if exempted or otherwise approved under a Local Law,
- (l) Demolition except as otherwise required by the Scheme,
- (m) The keeping of bees,
- (n) An anemometer if located on a site for less than three years, or if located in a residential area, less than 14 m in height above the ground or five metres in height if attached to a building,
- (o) A children's cubbyhouse,
- (p) External lighting normal to a dwelling,
- (q) Buildings or works associated with a circus or carnival provided in compliance with the publication *Circuses: code of practice for the conduct of circuses in Western Australia*,
- (r) Signage, except as otherwise required by the Scheme,
- (s) A temporary shed, structure or shipping container for construction purposes located on a site for which a building licence and/or planning approval has been granted,
- (t) A family day care centre,
- (u) Except as otherwise required by the Scheme, a satellite dish with a diameter not exceeding 1200 mm,
- (v) Wind turbines not forming part of a wind energy facility, not located within the primary street setback area, not within one metre of any property boundary or not having a blade height exceeding nine metres,
- (w) Antennae not located within the primary street setback area, not within one metre of any property boundary and not being greater than 14 m in height above the ground or five metres in height if attached to a building, or
- (x) Solar collectors physically attached to a building not forming part of a minor utility installation or utility installation.
- (y) Routine repairs and maintenance, except as otherwise required by the Scheme.
- (z)
 - (i) The carrying out of any mining operations authorized by the *Mining Act 1978*; and
 - (ii) The doing of any lawful act, incident or conducive to mining operations; and
 - (iii) Any activity that is exempt from the requirement of planning approval under any State Agreement Act.

Advice Note re Mining Operations:

Where any mining operations, as that term is defined in section 8 of the *Mining Act 1978*, or any lawful act, incident or conducive to mining operations, or any activity under a State Agreement, within the terms of the exemption in item (z) above, is exempt from the requirement of planning approval, assessment of the proposal from a planning perspective may nevertheless be required under the State Agreement or the State Agreement Act, or for the purpose of a determination under the *Mining Act 1978* or pursuant to a grant, approval or permit under that Act. If so, the proposal must

be submitted to the Shire in such detail as is necessary to allow the Council to give due consideration to the effects and planning significance of the activity so as to enable informed comment to be given to the State or the relevant agency.

4.1.4 Where the Council considers development of land referred to in clause 4.1.3 (a) may not be consistent with the objectives or requirements of the Scheme, or a provision of the Policy Manual, the Council shall advise the proponent accordingly and therewith the proponent shall seek planning approval in accordance with Clause 4.2.

4.2 APPLICATION FOR PLANNING APPROVAL

4.2.1 Every application for planning approval shall be made in the form prescribed by Council and, unless Council waives a particular requirement, shall be accompanied by such plans and information outlined in Appendix 2 and any other information that the Council may reasonably require to enable the application to be determined.

4.2.2 Where the undertaking of building or works will result in one or more uses these uses are to be specified on the application for planning approval and Council shall determine which of these is or is not approved.

4.3 ADVERTISING OF APPLICATIONS

4.3.1 Where an application is made for planning approval to carry out development which involves an "SA" use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of subclause 4.3.3.

4.3.2 Where an application is made for planning approval to carry out any other development the Council may give notice of the application in accordance with the provisions of subclause 4.3.3.

4.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall—

- (a) determine a submission period of not less than 14 days which is appropriate to the potential impact of the development and takes into account calendar events which may detract from the effective advertising of the proposal or the preparation of submissions;
- (b) determine the level of notice required as one or more of the following—
 - (i) serving notice of the proposed development, adequately describing and illustrating the proposal, on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within the submission period;
 - (ii) publishing notice of the proposed development, adequately describing and illustrating the proposal, in a local newspaper circulating in the Scheme area stating that submissions may be made to the Council within the submission period, which may be 14 days or longer as determined by Council pursuant to 4.3.3 (a); and
 - (iii) erecting a sign or signs displaying notice of the proposed development, adequately describing and illustrating the proposal, in a prominent location in the area that would be affected by the designation for the duration of the submission period; and
- (c) give notice of the proposed development in accordance with its determination pursuant to clause 4.3.3 (b).

4.3.4 The Council may require further plans, sketches, scale models, photographs or other similar aids to explain the proposal to be deposited at the offices of the Council for viewing, during normal office hours by any persons wishing to tender a submission or objection. All costs associated with the notification advertising or display of a proposed development shall be borne by the applicant.

4.3.5 The notice referred to in subclause 4.3.2 (b) and (c) shall be in the form contained in Appendix 5 with such modifications as circumstances require.

4.3.6 After expiration of the submission period the council shall consider and determine the application.

4.4 MATTERS TO BE CONSIDERED BY COUNCIL

The Council 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 Council relevant to the use or development the subject of the application—

- (a) the purposes and aims and the other provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area;
- (b) any relevant proposed new town planning scheme or region scheme or improvement scheme which has been granted consent for public submissions to be sought;
- (c) any approved State 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 Council under clause 5.1, any heritage policy statement for a designated heritage area adopted under clause 6.9.2, and any other plan or guideline adopted by the Council 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 6.9.1, and the effect of the proposal on the character or appearance of a heritage area;

- (i) The preservation of the amenity of the locality and the requirements of orderly and proper planning;
- (j) the compatibility of a use or development with its setting;
- (k) any social issues that have an effect on the amenity of the locality;
- (l) the cultural significance of any place or area affected by the development;
- (m) 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;
- (n) 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;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by people with disabilities;
- (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 stormwater runoff has been adequately provided for and whether existing overland flowpaths are suitably protected or substituted;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the planning approval;
- (z) any relevant submissions received on the application;
- (za) the comments or submissions received from any authority; and
- (zb) any other planning consideration the Council considers relevant.

4.5 DETERMINATION OF APPLICATIONS

4.5.1 In determining an application for planning approval the Council may—

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

4.5.2 The Council shall convey its decision to the applicant in writing clearly stating the conditions to be satisfied to validate the approval or the reasons for refusal and informing the applicant of the available avenues of appeal.

4.5.3 Where the Council grants planning approval, that approval—

- (a) continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved, and
- (b) lapses if the development has not substantially commenced and in continuation before the expiration of that period.

4.5.4 An application may be made to the Council for an extension of the term of planning approval at any time prior to the expiry of the approval period in subclause 4.5.3 (a).

4.5.5 Where the Council grants planning approval, it may impose conditions limiting the period of time for which the development is permitted.

4.5.6 Where Council imposes a condition of approval, it may specify a period or periods of time in which all or part of the requirements of a condition shall be completed.

4.6 COMPLIANCE WITH CONDITIONS

4.6.1 If the Council grants planning approval subject to conditions, no person shall use or develop any land or building affected by the conditions or suffer or permit them to be used or developed otherwise than in accordance with the conditions

4.6.2 Upon written application being made by an owner of land the Council may vary any condition imposed on a planning approval or may extend the time for compliance of any condition so imposed.

4.7 DEEMED REFUSAL

4.7.1 An application for planning approval shall be deemed to have been refused where a decision has not been conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or 90 days in the case of a planning approval subject to subclause 4.3.3, or within such time as agreed in writing between the applicant and the Council.

4.7.2 Notwithstanding that an application for planning approval may be deemed to be refused, the Council may issue a valid decision in respect of the application at any time after the expiration of the 60 or 90 day period referred to in subclause 4.7.1.

4.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

4.8.1 Where an application is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent approval of Council.

4.8.2 The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.

4.8.3 Where the Council has granted approval, subject to matters requiring later approval, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval.

PART V—DEVELOPMENT OBJECTIVES AND LAND USE PLANNING POLICY

5.1 LOCAL LAND USE PLANNING POLICIES

5.1.1 The Council may prepare 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, add to or rescind a Policy so prepared.

5.1.2 Any Local Planning Policy, prepared under this part shall be consistent with—

- (a) the Scheme;
- (b) State planning legislation;
- (c) Any relevant Region Scheme or Improvement Scheme; and
- (d) Any State or regional policies of the Western Australian Planning Commission.

Where any inconsistency arises between any Local Planning Policy and the Scheme, any State legislation, any relevant Region Scheme or Improvement Scheme, or any Western Australian Planning Commission State or Regional Policy; the Scheme, State Legislation, Region Scheme or Improvement Scheme or Western Australian Planning Commission State or Regional Policy, as the case may be, shall prevail.

Note: Where a Local Planning Policy modifies an Acceptable Development provision of the Residential Design Codes to the extent permissible in accordance with Part 5 of the Residential Design Codes, the Local Planning Policy shall prevail.

5.1.3 Local Planning Policies shall be kept in the Shire of Roebourne Land Use Planning Policy Manual (Policy Manual) and available for public inspection, in conjunction with the Scheme, during normal office hours.

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

5.1.5 A Local Planning Policy shall become operative only after the following procedures have been completed—

- (a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 28 days) submissions may be made.
- (b) The Council shall review the draft Policy in the light of any submissions made and shall resolve either to fully adopt the draft policy with or without modification, or not to proceed with the draft Policy.
- (c) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.
- (d) Where, in the opinion of the Council, provisions of any Policy affect the interests of the Western Australian Planning Commission, a copy of the Policy shall be forwarded to the Commission.
- (e) Any amendment, addition to or rescission of a Policy shall follow the procedures set out in (a)-(d) above.

5.1.6 A Local Planning Policy may be rescinded by the final adoption of a new Policy, pursuant to subclause 5.1.6, specifically worded to supersede an existing Policy.

5.2 DEVELOPMENT PLANS

5.2.1 Council may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for—

- (a) Development Plan precincts identified in Appendix 7
- (b) Urban Development Zone
- (c) Industrial Development Zone
- (d) Rural Residential zone
- (e) Tourism zone

5.2.2 Council shall, upon endorsement of development plans, or parts of development plans, ensure they are included in the Shire of Roebourne Local Planning Policy Manual as a policy statement.

5.2.3 Development of land shall be generally consistent with the requirements of endorsed development plans, subject to compliance with the provisions of the Scheme.

5.2.4 In considering applications for planning approval, Council may permit minor departure from a development plan where in its opinion the departure would not prejudice the orderly and proper development of the area.

5.2.5 The proponent of a Development Plan, required by this Scheme, may exercise a right of review in accordance with Part 14 of the Act against—

- (a) The failure of the Council to make a determination on the content and requirements of a development plan (or an amendment to a development plan) within 60 days of receiving a request for direction.
- (b) A decision by Council not to endorse a development plan (or an amendment to a development plan).
- (c) The imposition of conditions on Council's endorsement of a development plan (or alterations to a development plan).

5.2.6 Development Plans shall address the matters outlined in Appendix 8.

5.2.7 Where a development plan proposes subdivision of land the Council shall forward the Plan to the Western Australian Planning Commission and request the Commission to adopt the Development Plan.

5.2.8 The Council shall request development Plans, or any departure from or alterations it considers substantial, to be advertised seeking public submissions in accordance with subclauses 4.3.3 and 4.3.4, prior to considering endorsement of the plans.

5.2.9 Any departure from or alterations to Development Plans may, subject to the approval of the Western Australian Planning Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area.

5.2.10 A Development Plan may indicate development categories in the zoning table which, upon final Development Plan approval, shall be considered permitted (P), (AA) or otherwise by Council in the area of the plan. In the absence of an endorsed Development Plan the symbols in the zoning table apply.

5.2.11 Council may, when it considers subdivision and development in an area the subject of a Development Plan has proceeded to an extent where detailed zones and reservations should be defined, amend the Scheme to indicate these zones and reservations.

5.3 PRECINCT OBJECTIVES

5.3.1 The objective statements in this Part—

- (a) relate to specific areas identified as precincts on the Development Objectives Precinct Map (Appendix 3);
- (b) indicate the Council's preferred land use and development outcomes within these precincts; and
- (c) provide additional guidance for Council when determining applications for planning approval.

5.4 BURRUP PENINSULA OBJECTIVES

- (i) Retain an appropriate balance between the Burrup's recreational, industrial, environmental and heritage assets.
- (ii) Acknowledge Hearson Cove as a key recreational node.
- (iii) Adopt the principles and policies of the Burrup Peninsula Land Use and Management Strategy.

5.5 CAPE LAMBERT OBJECTIVES

- (i) Facilitate the development of the Cape Lambert precinct as a strategic industry estate which—
 - allows the efficient and effective processing of primary resources,
 - does not compromise the lifestyle and tourist assets of the Shire, and
 - has due regard to the environmental and heritage values of the area.
- (ii) Accommodate the development of additional port facilities, including public wharf facilities.
- (iii) Retain access to key coastal recreational nodes within the precinct, in particular Boat Beach.

5.6 COSSACK OBJECTIVES

- (i) Preserve the heritage values of Cossack.
- (ii) Develop the Cossack Town Centre into a viable historic tourist centre with due regard to the natural and built environment.
- (iii) Facilitate the return of Cossack into a "living" town offering an alternative residential setting based on its coastal and historic values.
- (iv) Develop Settlers Beach into a tourist and recreational node.

5.7 DAMPIER OBJECTIVES

- (i) Enhance the high quality residential environment of Dampier.
- (ii) Protect the key landscape features within Dampier.
- (iii) Enhance the links between the Town Centre and the foreshore.
- (iv) Develop a coastal tourism focus and improved identity within the Town Centre.
- (v) Encourage residential development that will accommodate a greater range of lifestyles to reflect the broadening population base.
- (vi) Maintain adequate buffers between industry and the town.

5.8 ISLANDS OBJECTIVES

- (i) Retain the focus of the islands on conservation and recreation.
- (ii) Protect the unique environmental and heritage values of the islands.
- (iii) Encourage low key tourist development and accommodation that is sensitive to the fragile environment.
- (iv) Facilitate access to key recreational nodes.

5.9 KARRATHA OBJECTIVES

- (i) Facilitate the continued growth of Karratha as the regional centre of the West Pilbara.
- (ii) Develop Karratha as the tourist entry for the West Pilbara built upon and taking into account the levels of commercial travellers associated with resource developments.
- (iii) Preserve the key recreational, landscape and heritage values of the Karratha Hills.
- (iv) Develop the City Centre as a vibrant, safe and diverse city centre servicing Karratha, the Shire and the West Pilbara with a mix of commercial, retail, entertainment, residential, civic and retail uses.
- (v) Create an identity for the City Centre through enhancing the built form and creating an identifiable central focus and improving legibility.
- (vi) Develop a district mixed business area in Nickol that does not compromise the viability of the City Centre.
- (vii) Develop local commercial centres so as to provide convenience goods and services, private recreation, and community uses to the local community.
- (viii) Enhance the high level of residential amenity within Karratha in both existing suburbs and the residential expansion areas.
- (ix) Encourage residential development that will accommodate a greater range of lifestyles and needs to reflect the broadening population base.
- (x) Prevent the proliferation of extractive industries in this precinct.
- (xi) Retain the Karratha Industrial Estate as the regional service industry centre whilst improving its presentation as part of the entry statement to Karratha.
- (xii) Develop an education, leisure and training precinct at the Karratha High School and TAFE site on Dampier Road Stove Hill.
- (xiii) Encourage and facilitate the establishment of a higher learning campus offering social, cultural, industrial and/or natural resources research opportunities.
- (xiv) Enhance the visual appeal of major city approaches through the establishment of entry statements, provision of landscaping, commissioning of public art and minimising advertising signage.
- (xv) Encourage the development of tourist resorts, short stay accommodation and caravan parks that provide for tourists and business travellers.
- (xvi) Encourage indigenous business opportunities and developments that promote indigenous culture.
- (xvii) Prohibit the use of shipping containers for storage purposes in residential areas unless located behind the primary street setback area.
- (xviii) Encourage boundary fencing immediately abutting parks, recreation and drainage reserves to be visually permeable so as to improve surveillance.

5.10 MAITLAND OBJECTIVES

- (i) Protect the access and environmental assets of Miaree Pool from the impacts of surrounding land uses.
- (ii) Facilitate the development of the Maitland Precinct as a strategic industry estate which;
 - allows the efficient and effective processing of primary resources,
 - allows for the development of land uses compatible with and not restrictive to future development of strategic industry,
 - does not compromise the lifestyle and tourist assets of the Shire, and
 - has due regard to the environmental and heritage values of the area.
- (iii) Accommodate the development of additional port facilities, including public wharf facilities.

5.11 PASTORAL OBJECTIVES

- (i) Facilitate the retention of Whim Creek as a rural settlement and service centre.

- (ii) Protect the environmental and recreational qualities of coastal areas, and ensure continued public access to key coastal recreational nodes such as Ngoorea and Cleaverville.
- (iii) Allow the development of key infrastructure and servicing facilities where environmental and social considerations can be addressed.
- (iv) Facilitate the development and diversification of pastoral stations where ecologically sustainable.
- (v) Protect the key environmental features and natural landscapes within the Shire.

5.12 POINT SAMSON OBJECTIVES

- (i) Develop an identifiable Town Centre with a coastal aspect.
- (ii) Facilitate the development of Point Samson as a tourist node where compatible with the social and environmental setting.
- (iii) Retain the “fishing village” atmosphere of Point Samson.
- (iv) Accommodate additional residential land release.

5.13 ROEBOURNE OBJECTIVES

- (i) Preserve the Heritage values of the Roebourne town, whilst facilitating an increased range of services.
- (ii) Improve links between the Town Centre and the Harding River parklands.
- (iii) Limit further development within the Harding River Flood Plain.
- (iv) Encourage the development of intensive agriculture where sustainable.
- (v) Develop the Roebourne Mixed Business zone as a precinct in which—
 - businesses may be developed in conjunction with single residences,
 - uses are not permitted which are incompatible with the residential component, and
 - no site may be developed purely for a residential function.
- (vi) Facilitate the development of the Cheeditha Community in line with any adopted Community Layout Plan.

5.14 WICKHAM OBJECTIVES

- (i) Increase the economic diversity and viability of the Wickham Townsite while not compromising the quality of the living environment.
- (ii) Improve the appearance and strengthen the function of the Wickham Town Centre by creating identity, diversity and legibility.
- (iii) Develop improved road links between the Town Centre and residential areas,
- (iv) Develop the Wickham Mixed Business zone as a precinct in which—
 - businesses may be developed in conjunction with single residences,
 - uses are not permitted which are inconsistent with the residential component, and
 - no site may be developed purely for a residential function.

PART VI—DEVELOPMENT REQUIREMENTS

6.1 OPERATIONS OF THIS PART

6.1.1 Unless otherwise indicated by this Scheme, the provisions of the Building Code of Australia apply to development in the Scheme area in addition to the development requirements of this Scheme.

6.1.2 Except for development in respect of which the Residential Design Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. This approval may only be granted if Council is satisfied that—

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development, inhabitants of the locality or upon the likely future development of the locality; and
- (c) it would be consistent with the objectives and policies of the Scheme and the Precinct Objectives set out in clauses 5.3 to 5.13.

6.2 RESIDENTIAL DESIGN CODES

6.2.1 For the purpose of this Scheme “Residential Design Codes” or “R Codes” means the Residential Design Codes in State Planning Policy 3.1 and Part B of State Planning Policy No. 1.

6.2.2 A copy of the Residential Design Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.

6.2.3 Unless otherwise provided for in the Scheme the development of land for any of the Residential Purposes dealt with by the Residential Design Codes shall conform to the provisions of those Codes.

6.2.4 The Residential Design Code density applicable to land in the Residential zone within the Scheme Area shall be R20 unless otherwise determined by reference to the Residential Design Code density number superimposed on the particular areas shown on the Scheme maps as being contained within the black line borders.

6.2.5 The density for residential development on land outside of the Residential zone shall be determined by Development Plans where approved in accordance with the Scheme.

6.2.6 Where the Council exercises discretion to allow development in a Development Plan Area for which a Development Plan has not been approved, density shall be considered in consultation with the Council and shall be as determined by the Council.

6.3 RESIDENTIAL ZONE

6.3.1 Where residential development guidelines have been adopted and included in the Policy Manual in accordance with Part V, development within the Residential zone shall be in accordance with the intent of these guidelines, unless Council resolves, for a particular planning application, to vary this intent.

6.3.2 A home occupation shall not be undertaken unless Council has granted planning approval. In considering an application for planning approval Council shall have regard for the Home Occupation Policy Statement in the Policy Manual.

6.3.3 Notwithstanding clause 6.10.3 of the Residential Design Codes every dwelling shall be provided with a store room of not less than four square metres in floor area and with a minimum internal dimension of not less than 1.5 m. The store room shall be fully enclosed and have direct ground level access from outside the building. Unless not able to be reasonably used for any purposes other than storage, such as when forming part of a garage, the storeroom shall have no direct internal access from the dwelling. It may form part of the main building structure or be a permanent outbuilding.

6.4 URBAN DEVELOPMENT ZONE

6.4.1 Before considering any proposal for subdivision or development of land within the Urban Development zone, the Council may prepare or require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by Council.

6.4.2 Land zoned Urban Development may be affected by development constraints, the extent and nature of which will need to be identified through the preparation of a Development Plan. The provisions of clause 7.2 apply in relation to the preparation, advertising, adoption, endorsement and implementation of any such Development Plan.

6.4.3 Matters to be addressed in a Development Plan are contained in Appendix 8.

6.4.4 Council shall, when it considers subdivision and development in an area the subject of a Development Plan has proceeded to an extent where detailed zones and reservations can be defined, amend the Scheme to indicate these zones and reservations.

6.4.5 Where residential development guidelines have been adopted and included in the Policy Manual in accordance with Part V, development within the Urban Development zone shall be in accordance with the intent of these guidelines, unless Council resolves, for a particular planning application, to vary this intent.

6.5 TRANSIENT WORKFORCE ACCOMMODATION

6.5.1 All transient workforce accommodation, whether designed as permanent or temporary structures, shall be in accordance with the Transient Workforce Accommodation Policy in the Policy Manual.

6.5.2 Except in the Residential zone and notwithstanding subclause 6.5.1, the requirements of the Residential Design Codes and clause 6.3 of the Scheme may be varied for transient workforce accommodation by Council provided adequate justification for the variation is submitted by the proponents of the accommodation and provided Council considers the variation appropriate.

6.5.3 Planning applications for transient workforce accommodation, within areas outside the Transient Workforce Accommodation zone, shall be accompanied by information and plans indicating, to Council's satisfaction, how and when the development will convert to a subsequent use which is consistent with the Scheme zoning.

6.5.4 Planning applications for temporary structures to provide transient workforce accommodation shall, to Council's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitated or developed for a different use intended for the zone.

6.5.5 Council may require, by signed agreement, a commitment to the date and details of rehabilitation and conversion the subject of subclauses 6.5.3 and 6.5.4.

6.6 COMMERCIAL ZONES

6.6.1 Development in the Town Centre, Commercial, Tourism, Mixed Business and City Centre zones shall be in accordance with the objective statements for each precinct contained in Part V or a Policy Statement contained in the Policy Manual.

6.6.2 Council may prepare, or require to be prepared, a Development Plan prior to considering a planning application on land within the Town Centre, Commercial, Tourism, Mixed Business and City Centre zones. The provisions of clause 7.2 apply in relation to the preparation, advertising, adoption, endorsement and implementation of any such Development Plan.

6.6.3 In the absence of Precinct Objectives, Policy Statements or a Development Plan for land within the zones referred to in subclause 6.6.2 Council, when considering a planning application, shall take into account other matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures.

6.6.4 The density of residential development in the Town Centre, Tourism and Mixed Business zones shall not exceed R40.

6.6A CITY CENTRE

6.6A.1 The objectives of the City Centre zone are—

- (a) To facilitate the appropriate and orderly and proper development of the City Centre based on sound urban design principles and which reflect the Scheme objectives.
- (b) To create a vibrant and safe City Centre with a diversity of land uses including residential, commercial, retail, entertainment and civic uses.
- (c) To create a network of clearly legible pedestrian and vehicle movement networks.
- (d) To create enhanced pedestrian environments with pedestrian shelter, active ground floor uses and passive surveillance wherever possible.
- (e) To encourage and facilitate the development and beautification of the City Centre.

6.6A.2 The Karratha City Centre comprises four distinct Precincts; a Retail Precinct, Commercial Precinct, Entertainment Precinct and an Accommodation Precinct. The objectives for each Precinct are—

Retail Precinct

To achieve development in the Retail Precinct in a Main Street style, dominated by ground floor retail uses. Main Street tenancies should be no greater than 500 m², include active facades, have nil setbacks, car parking areas screened from the public domain and include elements that enhance the pedestrian public domain. Dwellings with any street frontage at ground level other than to facilitate entry will not be permitted. Multiple dwellings are strongly encouraged on upper levels.

Commercial Precinct

To promote a diversity of development in the Commercial Precinct with active ground floor uses facing the street. Whilst the predominant use is envisaged to be offices, other tenancies with a gross floor area less than 1000 m², comprising comparison retail, showrooms, and other commercial uses are also encouraged. Multiple dwellings are encouraged on upper levels and may be permitted to face secondary streets where Council considers that active commercial uses are not required.

Entertainment Precinct

To support and encourage development that will invigorate the public domain and capitalise on open spaces and natural views. This will include cafés and restaurants with alfresco dining, bars and entertainment venues. Dwellings with any street frontage at ground level other than to facilitate entry are strongly discouraged. A high level of noise attenuation must be incorporated into buildings with a residential component.

Accommodation Precinct

To provide a range of accommodation options in the Accommodation Precinct including hotels, motels, short stay accommodation, multiple dwellings and tourist resorts. Transient workforce accommodation is not permitted. Ancillary commercial, retail and entertainment uses such as small shops, private recreation and restaurants that contribute to the overall accommodation experience may be provided at the ground level.

6.6A.3 The height of development is to be a minimum of two storeys with a minimum façade height of 7.5 m. The maximum height of development shall be four storeys with a parapet wall height of a maximum of 15 m. Proposals for buildings with either lower than minimum heights or greater than maximum heights may only be permitted by Council where all matters listed below have been addressed to Council's satisfaction—

- The development meeting or exceeding all of the provisions specified by Council's Policy Manual;
- The development having uses and activation at the ground level consistent with the specified objective for the precinct; and
- The proponent including details of a significant community benefit in the Application for Planning Approval.

The Application for Planning Approval shall also address matters including—

- A streetscape analysis,
- Amenity impacts,
- Building height,
- Setbacks,
- Public domain enhancement,
- Limited vehicle access ways, shared driveways and secondary street access,
- Sustainability initiatives,
- Signage,
- Architectural merit,
- Heritage Values

- Public art, and
- Other information as may be required by Council.

6.6A.4 Residential density shall be R-IC. Proposals for buildings with higher residential densities than permitted by the Acceptable Development criteria set out in the Residential Design Codes may only be permitted where Council is satisfied that—

- The development meets or exceeds all of the provisions specified by Council's Policy Manual;
- The development has uses and activation at the ground level consistent with the specified objective for the precinct; and
- The proponent has included details of the development providing a significant community benefit in the Application for Planning Approval.

6.7 INDUSTRY

General Provisions

6.7.1 Development in the Strategic Industry, Industry and Industrial Development zones shall be in accordance with the Precinct Objective statements contained in Part V or a Policy Statement contained in the Policy Manual.

6.7.2 In considering planning applications within the strategic industry, industry or industrial development zones, public purpose or other reserves, or industry buffer Special Control Area, Council shall have regard for the—

- (a) compatibility of uses;
- (b) potential impact of the proposal on the efficient and effective operations of the existing and planned industry, infrastructure or public purpose; and
- (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.

Strategic Industry

6.7.3 In considering applications for planning approval in the Strategic Industry zone Council shall ensure that the proposal—

- (a) optimises the effectiveness of the zone as a strategic industrial area and utilises major infrastructure, creates symbiosis with other industries or includes resource processing industry;
- (b) is significant to the regional and/or state economies; or
- (c) provides goods and services which directly support or complement industries described in (a) and (b) of this subclause; and
- (d) minimises or offsets impacts on local infrastructure, economic and community development.

6.7.4 The purpose of the Strategic Industry zone is to accommodate strategic industries and, notwithstanding the provisions of any other part of the Scheme, development which may impede the operation of such industries shall not be permitted within the Strategic Industry zone or Industrial Buffers Special Control Areas.

6.7.5 Council shall consult with the relevant State government or other relevant organisations, when assessing planning applications in the Strategic Industry zone, to ensure the proposal does not conflict with the strategic intentions for industry and infrastructure development in the zone.

Industry

6.7.6 The purpose of the Industry zone is to provide areas—

- (a) where a wide range of industrial development may be located with adequate separation from residential zones; and
- (b) which support the needs of the local community and economy in addition to supporting the needs of activities undertaken in the Strategic Industry zone.

6.7.7 When considering applications for planning approval in the Industry or Industrial Development zones Council shall not permit development to be set back less than five metres from the front boundary or buildings to cover more than 50% of the lot and shall have regard for any other minimum development standard contained in the Policy Manual.

6.7.8 Council, in considering applications for subdivision/amalgamation shall not recommend approval of battleaxe lots, or lots in the Industry or Industrial Development zones which are below 2000 m² unless it can be demonstrated that the lot(s) will comply with the Draft State Sewerage Policy (or alternative adopted Policy) to the satisfaction of the Department of Health.

Industrial Development

6.7.9 The purpose of the Industrial Development zone is to provide areas for future industrial estate development where development can occur, in accordance with an endorsed Development Plan, prior to amending the Scheme to incorporate detailed zones and reservations for particular lots.

6.7.10 All development requirements related to the Industry zone also apply to the Industrial Development zone.

6.7.11 Council may prepare, or require to be prepared, a Development Plan prior to considering a planning application on land within the Industrial Development zone.

6.7.12 Land zoned Industrial Development may be affected by development constraints, the extent and nature of which will need to be identified in a Development Plan. Development sites on land

zoned Urban Development may be modified in accordance with detailed site investigations undertaken during the preparation of a Development Plan. The provisions of clause 7.2 apply in relation to the preparation, advertising, adoption, endorsement and implementation of any such Development Plan.

6.7.13 Matters to be addressed in a Development Plan are contained in Appendix 8.

6.7.14 Council shall, when it considers subdivision and development in an area the subject of a Development Plan has proceeded to an extent where detailed zones and reservations can be defined amend the Scheme to indicate these zones and reservations.

6.8 RURAL ZONES

6.8.1 In considering any proposed development within the Rural zone, but in an area subject to strategic proposals for urban or industrial development, the Council shall only grant approval where that proposed development or use will not, in the opinion of Council, prejudice the future development of those proposals.

6.8.2 Before considering any proposal for subdivision or development of land for the purposes of rural residential, rural living, intensive agriculture or a rural settlement, the Council may prepare or require the preparation of a Development Plan for the area or any part or parts of the area as is considered appropriate by Council. The provisions of clause 7.2 apply in relation to the preparation, advertising, adoption, endorsement and implementation of any such Development Plan.

6.8.3 Matters to be addressed in a Development Plan are contained in Appendix 8.

6.8.4 In considering any proposal for rural residential, rural living, intensive agriculture or a rural settlement, Council may determine that the Development Plan required by Clause 6.8.2 should be supplemented by—

- (i) a local settlement and/or rural strategy to address impacts beyond the site, and
- (ii) additional zones and Scheme provisions to be included by amendment in this Scheme.

6.9 HERITAGE MATTERS

6.9.1 The Council 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.

6.9.2 In the preparation of the Heritage List the Council is to—

- (a) have regard to the municipal inventory prepared by the Council 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.

6.9.3 In considering a proposal to include a place on the Heritage List the Council is to—

- (a) notify in writing the owner and occupier of the place and provide them with copy of the description proposed to be used under clause 6.9.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 28 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.

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

6.9.5 The Council is to keep a copy of the Heritage List with the Scheme documents for public inspection.

6.9.6 The Council may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 6.9.3.

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

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

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

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

6.9.8 The Council is to—

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

- 6.9.9 If the Council 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 two consecutive weeks in a newspaper circulating in the Scheme area;
 - ii. Erecting a sign giving notice of the proposed designation once a week for two consecutive weeks in a newspaper circulating in the scheme area;
 - 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.
- 6.9.10 Notice of a proposal under clause 6.9.9(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 28 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.
- 6.9.11 After the expiry of the period within which submissions may be made, the Council is to—
- (a) review the proposed designation in the light of any submissions made; and
 - (b) resolve to adopt the designation or amendment with or without modification, or not to proceed with the designation.
- 6.9.12 If the Council resolves to adopt the designation, the Council is to forward a copy of the designation to the Heritage Council of Western Australia, the Western Australian Planning Commission and each owner of land affected by the designation.
- 6.9.13 The Council may modify or revoke a designation of a heritage area.
- 6.9.14 Clauses 6.9.9 to 6.9.12 apply, with any necessary changes, to the amendment of a designation of a heritage area or heritage place.
- 6.9.15 The Council may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.
- Note: 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.
- 6.9.17 Despite any existing assessment on record, the Council 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.
- 6.9.18 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 6.9.1; or
 - (b) enhance or preserve heritage values in a heritage area designated under clause 6.9.7,
- the Council may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.1.6.
- 6.9.19 The purpose and intent of the heritage provisions is to—
- (a) ensure the conservation of any place, area, building, object or structure of heritage value;
 - (b) afford the opportunity for existing traditional uses to be continued or allow for the approval of alternative uses which are compatible with the heritage values and character of the locality; and
 - (c) ensure that development within or adjacent to places of heritage value has due regard to the value of the heritage place and is in harmony with the character of the locality.

Development Plans

6.9.20 Where the Council requires a Development Plan to be prepared, that plan shall document the heritage values and character of the development area, including any buildings, objects, structures and places included in the Heritage List, and include measures to conserve or enhance these to the satisfaction of Council.

6.9.21 Where heritage matters are a significant component of a Development Plan, Council shall have due regard to any comments received from the Heritage Council of Western Australia and advise the Western Australian Planning Commission and the Heritage Council of Western Australia of Council's decision in relation to endorsement of the Development Plan.

Applications for Planning Approval

6.9.22 In dealing with any matters which may affect an entry on the Heritage List, including any application for planning approval, Council shall have regard to any provision or Precinct Objective in

the Scheme, Policy Statement in the Policy Manual, an endorsed Development Plan and the views of the Heritage Council of WA, the National Trust of Australia (WA) or any other relevant bodies.

6.9.23 In addition to the requirements of other provisions of the Scheme, the Council may require an application for planning approval, where the proposed development may affect a place of cultural heritage significance or an entry on the Heritage List to include one or more of the following to assist the Council in its determination—

- (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) Side and rear elevations of the proposed development, drawn to a scale of not smaller than 1:100;
- (c) A site plan including existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all vegetation exceeding two metres in height, and marking any existing structures and vegetation proposed to be removed, such a plan shall be drawn to the same scale as the site plan;
- (d) Notwithstanding any existing assessment on record, an assessment of the cultural and heritage significance of any existing buildings and the development site to Council's satisfaction;
- (e) A detailed schedule of all finishes, including materials and colours of the proposed development and unless the Council exempts the applicant from the requirement or any part of it, also the existing developments on the subject lot immediately adjoining the subject lot; and
- (f) Any other information that Council considers relevant.

Variations to Scheme Provisions and Conservation Incentives

6.9.24 Where desirable to facilitate the conservation of a heritage place or to enhance or conserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the subject site, the Council shall—

- (a) consult the affected parties by following one or more of the provisions in subclause 4.3.3; and
- (b) have regard to any expressed views prior to granting the variation.

6.9.25 The Council may permit, on a lot zoned Residential and listed in the Heritage List, an increase up to 50% of permitted dwelling density which otherwise would not apply on that lot. The density bonus shall only be granted where the increased development would effectively maintain the cultural or heritage significance and character of the place, street or precinct, and if one or more of the following circumstances apply—

- (a) provision is made for the preservation of significant landscape features, including significant trees or other vegetation;
- (b) provision is made for carrying out of conservation works approved by the Council on a heritage place; or
- (c) a cash contribution is made to a fund set up by Council for the purpose of heritage conservation.

6.9.26 In a case where the Council has permitted an increase in density in accordance with subclause 6.9.12, the standards and provisions of the higher density code shall apply.

6.9.27 In granting variations under subclauses 6.9.11 and 6.9.12 the Council may enter into a heritage agreement under Part 4 of the *Heritage of Western Australia Act 1990* with an owner who would benefit from the incentive. The agreement may specify the owner's obligations and contain covenants noted on relevant Certificates of Title.

6.10 TRANSPORTABLE STRUCTURES

6.10.1 When considering planning applications which include transportable buildings and structures Council shall have regard for—

- (a) whether the structure is to be permanent or temporary;
- (b) the location and design of the structure in relation to surrounding structures and other physical features;
- (c) the footings or other methods of stabilising the structure; and
- (d) proposed landscaping to be associated with the structure.

6.10.2 Council may specify a period to which planning approval applies and the requirements for removal of structures which are intended to be temporary.

6.10.3 Council may require modifications, additions or landscaping to be undertaken as part of the placement of transportable structures.

6.11 CONTROL OF ADVERTISEMENTS

6.11.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Local Law relating to Signs, Hoardings and Bill Posting.

6.11.2 Applications for planning approval pursuant to this Part shall be submitted in accordance with the provisions of clause 4.2 of the Scheme and shall include the information and plans required by Appendix 2.

Existing Advertisements

6.11.3 Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme, or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme,

shall be referred to in the Scheme as “existing advertisements” and may, except as otherwise provided, continue to be erected and displayed in accordance with the licence or approval as appropriate.

Consideration of Applications

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

Exemptions from the Requirements to Obtain Planning Approval

6.11.5 Subject to the provisions of the *Main Roads (Control of Advertisements) Regulations 1996*, and notwithstanding the provisions of subclause 6.11.1, the Council’s prior planning approval is not required in respect of those advertisements which are exempt from or otherwise satisfy the requirements for particular signs under Council’s Local Law relating to Signs, Hoardings and Bill Posting. These exemptions do not apply to land, buildings, objects, structures and places included on the Heritage List or the subject of a Development Plan endorsed under sub-clause 7.2.9.

Discontinuance

6.11.6 Notwithstanding the provisions of subclauses 6.11.3 and 6.11.5, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Scheme, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of time specified in the notice.

Derelict or Poorly Maintained Signs

6.11.7 Where in the opinion of Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to—

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

Notices

6.11.8 “The advertiser” shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.

6.11.9 Any notice served pursuant to subclauses 6.11.6 and 6.11.7 shall be served upon the advertiser and shall specify—

- (a) the advertisement(s) 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, not being less than 60 days, within which the action specified shall be completed by the advertiser.

6.11.10 Any person, upon whom a notice is served pursuant to this clause, may, within a period of 60 days from the date of the notice, make an application for review to the State Administrative Tribunal in accordance with Part 14 of the Act and, where such an appeal is lodged, the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

Scheme to Prevail

6.11.11 Where the provisions of this clause are found to be at variance with the provisions of the Council’s Signs, Hoardings and Bill Posting Local Law, the provisions of the Scheme shall prevail.

6.11.12 The offences and penalties specified in clause 8.2 of the Scheme apply to the advertiser in this clause.

6.12 VEHICLE PARKING AND ACCESS

Car Parking Requirements

6.12.1 Unless otherwise provided by the Scheme, no development is permitted without providing concrete or bitumen sealed, kerbed, marked and drained onsite car parking in accordance with the requirements in Appendix 4 and the Australian standards AS2890.1, AS2890.2 and AS2890.6 relating to off-street parking.

6.12.2 Where a development is not specified in Appendix 4 the Council shall determine car parking requirements having regard to the nature of development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety standards.

6.12.3 As an alternative to subclause 6.12.1, and subject to Council approval, a cash-in-lieu payment, to the equivalent cost of providing the required car parking plus the value of the area of land which would have been occupied by the spaces, may be paid to the Council. This payment is to contribute to a fund set aside by Council for the purposes of providing public car parking areas.

6.12.4 Where the amount of cash-in-lieu payable under clause 6.12.3 cannot be agreed it shall be determined by arbitration in accordance with the *Commercial Arbitration Act 1985* or some other method agreed upon by Council and the developer.

Variations to Car Parking Requirements

6.12.5 Where the Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of car parking spaces required by subclause 6.12.1.

6.12.6 Where the Council is of the opinion that it is necessary to increase the required number of car parking spaces in order to maintain desirable standards of safety, convenience and amenity, such extra car parking spaces as Council considers necessary shall be provided. In imposing such extra car parking requirements, the Council shall explain the reasons for the increase to the owner of the lot.

6.12.7 Where there are two separate and different developments with different hours of peak operation, but being located on the same or adjoining lots, the Council may permit some discounting of the required number of car parking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety standards and there is agreement to the reciprocal use of all car parking bays.

6.12.8 Where a proposed development is located adjacent to a constructed public car park, the Council may, where it is satisfied there would be no lowering of safety standards, reduce the amount of required onsite car parking for that development by the amount which it considers the public car park serves the development. Council may also require a cash-in-lieu payment to the value referred to in subclause 6.12.3.

Design and Maintenance of Car Parking

6.12.9 When considering any application for planning approval the Council shall have regard to and may impose conditions concerning—

- (a) the proportion of car parking bays to be roofed or covered and the design criteria of this covering;
- (b) the proportion of car parking bays to be below natural ground level or on the roof of buildings and the design criteria of these structures;
- (c) the means of access to each car parking bay and the adequacy of any vehicular manoeuvring area;
- (d) the location of the car parking bays and the impact upon the aesthetic character of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- (e) the extent to which car parking bays are located within required building setbacks;
- (f) the location of proposed public footpaths, vehicular crossings, and private footpaths within the lot, and the effect of both pedestrian and vehicular traffic movement and safety; and/or
- (g) materials for the sealing, paving and kerbing of car park surfaces, associated islands and pedestrian spaces and the landscaping of these areas.

6.12.10 The owner and occupier of premises on which car parking bays are provided shall ensure that the car park, its markings, associated structures, landscaping and drainage are provided and maintained to the satisfaction of Council.

Parking Bays for People with Disabilities

6.12.11 Council shall ensure the provision and location of car parking bays designed to accommodate people with disabilities as required by the Building Code of Australia and the Australian standard AS2890.6 relating to off-street parking for people with disabilities, and where required by the terms of any approval or condition of a planning approval to do so, parking bays shall be provided by the owner of the affected land in accordance with those standards.

Dimensions of Car Parking

6.12.12 In determining the layout of car parking areas, Council shall refer to the Australian standard AS2890.1, AS2890.2 and AS2890.6 for off-street car parking bay dimensions, parking angles and carriageway widths, and carparking areas shall be laid out accordingly.

6.12.13 The minimum dimensions of parking bays for service vehicles and buses shall be in accordance with Australian standard AS2890.2.

6.12.14 All road train parking bays and break-down areas shall be the size relevant to the vehicles to be accommodated.

6.12.15 Angle car parking spaces shall have a minimum dimension not less than 2700 mm by 5500 mm, unless otherwise agreed by Council.

Sealed Areas

6.12.16 All areas to be used for car parking, access ways, loading bays and for turning or manoeuvring of vehicles shall be sealed to the specification and satisfaction of the Council.

6.12.17 Within the Industrial and Rural zones the Council may permit an alternative method of surface treatment/dust suppression where, by reason of the development characteristics or the area of bitumen required, the Council considers the seal required in subclause 6.12.14 would be either impractical or unduly expensive and the alternative would serve the same function without unacceptable reduction in the standards of health and safety.

6.12.18 All sealed areas shall be permanently maintained to the satisfaction of the Council and the Council may order an owner to effect repairs where it considers that the sealed area has unduly deteriorated.

6.12.19 Outdoor displays, industrial hire services, storage facilities, depots, lay down areas and any other open area shall be sealed or grassed to the satisfaction of Council and maintained in good condition.

6.13 LANDSCAPING, SCREENING AND FENCING

6.13.1 All applications for Planning Approval shall indicate the landscaping elements of the proposal and in particular a plan showing—

- (a) external lighting;
- (b) the areas subject to landscaping works;
- (c) the location and species of plants;
- (d) other materials imported, arranged and/or constructed on the site;
- (e) areas to be irrigated and the systems to be used; and
- (f) the proposed staging, if any, of works.

6.13.2 Council may require modifications or additions to the landscaping work proposed by any planning application.

6.13.3 The owner or occupier of the land shall not use the area shown as landscaping on an approved plan for any purpose other than landscaping unless otherwise approved by Council. All elements of the landscaped area shall be maintained in a condition to the satisfaction of Council.

6.13.4 Within the City Centre, Town Centre, Commercial, Tourism, Mixed Business and City Centre zones, any outside area which Council considers detrimental to the amenity of the locality or adjoining lots, shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of Council.

6.13.5 Within the Industry and Industrial Development zones, any outside area which Council considers may become untidy or is currently untidy when visible from the street shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of Council.

6.14 PROVISION FOR CYCLISTS AND PEDESTRIANS

Pedestrian and Shared Path Network

6.14.1 Where a proposed development results in the severance and/or disruption to users of pedestrian links or shared paths, remedial measures are to be undertaken in accordance with Council policy.

Bicycle Parking Facilities

6.14.2 Council shall require developments to include safe and convenient parking facilities at identified common destinations for cycling trips. General requirements for the location and design of these facilities at these locations are provided within the Shire's Bikeplan. Council shall have regard to local prevailing conditions when implementing these design guidelines.

6.14.3 When considering applications for planning approval, the level of provision of bicycle parking facilities shall be in accordance with the ratios set down in the Shire's Bikeplan or Australian standard AS2890.3 (whichever is higher). These may be varied if the applicant can demonstrate a lower demand or extenuating circumstances.

6.15 CARETAKER'S DWELLING

The provisions of this clause shall apply to all caretaker's dwellings—

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (b) only one caretaker's dwelling is to be permitted on a lot or as part of a strata development;
- (c) if freestanding a caretaker's dwelling is required to be transportable, a moveable dwelling is not to be permitted as a caretaker's dwelling for either permanent or temporary occupation;
- (d) a caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local authority and wherever possible is to be sited at the rear of other buildings on the lot;
- (e) a caretaker's dwelling is to contain one bedroom only within a total floor area that does not exceed 100 m² measured from the external face of walls; and
- (f) open verandah may be permitted but must not be enclosed by any means unless the total floor area remains within the maximum total floor area of 100 m² as referred to in paragraph (e).

Note: For the purposes of (e) a bedroom is any room able to be set aside for sleeping purposes.

6.16 DRIVER'S ACCOMMODATION

The provisions of this clause shall apply to driver's accommodation—

- (a) driver's accommodation is not to be developed and/or occupied on a lot unless that lot has been developed for a road freight terminal and is being used in accordance with the Scheme;
- (b) driver's accommodation must be transportable in order to be capable of being removed upon the cessation of the use;
- (c) a movable dwelling is not to be permitted as driver's accommodation;
- (d) driver's accommodation is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the Council and wherever possible is to be sited at the rear of other buildings on the lot;
- (e) a driver's accommodation building(s) is to have an aggregate total floor area that does not exceed 100 m² measured from the external face of walls;
- (f) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the maximum total floor area of 100 m² as referred to in paragraph (e); and
- (g) driver's accommodation shall only be occupied by drivers delivering goods or materials to, or collecting goods or materials from an approved road freight terminal.

PART VII—SPECIAL CONTROL AREAS

7.1 OPERATION OF SPECIAL CONTROL AREAS

7.1.1 The following Special Control Areas are shown on the Scheme Maps—

- (a) Development Areas shown on the Scheme map as DA with a number and included in Appendix 7—Development Areas
- (b) Industry Buffers
- (c) Airport Noise Restriction Area
- (d) Airport Obstacle Height Limitation Area
- (e) Roebourne Flood Management Area
- (f) Storm Surge Risk Areas
- (g) Cossack Historic Town
- (h) Dampier Salt
- (i) Withnell Bay

7.1.2 If a Special Control Area is shown on the Scheme maps, the provisions of the special control area apply in addition to the provisions of the zone and any general provisions of the Scheme.

7.2 DEVELOPMENT AREAS

7.2.1 Interpretation

- (a) "Owner" has the meaning given to the term in Appendix 1—Dictionary of Defined Terms, and in this clause 7.2, means an owner of land subject to a Development Plan.
- (b) "Development Plan" means a proposed Development Plan that has been adopted under clause 7.2.8.
- (c) "Development Plan Area" has the same meaning as the term "Development Area", and means an area specified by the Council and included in Appendix 7 of the Scheme as requiring an adopted Development Plan prior to development.

7.2.2 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.

7.2.2.1 Appendix 7 describes the Development Areas in detail and set out the specific purposes and requirements that apply to that particular Development Area.

7.2.3 Planning Requirements

7.2.3.1 Where a Development Plan exists, the subdivision and development of land is to be generally in accordance with the Development Plan.

7.2.3.2 The Council is not to—

- (a) consider recommending subdivision or
- (b) approve development

of land within a Development Area unless there is a Development Plan for the Development Area or for the relevant part of the Development Area.

7.2.3.3 Notwithstanding clause 7.2.3.2, a Council may recommend subdivision or approve the development of land prior to a Development Plan coming into effect if it is satisfied that this will not prejudice the purpose or requirements of the Development Plan area.

An application for development within a Development Plan Area for which a Development Plan is not in place shall include an assessment of the effects of the proposal on—

- (i) the provisions of Section 7.2.5.1 (a) to (l) in such detail as is considered necessary by the Council to determine the impact of the proposal on the purpose or requirements of the Development Plan area.
- (ii) those matters set out in Appendix 8 that the Council consider to be relevant to the proposal.
- (iii) the provisions of any design guides or local policies considered to be relevant to the area
- (iv) any other matter the Council considers necessary to assess the application

7.2.3.4 The Council or Western Australian Planning Commission may as a condition of adopting or approving a proposed Development Plan, require a more detailed Development Plan if the Council or the Western Australian Planning Commission considers that it will be necessary to provide additional detail to the proposals contained in the proposed Development Plan.

7.2.4 Preparation of Development Plans

7.2.4.1 A Development Plan may include maps, a written report and other documents.

7.2.4.2 A Development Plan may, with the agreement of the Council, be prepared and implemented in stages.

7.2.4.3 A Development Plan may relate to all or a part of a Development Plan Area.

7.2.5 Details of Proposed Development Plan

7.2.5.1 A Development Plan is to contain such detail as, in the opinion of the Council, is required to satisfy the planning requirements of the Development Area as outlined in Appendix 8.

7.2.5.2 The maps referred to in clause 7.2.4.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 7.2.5.1;
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

7.2.5.3 A proposed Development 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 residential density codes. Upon the adoption of the proposed Development Plan in accordance with clause 7.2.8, the Council is to have due regard to such reserves, zones or residential density codes when recommending subdivision or approving development of the land.

7.2.5.4 A proposed Development Plan must, in the opinion of the Council, be consistent with orderly and proper planning.

7.2.6 Submission to Council and the Western Australian Planning Commission

7.2.6.1 A proposed Development Plan may be prepared by the Council or by an owner where the Council has so required under any of clauses 6.4.1, 6.8.7, 6.7.11 or 6.8.7 of the Scheme. Where prepared by an owner, the proposed Development Plan is to be submitted to the Council.

7.2.6.2 Within 7 days of preparing or receiving a proposed Development Plan that proposes the subdivision of land, the Council is to forward a copy of the proposed Development Plan to the Western Australian Planning Commission.

7.2.6.3 The Western Australian Planning Commission is to provide comments to the Council as to whether it may be prepared to endorse for the purposes of advertising the proposed Development Plan with or without modifications.

7.2.6.4 The Western Australian Planning Commission must provide any comments to the Council within 30 days of receiving the proposed Development Plan.

7.2.7 Advertising of Proposed Development Plan

7.2.7.1 Within 60 days (or such longer time as may be agreed in writing between the owner who submitted the proposed Development Plan and the Council) of preparing or receiving a proposed Development Plan that conforms with clause 7.2.5 and complies with the Scheme, the Council is to—

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

7.2.7.2 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed Development Plan;
- (b) specify when and where the proposed Development Plan may be inspected; and
- (c) invite submissions to the Council 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.

7.2.8 Adoption of Proposed Development Plan

7.2.8.1 The Council 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 Development Plan, with or without modifications; or
- (b) refuse to adopt the proposed Development Plan and, where the proposed Development Plan was submitted by an owner, give reasons for this to the owner.

7.2.8.2 In making a determination under clause 7.2.8.1, the Council is to have due regard to the comments and advice received from the Western Australian Planning Commission and contained in submissions received pursuant to clause 7.2.7 in relation to the proposed Development Plan. If the Western Australian Planning Commission requires modifications to the proposed Development Plan, the Council is to consult with the Western Australian Planning Commission prior to making a determination under clause 7.2.8.1.

7.2.8.3 If the Council, after consultation with the Western Australian Planning Commission, is of the opinion that a modification to the proposed Development Plan is substantial, the Council may—

- (a) readvertise the proposed Development Plan; or
- (b) require the owner who submitted the proposed Development Plan to readvertise the proposed Development Plan;

and thereafter, the procedures set out in clause 7.2.7.1 onwards are to apply.

7.2.8.4 If within the period referred to in clause 7.2.7.1, or such further time as may be agreed in writing between the owner who submitted the proposed Development Plan and the Council the Council has not made a determination under clause 7.2.8.1, the Council is deemed to have refused to adopt the proposed Development Plan.

7.2.9 Endorsement by the Western Australian Planning Commission

7.2.9.1 If the proposed Development Plan proposes the subdivision of land, then within seven days of making its determination under clause 7.2.8.1, the Council is to forward the proposed Development Plan to the Western Australian Planning Commission for its endorsement.

7.2.9.2 As soon as practicable after receiving the proposed Development Plan, the Western Australian Planning Commission is to determine whether to endorse the proposed Development Plan.

7.2.9.3 The Western Australian Planning Commission is to notify the Council of its determination under clause 7.2.9.2.

7.2.10 Notification of Development Plan

7.2.10.1 As soon as practicable after adopting a proposed Development Plan under clause 7.2.8.1 and if clause 7.2.9 applies, as soon as practicable after being notified of the Western Australian Planning Commission's decision under clause 7.2.9.2, the Council is to forward a copy of the Development Plan to—

- (a) any public authority or person that the Council thinks fit; and
- (b) where the Development Plan was submitted by an owner, to the owner.

7.2.11 Operation of Development Plan

7.2.11.1 A Development Plan comes into effect—

- (a) where the Development Plan proposes the subdivision of land, on the day on which it is endorsed by the Western Australian Planning Commission pursuant to clause 7.2.9.2; or
- (b) on the day on which it is adopted by the Council under clause 7.2.8.1 in all other cases.

7.2.11.2 If a provision of a Development Plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

7.2.11.3 Subject to clause 7.2.11.5, if a Development Plan imposes a classification on the land included in it by reference to reserves, zones, or residential design codes then—

- (a) the provisions of the Development Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.

7.2.11.4 Without limiting the generality of clause 7.2.11.3, under a Development Plan—

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;
- (b) the standards and requirements applicable to the zones and residential design codes under the Scheme apply to the areas having corresponding designations under the Development Plan;
- (c) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme; and

- (d) any other provision, standard or requirement in the Development Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

7.2.11.5 A Development Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Development Plan.

7.2.11.6 If a provision of a Development Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Planning Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

7.2.12 Inspection of Development Plan

7.2.12.1 The Development Plan and the Western Australian Planning Commission's notification under clause 7.2.10.1 is to be kept at the Council's administrative offices, and is to be made available for inspection by any member of the public during office hours.

7.2.13 Variation to Development Plan

7.2.13.1 The Council may vary a Development Plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the Development Plan;
- (b) otherwise, in accordance with the procedures set out in clause 7.2.6 onwards.

7.2.13.2 If the Council varies a Development Plan by resolution, and the variation does not propose the subdivision of land, the Council is to forward a copy of the variation to the Western Australian Planning Commission for its information within 10 days of making the resolution.

7.2.13.3 If the Council varies a Development Plan by resolution, and the variation proposes the subdivision of land, the Council is to forward a copy of the variation to the Western Australian Planning Commission for endorsement within 10 days of making the resolution.

7.2.13.4 As soon as practicable after receiving the copy of the variation referred to in clause 7.2.13.3, the Western Australian Planning Commission is to determine whether to endorse the proposed variation.

7.2.13.5 The Western Australian Planning Commission is to notify the Council of its determination under clause 7.2.13.4.

7.2.13.6 A variation to a Development 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 Western Australian Planning Commission pursuant to clause 7.2.13.4; or
- (b) on the day on which the Council resolves to make the variation under clause 7.2.13.1 (a).

7.2.14 Detailed Area Plans

7.2.14.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a Development Plan for a particular lot or lots, a detailed area plan may be prepared by—

- (a) the Council; or
- (b) an owner.

7.2.14.2 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 Council.

7.2.14.3 When a proposed detailed area plan is prepared under clause 7.2.14.1, the Council 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 Council, are likely to be affected by the adoption of the proposed detailed area plan;
 - (iii) such public authorities and other persons as the government Council nominates.

7.2.14.4 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 Council 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.

7.2.14.5 The Council 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.

7.2.14.6 If within 60 days of receiving a detailed area plan prepared under clause 7.2.14.1(b), or such longer period as may be agreed in writing between the owner and the Council, the Council has not made one of the determinations referred to in clause 7.2.14.5, the Council is deemed to have refused to approve the detailed area plan.

7.2.14.7 Once approved by the Council, the detailed area plan constitutes a variation of the Development Plan.

7.2.14.8 The Council may vary a detailed area plan in accordance with the procedures set out in clause 7.2.14 onwards provided such variations do not prejudice the intention of any related Development Plan.

7.2.15 Appeal

7.2.15.1 The Proponent may seek a right of review in accordance with Part 14 of the *Planning and Development Act 2005* due to—

- (a) any failure of the Council to advertise, or require the owner to advertise within the time period under clause 7.2.7.1, a proposed Development Plan received by the Council pursuant to clause 6.2.6.1.
- (b) any determination of the Council to—
 - (i) to refuse to adopt such a proposed Development Plan including a deemed refusal; and
 - (ii) to require modifications to such a proposed Development Plan that are unacceptable to the owner.
- (c) any determination or decision made by the Western Australian Planning Commission; or
- (d) any requirement imposed by or modification sought by the Western Australian Planning Commission.

7.2.15.2 An owner who has submitted a detailed area plan in accordance with clause 7.2.14 may seek a right of review, in accordance with Part 14 of the *Planning and Development Act 2005*, any discretionary decision made by the Council under clause 7.2.14.

7.3 (A) INDUSTRY BUFFERS

7.3 (A) 1 Within the Industry Buffers—

- (a) no dwelling is permitted; and
- (b) no development is permitted which would attract persons, other than those working in the adjacent strategic industrial area.

7.3 (A) 2 When considering applications for planning approval within the Industry Buffers Council shall have regard to—

- (a) the existing, proposed or likely risks, hazards and nuisance (odour, noise, and light) associated with the adjoining Strategic Industrial Area;
- (b) compatibility of uses; and
- (c) the impact of the proposal on the efficient development of the strategic industrial area.

7.3 (B) AIRPORT NOISE RESTRICTION AND OBSTACLE HEIGHT LIMITATION AREAS

7.3 (B) 1 Applications for planning approval within the Airport Noise Restriction and Obstacle Height Limitation Areas shall be referred to the relevant airport managing authority for comment, prior to consideration by Council.

7.3 (B) 2 Development within the Residential, Commerce, Health, Welfare and Community or Entertainment, Recreation and Culture categories in the zoning table is not permitted within the Noise Restriction Areas (25 ANEF or greater). When considering planning applications Council may vary the requirements of this clause where it is satisfied that aircraft noise will not unduly impact on the proposed use or the development is specifically constructed to attenuate the impact of aircraft noise in accordance with Australian Standard AS2021.

7.3 (B) 3 No development within the Obstacle Height Limitation Area shall exceed 45 m Australian Height Datum (AHD).

7.4 ROEBOURNE FLOOD MANAGEMENT AREA

7.4.1 When considering applications for planning approval within the Roebourne Flood Management Area, Council shall ensure—

- (a) development has a minimum finished floor level of 10.2 m AHD;
- (b) no development is within or obstructs the floodway; and
- (c) any foundation or fill is designed and/or re-enforced to allow the flow of floodwater through or around development without damage to the foundation, fill or development.

7.4.2 Council may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood events on the proposed development.

7.5 STORM SURGE RISK AREA

7.5.1 When considering applications for planning approval, Council shall have regard to information about the land prone to 1 in 100 year storm surge events and may permit, with or without conditions, or refuse proposals at its discretion.

7.5.2 When considering applications for planning approval, Council shall consult the relevant agencies regarding the most up-to-date information available about potential storm surge events and sea level rise which may affect the proposals subject to application.

7.5.3 Development within the Residential, Commerce or Health, Welfare and Community categories in the zoning table is not permitted within an area known to be subject to 1 in 100 year storm surge events. Council may approve other development categories subject to considering—

- (a) the sensitivity of the proposal to risk;
- (b) protection measures to be constructed; and
- (c) social and cultural values.

7.6 COSSACK HISTORIC TOWN

7.6.1 All applications for planning approval, within the boundaries of the Cossack Heritage Precinct registered under Part 5 of the *Heritage Act of Western Australia 1990*, shall be referred to the Heritage Council of Western Australia.

7.6.2 In considering applications for planning approval within the Cossack Historic Town, the Council shall have regard to any adopted policy, guideline or plan.

7.6.3 All development within the Cossack Historic Town shall be connected to three-phase-power, scheme water and reticulated effluent disposal.

7.7 DAMPIER SALT

7.7.1 The Dampier Salt Special Control Area contains existing and possible expansion of salt harvesting operations in accordance with the provisions of the *Dampier Solar Salt Industry Agreement Act 1967*, an agreement between the State of Western Australia and Dampier Salt Limited.

7.7.2 Development within the Dampier Salt Special Control Area shall be facilitated in accordance with obligations under that Agreement Act.

7.7.3 Development within the Dampier Salt Special Control Area shall comply with State legislation, including the *Environmental Protection Act 1986* and shall be undertaken in consultation with the Council.

7.8 WITHNELL BAY

7.8.1 The Withnell Bay Special Control Area contains existing and possible future infrastructure and access associated with industrial development to the north of the area.

7.8.2 Development within the Withnell Bay Special Control Area shall accommodate the future needs of access and infrastructure associated with industrial development to the north of the area.

7.8.3 The design and construction of development within the Withnell Bay Special Control Area shall be undertaken in consultation with the Council and the Department of Environment and Conservation.

PART VIII—NON-CONFORMING USES

8.1 NON-CONFORMING USE RIGHTS

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 lawfully used immediately prior to the Gazettal date; or
- (b) the carrying out of any development on land that for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 6.11.3, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

“Land” has the same meaning as in the *Planning and Development Act 2005* and includes houses, buildings and other works and structures.

8.2 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

8.2.1 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.

8.2.2 An application for planning approval under this clause is to be advertised in accordance with clause 4.3.3.

8.3 CHANGE OF NON-CONFORMING USE

Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council 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 Council, closer to the intended purpose of the zone.

8.4 DISCONTINUANCE OF NON-CONFORMING USE

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

8.4.2 The Council 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 the occupier or to both the owner and the 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 2005* enables the Council 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.

8.5 DESTRUCTION OF BUILDINGS

If any 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 Council.

PART IX—ADMINISTRATION

9.1 POWERS OF THE SCHEME

The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers—

- (a) The Council may enter into an agreement with any owner or occupier of land or other person in respect of any matters pertaining to the Scheme.
- (b) The Council may acquire any land or buildings within the Scheme Area pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of this land or buildings in accordance with the law and for this purpose may make such agreements with other owners as it considers fit.
- (c) An officer of the Council, authorised by Council for the purpose, 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.

9.2 DELEGATION OF FUNCTIONS

9.2.1 The Council 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. The authority to deal with a direction under S.214 of the Act may only be delegated to the Chief Executive Officer.

9.2.2 The CEO may delegate to any employee of the Council the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 9.2.1.

9.2.3 The exercise of the power of delegation under clause 9.2.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

9.2.4 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.

9.3 PENALTIES

9.3.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme.

9.3.2 Any person who fails to comply with any provision of the Scheme is guilty of an offence and, without prejudice to any other remedy given herein is liable to the penalties prescribed by Part 13 of the Act.

9.4 COMPENSATION

9.4.1 Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to Part 11 of the Act, resultant from the making of, or the making of an amendment to, the Scheme is six months from the date of publication of the Scheme or Scheme Amendment in the *Government Gazette* or from the date of determination of appeals.

9.4.2 Where, in respect of any application for planning approval, the Council, or any appellate body, refuses or grants approval subject to conditions and the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose or refuses the application for development of reserved land or approves subject to acceptable conditions, the owner of the land may, within six months of the date of the relevant decision, claim compensation for injurious affection.

9.5 ELECTION TO PURCHASE AND VALUATION

9.5.1 Where compensation for injurious affection is claimed pursuant to clause 8.3 the Council may, at its option elect to acquire the land so affected instead of paying compensation.

9.5.2 Where the Council elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the Council shall give notice of that election to the claimant by notice in writing within three months of the claim for compensation being made.

9.5.3 Where the Council elects to acquire the land as provided in subclause 9.5.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause 9.5.4.

9.5.4 The value of the land referred to in subclause 9.5.3 shall be the value thereof on the date that the Council elects to acquire the land and that land shall be determined by—

(a) arbitration in accordance with the *Commercial Arbitration Act 1985*, or

(b) some other method agreed upon by the Council and the owner of the land,

and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.

9.5.5 The Council may deal with or dispose of land acquired for a Local Reservation or pursuant to the preceding subclause 9.5.3 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

9.6 RIGHTS OF APPEAL

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may apply for review to the State Administrative Tribunal in accordance with Part 14 of the Act.

9.7 AMENDMENTS TO THE SCHEME

9.7.1 The Council shall keep the Scheme under constant monitor and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.

9.7.2 In the case of a proposed amendment to the zoning or reservation of land, other than requested by the owner(s), the Council shall, before initiating any amendment to the Scheme, invite comment from the owner(s) of the land concerned.

9.7.3 Council shall take into consideration any comments or submissions received in respect of a proposed amendment to the Scheme and shall only proceed with the amendment where it is satisfied the amendment would be consistent with the objectives of the Scheme and would not be contrary to the public interest.

9.8 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

9.8.1 Under clause 214(6) of the *Planning and Development Act 2005*, 60 days written notice is prescribed as the notice to be given for the removal of a building or other unauthorised work.

9.8.2 Council may recover expenses under clause 215(2) of the *Planning and Development Act 2005* in a court of competent jurisdiction.

Appendix 1

DICTIONARY OF DEFINED TERMS

These definitions apply unless State Government Model Scheme Text Definitions or other standard definitions in the Residential Design Codes are modified and subsequently endorsed by the Council.

1. GENERAL DEFINITIONS

aged person a person who is aged 55 years or over.

absolute majority has the same meaning given to it in the *Local Government Act 1995*.

act the *Planning and Development Act 2005* (as amended).

advertisement any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, used entirely or partly for advertisement, announcement or direction and includes any hoarding or similar structure used, or adapted for use, for the display of advertisement.

amenity all those factors which combine to form the character of the area to residents and passers-by and shall include the present and likely future amenity.

anemometer a gauge for recording the speed and direction of wind

appendix an appendix to the Scheme.

battleaxe access leg a strip of land included in a Certificate of Title of a lot providing access to the lot from a public road.

building any structure or associated appurtenance, whether fixed or moveable, temporary or permanent, placed or erected upon the land, and the term includes dwellings and buildings appurtenant to dwellings such as carports, garages, verandahs and retaining walls, but shall exclude a boundary fence, pergolas, garden sheds and the like and swimming pools where no part is more than 600 mm above surrounding ground level.

Building Code of Australia the *Building Code of Australia 1988* (as amended).

car park land or buildings used primarily for parking private cars or taxis, whether open to the public or not, but does not include any part of a public road used for parking or a taxi rank, or any land or building in which cars are displayed for sale.

Council the elected Council of the Shire of Roebourne.

developer a person or group of people undertaking development.

Dependent person a person with a recognised form of disability requiring special accommodation for independent living or special care.

development the development or use of land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works and in relation to any building, object or place entered in the Municipal Inventory or identified in a Development Plan as having heritage value, any act or thing that—

(a) is likely to change the character of the place or the external appearance of any buildings, or

(b) would constitute an irreversible alteration to the fabric of any building.

development plan plans which address the schematic layout of proposed development and lot boundaries in addition to various other matters as may be required by the Scheme and includes local structure plans, outline or comprehensive development plans.

driver's accommodation a building(s) on the same site as a road freight terminal and occupied by drivers delivering goods or materials to, or collecting goods or materials from the site.

factory unit development a building or structure, or group of buildings or structures on one lot, in which are carried on two or more separate industries or storage areas not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries or storage areas not owned or managed by the same person.

Heritage Council the Heritage Council of Western Australia established pursuant to the *Heritage of Western Australia Act 1990*.

incidental use a use which is incidental to the predominant use on a lot due to its less frequent use or less importance compared to the operations of the predominant use and may or may not involve smaller structures or less land area.

inventory the Municipal Inventory prepared and amended by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended).

landscaping or landscaped land developed with or by the planting of vegetation, the recontouring or cut and fill of land, irrigation, placement of rocks, paving or laying of pathways and hard surfaces, creation of streams, wetlands and water features, including swimming pools and may include other fixtures such as shelters or sculpture and art installation.

lot a defined portion of land—

- depicted on a plan or diagram publicly exhibited in the public office of the Department of and Administration or deposited in the Office of Titles or Registry of Deeds and for which a separate Crown Grant or Certificate of Title has been or can be issued, or
- depicted on a subdivisional plan or diagram, whether so exhibited or deposited or not, but which is, whether before or after the coming into operation of the *Town Planning and Development Act 1956*, approved by the Western Australian Planning Commission.

and includes the whole of the land the subject of a—

- Crown Grant issued under the *Land Act 1933*, or
- certificate of title issued under the *Transfer of Land Act 1893*, or
- survey into a lot pursuant to a direction given under section 17 of the *Land Act 1933*, or
- part-lot shown on a plan of subdivision or diagram deposited in the Department of Land Administration, Office of Titles, or Registry of Deeds, or
- conveyance registered under the *Registration of Deeds Act 1856*.

moveable dwelling a caravan defined under the *Road Traffic Act 1974* (as amended), park home or other dwelling constructed and maintained on its own chassis and wheels and capable of mobility at all times, although it may be stabilised by jacks, provided with skirtings or designed and constructed to permit independent occupancy for dwelling purposes.

on-site canteen a building, and any associated outbuildings and grounds, which are incidental to a predominant land use and where food is prepared for sale, consumed on the premises or ready to be eaten off the premises without further preparation, by staff and visitors to the predominant land use and may or may not be licensed to sell liquor.

oversized vehicle any vehicle greater than 2 m in width or 5.5 m in length and includes articulated trucks and road trains.

precincts specific areas indentified as precincts on the Development Objectives Precinct Map in Appendix 4.

policy manual the Shire of Roebourne Land Use Planning Policy Manual being the collection of policy statements adopted by Council in accordance with clause 5.1 of the Scheme.

publicly owned land land held by an authority with statutory responsibilities and this land may be owned as freehold land or be a Crown Reserve and vested with the authority.

rural residential subdivision and development of land where lots and dwellings are located in a rural setting, where the use of lots may or may not include agriculture or intensive agriculture and the development standards for lots, including lot sizes, have been endorsed by the Council and Western Australian Planning Commission in accordance with Commission policy.

shipping container a container that is used in conjunction with commercial shipping.

Scheme the Shire of Roebourne Scheme No. 8.

street frontage the extent of a lot immediately abutting a gazetted road (excluding laneways) with a carriageway width typically exceeding 6.01 m.

subdivision the amalgamation and/or subdivision of land to create new lots in addition to other activity requiring the approval of the Western Australian Planning Commission under Part III of the Act or a strata plan, strata plan of consolidation required to be accompanied by a certificate of approval given under Section 25 of the *Strata Titles Act 1985*.

transportable structure a building or structure which has been prefabricated at another location and transported either whole or in parts to the intended location.

urban development development which is undertaken by multiple land owners of lots in an area set aside for the range of uses associated with urban areas such as residential, commercial, community, roads and open spaces.

vehicle any motor vehicle or trailer, whether designed or used for domestic, commercial or industrial purposes, including boat trailers (and boats) but not including moveable dwellings.

2. LAND USE DEFINITIONS

abattoir any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

aerodrome land, buildings and facilities provided for the purpose of landing, takeoff, refuelling, maintenance, loading and unloading of aircraft.

aged or dependent persons dwelling a dwelling designed for the accommodation of aged or dependent persons.

agriculture the use of land and associated buildings for the—

- (a) rearing or agistment of livestock
- (b) the stabling, agistment or training of horses,
- (c) the growing of crops, trees, plants, shrubs or flowers for harvest or replanting, and
- (d) the sale of produce grown solely on the lot,

but does not include intensive agriculture.

ancillary accommodation self contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot

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

aquaculture shall have the same meaning as given to the term in and for the purposes of the *Fish Resources Management Act 1994*.

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

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

childcare premises land or buildings used for the daily or occasional care of five or more unrelated children in either a centre or a private dwelling.

community use land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.

consulting rooms premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

corrective institution land used to hold and reform persons committed to it by the courts, such as a prison, remand centre, and other type of detention facility but excludes a juvenile detention centre.

display home a dwelling which is intended to be open for public inspection.

dry cleaning premises any land or buildings used for the cleaning of garments and other fabrics by chemical processes and which does not adversely affect the amenity of the locality by reason of noise, or air emissions and waste product.

dwelling a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by—

- a single person,
- a single family,
- no more than six persons who do not comprise a single family.

It may be constructed on or transported to the site but does not include a movable dwelling.

education establishment a kindergarten, school, college, university, technical institute, academy or other education centre including a residential school, but not including a juvenile detention centre.

emergency services land or buildings used to store and maintain emergency vehicles and equipment, coordinate response to emergency events and may include training facilities and caretakers dwellings.

equestrian centre land and buildings used for sport and recreation associated with horses including, harness and turf racing, polocrosse, gymkhana, dressage and may or may not incorporate facilities for stabling, agistment or training of horses.

entertainment venue any land, buildings or structures used for the amusement or entertainment of the public with or without charge, with or without the serving of food or liquor and includes cinemas, theatres, drive-in theatres, amusement parlours, nightclubs or concert auditoriums.

family day care centre a home based child care centre licensed by the Department of Community Development under the *Child Care Services (Child Care) Regulations 2006* to offer in-home child care services.

funeral parlour land or buildings used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.

grouped dwelling a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate.

harbour installation any land or buildings used for and incidental to the purposes of loading, unloading mooring and maintaining ships.

hire service (industrial) any land or buildings used for the offering for hire or rent of bulky items including machines and mechanical equipment.

home business 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 two people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 m²;
- (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 t tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

home occupation a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—

- (a) entails the conduct of a business, office and/or workshop and does not entail the retail sale or display of goods of any nature,
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood,
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding,
- (d) does not entail employment of any person not a member of the occupier's household,
- (e) does not occupy an area greater than 20 m²,
- (f) does not display a sign exceeding 0.2 m² in area.
- (g) in the opinion of Council is compatible with the principal uses to which land in the zone in which it is located may be put,
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling and will not result in a substantial increase in the amount of vehicular traffic in the vicinity,
- (i) does not entail the presence, parking and garaging of a vehicle of more than two tonnes tare weight.

hospital a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

hotel any land or buildings used for the overnight accommodation of patrons and may or may not include facilities for consumption of beverages or a restaurant, or a betting agency operated in accordance with the *Racing and Wagering Western Australia Act 2003*, or facilities for entertainment, but does not include bed and breakfast facility, and which may be the subject of a hotel licence granted under the provisions of the *Liquor Control Act 1988*, an entertainment venue, restaurant or sell liquor.

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

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

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the

wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include—

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

industry—cottage a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a “home occupation” and which, in the opinion of Council—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood,
- (b) where operated in a residential zone, does not entail the employment of any person other than a member of the occupiers household,
- (c) is conducted in an out-building which is compatible with the principle uses to which land in the zone in which it is located may be put,
- (d) does not occupy an area in excess of 50 m², and
- (e) does not display a sign exceeding 0.2 m² in area.

industry—extractive an industry which involves—

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

industry—general an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

industry—light an industry—

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

industry—noxious an industry which is subject to licensing as “Prescribed Premises” under the *Environmental Protection Regulations 1987* (as amended).

industry—resource processing major industry which would normally involve—

- (a) the processing of natural resources (including chemical industries),
- (b) substantial capital investment,
- (c) significant employment, and
- (d) a need for substantial separation or buffer distance to sensitive uses.

industry—rural an industry handling, treating, processing or packing primary goods grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

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

intensive agriculture the use and development of land, whether for profit or pleasure, including such buildings and earthworks normally associated with—

- (a) production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts,
- (b) establishment and operation of plant and fruit nurseries,
- (c) irrigated fodder production and pasture (including turf farms),
- (d) 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,
- (e) dairy milking sheds
- (f) keeping, rearing or fattening of other livestock above those stocking rates recommended by Agriculture Western Australia in consultation with surrounding farmers for the applicable pasture type, or
- (g) aquaculture.

juvenile detention centre land or buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their rehabilitation.

marina premises at which berths or pens, and fuelling, servicing, 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 offices, storerooms, jetties, piers, embankments, quays and moorings associated with these facilities.

market any land or buildings used for a fair, farmer’s or producer’s market or swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or

stallholders carrying on their business or activities independently of the market operator save for the payment of a fee or rental.

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).

minor utility installation Land used for a utility installation comprising any of the following—

- (a) sewerage or water mains;
- (b) storm or flood water drains or retarding basins;
- (c) gas mains providing gas directly to consumers;
- (d) power lines designed to operate at less than 220,000 volts;
- (e) a sewage treatment plant, and any associated disposal works, required to serve a neighbourhood;
- (f) a pumping station required to serve a neighbourhood; or
- (g) an electrical sub-station designed to operate at no more than 66,000 volts.

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 and/or marine service station land or buildings used for the retail sale of petroleum products and motor vehicle or marine vessel accessories and may or may not include minor repairs, motor vehicle wash facilities, cafe/restaurant or sale of convenience items with a net lettable retail floor space not exceeding 300 m².

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

motor vehicle and/or marine repair land or buildings used for the mechanical or body repair and overhaul of motor vehicles, caravans and marine vessels, including tyre repair, retreading, panel beating, spray painting, chassis reshaping or hull scouring.

motor vehicle and/or marine wrecking land or buildings used for the storage, breaking up or dismantling of motor vehicles, caravans and marine vessels and includes the sale of second hand motor vehicle and marine accessories and spare parts.

motor vehicle and/or marine sales and hire land and buildings used for the display, sale and/or hire of motor vehicles, caravans and marine vessels, including storage, cleaning and minor repairs.

multiple dwelling a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other.

nursing home a building used for the long term medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms.

office premises used for administration, clerical, technical, professional or other like business activities.

outdoor display the use of land and any incidental structures, which may or may not be permanent, for the display and/or sale of goods, equipment or services.

Owner “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 lessee or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

park home park has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*.

place of public meetings, assembly or worship any land or buildings used or designed for use by a body of persons united by a common interest such as private clubs or religions, organisations and may or may not include the serving of liquor.

public purpose, development or use for development or use of land which is required to be permanently located on publicly owned land as it offers a public service, operates in the public interest or requires coordination and supervision by a public authority. Development may be owned and/or operated by either a public or private interest and may be the subject of a lease or other agreements as necessary. Development requiring coordination or supervision may or may not offer a service, or be of direct benefit, to the public.

reception centre land or buildings used by parties for functions on formal, business, social or ceremonial occasions, but not for unhosted use or general entertainment purposes.

recreation—private land or buildings used for parks, gardens, playgrounds, sports arenas, or other grounds which are not usually open to the public without charge and includes health clubs squash courts and other indoor sports facilities.

recreation—public land or buildings used for public parks, gardens, playgrounds or other grounds for recreation and includes facilities for the enjoyment of natural features such as rivers and the coast.

- residential building** a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation—
- (a) temporarily by two or more persons, or
 - (b) permanently by seven or more persons,
- who do not comprise a single family; but does not include a hospital or sanatorium, a corrective institution or juvenile detention centre, a hotel, motel, short-stay accommodation, tourist resort or residential school.
- restaurant** a building and any associated outbuildings and grounds where food is prepared for sale and consumption on the premises and may or may not be licensed to sell liquor.
- restricted premises** 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.
- road freight terminal** Land used solely for the purpose of receiving, organising and distributing goods in transit by road in association with a distribution business. It includes facilities to park and manoeuvre vehicles and may include driver accommodation.
- rural settlement** a collection of two or more dwellings in proximity and located in a rural zone and may include other commercial or community development as approved by Council.
- shop** any land or buildings wherein the predominant use is for the display or sale by retail or hire of goods or where services of a personal nature are provided, including a betting agency but excluding a showroom, and take-away food outlet.
- short-stay accommodation** premises used for accommodation that may be occupied by the same person(s) for a maximum period of three months within any 12 month period, and are not subject to a residential tenancy agreements (residential leases).
- showroom** 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** an independently constructed dwelling standing wholly on its own lot and may or may not have been prefabricated at another location and transported either whole or in parts to the intended location.
- stockyard** any land, building or other structure used for holding and/or sale of livestock
- storage facility/depot/laydown area** any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk, transport and fuel depots and salvage yards.
- take-away food outlet** any land or buildings 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.
- tavern** means premises licensed as a tavern under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises.
- tourist resort** one or more commercial accommodation units together with a wide range of recreational and/or cultural facilities in a resort style setting. It may also include associated facilities such as a restaurant, bar or functions room whether or not licensed under the *Liquor Control Act 1988*, which may be used by the occupants of the premises but, which are also available for use by non occupant members of the public.
- transient workforce accommodation** dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor's camp and dongas.
- utility installation** Land used—
- (a) for telecommunications;
 - (b) to transmit or distribute gas, oil, or power;
 - (c) to collect, treat, transmit, store, or distribute water; or
 - (d) to collect, treat, or dispose of storm or flood water, sewage, or sullage.
- vehicle store** Land used to park or store vehicles in connection with a goods or passenger transport business.
- veterinary centre** premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
- warehouse** a building where goods are stored for commercial purposes and may be offered for sale by wholesale.
- wind energy facility** 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.
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*Appendix 2***APPLICATIONS FOR PLANNING APPROVAL****ACCOMPANYING MATERIAL**

Unless Council 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 Council 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 Council may require to enable the application to be determined, including that specified by any applicable Local Planning Policy.

ADDITIONAL MATERIAL FOR HERITAGE MATTERS

Where an application relates to a place entered on the Heritage List or within a heritage area, the Council may require an applicant to provide one or more of the following—

- (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; and
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council 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.

ADDITIONAL MATERIAL FOR RESIDENTIAL DEVELOPMENT

In the case of residential development that relies on a Performance Criteria of the Residential Design Codes, a written submission demonstrating how the Performance Criteria have been satisfied, or why the corresponding Acceptable Development provision cannot be met or is irrelevant must be provided. Clause 3.6 contained within Part 3 of the Residential Design Codes 'Special Information Requirements' provides further guidance as to what additional information may be required for residential development.

*Appendix 3***DEVELOPMENT OBJECTIVES PRECINCTS***Appendix 4***CAR PARKING REQUIREMENTS**

No.	DEVELOPMENT	CAR PARKING REQUIREMENTS
RESIDENTIAL		
1	Aged and Dependent Persons Dwelling	As per Residential Design Codes.
2	Ancillary Accommodation	As per Residential Design Codes.
3	Caravan Park	As per the Caravan Park and Camping Grounds Regulations
4	Caretaker's Dwelling	One per dwelling.
5	Driver's Accommodation	At Council's discretion.
6	Grouped Dwelling	As per Residential Design Codes.
7	Home Business	At Council's discretion.
8	Home Occupation	Demand for additional parking not compatible with this use.
9/10	Hotel/Motel	One per accommodation room, plus one per every five rooms for visitors and staff.
11	Multiple Dwelling	As per Residential Design Codes.
12	Park Home Park	At Council's discretion
13	Residential Building	One per every two sleeping units, plus two per every seven units for visitors and staff.
14	Rural Settlement	At Council's discretion.
15	Short-Stay Accommodation	One bay per single bedroom unit, one and one half bays per two bedroom unit, one and three quarter bays per three bedroom unit, and two and two bays per four bedroom unit.
16	Single House	As per Residential Design Codes.
17	Tourist Resort	At Council's discretion.
18	Transient Workforce Accommodation	At Council's discretion.
INDUSTRY		
19	Abattoir	As per Light and General Industry.
20	Aerodrome	At Council's discretion.
21	Agriculture	At Council's discretion.

No.	DEVELOPMENT	CAR PARKING REQUIREMENTS
22	Intensive Agriculture	At Council's discretion.
23	Harbour Installation	At Council's discretion.
24	Hire Service (Industrial)	One per 100 square metres of display area and one per employee, plus at Council's discretion the provision of oversized vehicle bays.
25	Industry—Cottage	At Council's discretion.
26	Industry—Extractive	At Council's discretion.
27	Industry—General	Four per the first 200 square metres of floor space used for industrial process and thereafter one per every 100 square metres of this floor space.
28	Industry—Light	As per Industry—General.
29	Industry—Noxious	At Council's discretion.
30	Industry—Rural	As per Light and General Industry.
31	Industry—Service	At Council's discretion.
32	Industry—Resource Processing	At Council's discretion.
33	Minor Utility Installation	Demand for additional parking not compatible with this use.
34	Road Freight Terminal	At Council's discretion.
35	Stockyard	At Council's discretion.
36	Storage facility/depot/lay down area	At Council's discretion.
37	Utility Installation	At Council's discretion.
38	Wind Energy Facility	At Council's discretion.
COMMERCE		
39	Animal Establishment	At Council's discretion.
40	Display Home	One per dwelling, in addition to those provided to each dwelling in accordance with the R Codes.
41	Dry Cleaning Premises	One per 20 square metres of net lettable floor area.
42	Market	As per Shop.
43	Motor Vehicle and/or Marine Repair	Two per motor vehicle repair bay, one per employee and at Council's discretion in the case of marine repair.
44	Motor Vehicle and/or Marine Sales and Hire	One per 300 metres of sales area and one per employee.
45	Motor Vehicle and/or Marine Service Station	One per motor vehicle repair bay, one per 20 square metres of net lettable sales area, one per six square metres of dining space, one per employee and in the case of marine service station at Council's discretion.
46	Motor Vehicle and/or Marine Wrecking	One per employee.
47	Motor Vehicle Wash	One additional bay per wash bay and one per employee.
48	Office	One per 30 square metres of net lettable area.
47	On-site Canteen	One per 10 square metres of floor space.
48	Outdoor Display	One per 100 square metres of display area plus one per employee.
49	Reception Centre	One per four square metres of function area.
50	Restaurant	One per six square metres of dining space.
51	Restricted Premises	One per 20 square metres of net lettable area.
52	Shop	One per 20 square metres of net lettable area.
53	Showroom	One per 50 square metres of net lettable area.
54	Take-away Food Outlet	One per two square metres of public floor space and one per employee
55	Vehicle Store	At Council's discretion.
56	Warehouse	One per employee plus one per 200 square metres of net lettable area.
HEALTH, WELFARE AND COMMUNITY SERVICES		
57	Car park	At Council's discretion.
58	Child Care Premises	One per every 10 children plus one per employee.
59	Community Use	At Council's discretion.

No.	DEVELOPMENT	CAR PARKING REQUIREMENTS
60	Consulting Rooms	Four per consulting room for the first two rooms, one per additional consulting room plus one per employee at the time of peak operation.
61	Education Establishment	At Council's discretion.
62	Emergency Services	At Council's discretion.
63	Funeral Parlour	Five bays plus one per employee at the time of peak operation.
64	Hospital	One per three beds plus one per employee plus additional bays at Council's discretion for outpatient services.
65	Juvenile Detention Centre	At Council's discretion.
66	Medical Centre	As per consulting rooms for consulting rooms within the centre, one bay per 20 square metres of net lettable sales area within a pharmacy, two bays per every other premises within the centre and one per employee at the time of peak operation of each premises.
67	Nursing Home	One per five beds plus one per employee at the time of peak operation.
68	Place of Public Meeting, Assembly or Worship	One per four square metres of meeting, assembly or worship area.
69	Prison	At Council's discretion.
70	Veterinary Centre	Five per practitioner where practice is limited to domestic pets, all other places at Council's discretion.
ENTERTAINMENT, RECREATION AND CULTURE		
71	Equestrian Centre	At Council's discretion.
72	Entertainment Venue	One per three square metres of entertainment area.
73	Private Recreation	At Council's discretion.
74	Public Recreation	At Council's discretion.
75	Tavern	One per two square metres of bar floor area available to the public, plus one per four square metres of lounge floor area available to the public, plus one per six square metres of outdoor entertainment/ beer garden area available to the public.

Appendix 5

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

PLANNING AND DEVELOPMENT ACT 2005

Shire of Roebourne

Notice of Public Advertisement of Planning Approval

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 Shire of Roebourne.

Appendix 6
ADDITIONAL USES

Additional Use' Entry No.	Description of Land	Base Zoning	Additional Uses	Special Conditions
A1	3877/1487 Anderson & Lambert Roads, Karratha	Industry	Caretaker's Dwelling	(a) Should the nursery use on the property cease, the caretaker's dwelling use must cease immediately (b) Caretaker's dwelling should only provide for accommodation of one person (c) Total floor area measurement from the external face of walls of the caretaker's dwelling (including verandahs) shall not exceed 50 m ² (d) A caravan is not permitted for use as the caretaker's dwelling (e) Only one caretaker's dwelling is permitted
A2	De Witt Loc 126 <i>AMD 10 GG</i> <i>6/6/08</i>	Infrastructure Reservation	Industry-Noxious (restricted)	(a) The use of the site to be restricted to the following additional uses as defined in Schedule 1 of the <i>Environmental Protection Regulations 1987</i> (as amended)— i. "61—liquid waste facility"; and ii. "61A—solid waste facility". (b) The following incidental uses are also applicable— iii. waste transfer facility; and iv. transient workforce accommodation. (c) The transient workforce accommodation shall— v. provide for a maximum of eight employees of the waste transfer facility; vi. be located to maximise the distance from the waste transfer facility; and vii. also require the approval of the Health Department of WA.
A3	20.09 hectares of UCL adjacent to Lease I123393 <i>AMD 14 GG</i> <i>22/9/09</i>	Infrastructure and Conservation Recreation and Natural Landscape Reservation	Industry Noxious (restricted)	The use of the site is restricted to the following additional use as defined in the document entitled "Landfill Waste Classification and Waste Definitions 1996"— Class 1 Landfill Class 2 Landfill

Appendix 7
DEVELOPMENT AREAS

Development Area	Description of Land	Base Zoning	Development Plan Special Conditions
DA1	Millars Well Bathgate Rd Area E	Urban Development	<ol style="list-style-type: none"> 1. Development Plan adopted to guide subdivision, land use and development. 2. To provide for residential development and recreation. 3. The provisions of the Scheme shall apply to the land classified under the Development Plan, in accordance with clause 7.2.11.4.
DA2	Nickol Legendre Rd	Urban Development	<ol style="list-style-type: none"> 1. The applicable density code is R25. Land east of Harriet Way north of Lots 64 Harriet Wy and 63 Hazell Ct has a density of R40. 2. Development is to be for residential, recreation or community purposes.
DA3	Millars Well Gawthorne Dr Area D	Urban Development	<ol style="list-style-type: none"> 1. Development Plan adopted to guide subdivision, land use and development. 2. To provide for residential development, recreation and public purposes. 3. The provisions of the Scheme shall apply to the land classified under the Development Plan, in accordance with clause 7.2.11.4.
DA4	Baynton Baynton Road (East) Area C	Urban Development	<ol style="list-style-type: none"> 1. Development Plan adopted to guide subdivision, land use and development. 2. To provide for residential development and recreation. 3. The provisions of the Scheme shall apply to the land classified under the Development Plan, in accordance with clause 7.2.11.4.
DA5	Nickol (West) Balmoral & Dampier Roads	Urban Development & Rural	<ol style="list-style-type: none"> 1. Development Plan adopted to guide subdivision, land use and development. 2. To provide for residential development and recreation. 3. Western portion of Development Plan is subject to resolution of zoning and Native Title clearance. 4. The provisions of the Scheme shall apply to the land classified under the Development Plan, in accordance with clause 7.2.11.4.
DA6	Nickol (South) Dampier & Balmoral Roads	Urban Development	<ol style="list-style-type: none"> 1. Development Plan adopted to guide subdivision, land use and development. 2. To provide for residential development. 3. The provisions of the Scheme shall apply to the land classified under the Development Plan, in accordance with clause 7.2.11.4.
DA7	Nickol Tambrey Dr/ Bathgate Rd	Urban Development and Parks, Recreation & Drainage	<ol style="list-style-type: none"> 1. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for commercial, holiday accommodation, medium density residential, aged persons and/or mixed use (commercial/residential) development. 3. The amount of retail floor space shall be determined based on an Economic Impact Assessment which shall also consider economic impacts on the Karratha City Centre. Provision of retail floor space is to be commensurate with a Neighbourhood Centre, delivered in stages and capped at an ultimate maximum floor space of 8,500m² NLA. 4. The Shire may require the preparation of Detailed Area Plans to ensure development adequately addresses the public realm (including drainage reserves), climatic conditions, a

Development Area	Description of Land	Base Zoning	Development Plan Special Conditions
			Karratha vernacular and reflects "main street" design principles. 5. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA8	Baynton (East) Rosemary Rd	Urban Development	1. The applicable density code is R20 and R40 for Lots 64 Miles Loop and 23 Buchanan Circuit. 2. Development is to be for residential, recreation or community purposes.
DA9	Baynton (Central) Baynton Dr (West)	Urban Development	1. Development Plan adopted to guide subdivision, land use and development. 2. To provide for residential development, recreation, primary school and community uses. 3. The Shire may require the preparation and approval of Detailed Area Plans as a condition of subdivision or prior to the approval of development of lots abutting public open space or drainage reserves to ensure an appropriate interface and surveillance over such reserves. 4. The provisions of the Scheme shall apply to the land classified under the Development Plan, in accordance with clause 7.2.11.4.
DA10	Mulataga (Central) Maitland Rd (East)	Urban Development, Rural and Conservation, Recreation & Natural Landscapes	1. A district level Development Plan outlining— a. broad land uses (recreation, residential, education, tourism, commercial and conservation); b. key linkages (major roads and public transport); c. provision of essential services; d. coastal linkages, e. heritage areas; and f. coastal vulnerability areas shall be approved prior to the approval of more detailed Development Plans or super lot subdivision. 2. The amount of retail floor space shall be determined based on an Economic Impact Assessment which shall also consider economic impacts on the Karratha City Centre. Provision of retail floor space is to be commensurate with a Neighbourhood Centre, delivered in stages and capped at an ultimate maximum floor space of 8,500m ² NLA. 3. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 4. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA11	Dampier (South) Karratha Dampier Road	Industrial Development	1. To provide for industrial development. 2. An approved Development Plan together with all approved amendments may be required by Council in order to guide subdivision and development.
DA12	Baynton Madigan Rd (East)	Urban Development	1. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for residential, commercial, community and recreation. 3. Retail floor space shall be commensurate with a Local Centre. 4. Provision shall be made for a public bus transport linkage. 5. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.

Development Area	Description of Land	Base Zoning	Development Plan Special Conditions
DA13	Baynton Madigan Rd (West)	Urban Development	<ol style="list-style-type: none"> 1. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for showroom, transient worker accommodation, recreation and future residential development. 3. The City may require any expansion of existing transient worker accommodation to be subject to the approval of a Development Plan illustrating how the development can be adapted for future permanent residential development. 4. The City may require a Development Plan addressing interface issues, shared access and servicing prior to approving any showroom development. 5. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA14	Regals West	Urban Development	<ol style="list-style-type: none"> 1. To provide for short to medium term rural residential living opportunities and long term future urban expansion. 2. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. Such Development Plan shall indicate key transport linkages and depict how future long term residential development can be accommodated. 3. Rural residential lot sizes shall be determined based on land capability, proposed use and availability of services. 4. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA15	Regals Central (west)	Urban Development	<ol style="list-style-type: none"> 1. To provide for short to medium term rural residential living opportunities and long term future urban expansion. 2. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. Such Development Plan shall indicate key transport linkages and depict how future long term residential development can be accommodated. 3. Rural residential lot sizes shall be determined based on land capability, proposed use and availability of services. 4. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA16	Regals Central (east)	Urban Development	<ol style="list-style-type: none"> 1. To provide for short to medium term rural residential living opportunities and long term future urban expansion. 2. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. Such Development Plan shall indicate key transport linkages and depict how future long term residential development can be accommodated. 3. Rural residential lot sizes shall be determined based on land capability, proposed use and availability of services. 4. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.

Development Area	Description of Land	Base Zoning	Development Plan Special Conditions
DA17	Regals East	Urban Development	<ol style="list-style-type: none"> 1. To provide for short to medium term rural residential living opportunities and long term future urban expansion. 2. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. Such Development Plan shall indicate key transport linkages and depict how future long term residential development can be accommodated. 3. Rural residential lot sizes shall be determined based on land capability, proposed use and availability of services. 4. Land use to have regard to the possible industrial expansion areas and necessary buffers. 5. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA18	Point Sampson Honeymoon Road	Urban Development	<ol style="list-style-type: none"> 1. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for residential development. 3. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA19	Dampier Central Ave,	Urban Development	<ol style="list-style-type: none"> 1. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for residential development. 3. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA20	Roebourne North West Coastal Highway	Urban Development	<ol style="list-style-type: none"> 1. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA21	Wickham (North) McCourt Way	Urban Development	<ol style="list-style-type: none"> 1. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA22	Wickham (South)	Urban Development	<ol style="list-style-type: none"> 1. An approved Development Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. Land uses classified on the Development Plan apply in accordance with clause 7.2.11.4.
DA23	Cossack	Urban Development	<ol style="list-style-type: none"> 1. Development to be for residential and community purposes. 2. Development subject to the provision of adequate essential services and coastal vulnerability studies.
DA24	Gap Ridge Dampier Road	Industrial Development	<ol style="list-style-type: none"> 1. Development Plan adopted to guide subdivision, land use and development. 2. To provide for industrial development. 3. Land uses classified on the Development Plan shall apply.
DA 25	Roebourne North West Coastal Highway & Roebourne Point Samson Rd	Urban Development, Rural and Parks, Recreation & Drainage	<ol style="list-style-type: none"> 1. Development Plan adopted to guide subdivision, land use and development. 2. To provide for residential development, commercial and mixed business development and recreation. 3. The provisions of the Scheme shall apply to the land classified under the Development Plan, in accordance with clause 7.2.11.4.

*Appendix 8***MATTERS TO BE ADDRESSED BY DEVELOPMENT PLANS**

All development plans shall address the following matters—

- (i) landform, topography, landscape, vegetation and soils of the area;
- (ii) location, existing roads, land uses and surrounding land uses and features;
- (iii) legal considerations, ownership, title description, area and encumbrances;
- (iv) existing and proposed services and infrastructure including reticulated or other potable water supply, sewerage, energy, communications, drainage and catchment considerations;
- (v) existing places and features of Aboriginal and non-Aboriginal heritage and/or cultural significance, including natural landscapes, flora and fauna in addition to built structures and other modified environments;
- (vi) road layouts and traffic assessments, communal and incidental parking areas, pedestrian/cycle network/underpasses, including impacts on the surrounding movement network;
- (vii) public open space and recreation provision, environmental protection areas, and relationships to natural features;
- (viii) assessment of the impact of the proposal on the natural environment, including management of potential effluent, emissions and other forms of pollution;
- (ix) comprehensive drainage systems for stormwater runoff and natural drainage lines;
- (x) indicate the design of the proposal including lot layout, major buildings, roads and landscaping proposals;
- (xi) the demand for the development in relation to the overall market for similar developments;
- (xii) the method of carrying out the development including the projected times of completion of each stage;
- (xiii) provide provisions, as may be considered appropriate by Council, for inclusion in the Policy Manual;
- (xiv) other information as may be required by Council.

Development plans in specific zones should also address the following matters—

Urban Development Zone

- (i) location and density of housing areas, including lot and dwelling yield, population outcomes, net residential density and detailed subdivision standards relating to solar access, efficient use of water resources, design features and density rationale;
- (ii) indicate demand for commercial and community facilities, including schools, generated by the proposal and implications for the provision of these within the development area or elsewhere.

Industrial Development Zone

- (i) location and characteristics of industrial precincts, including likely industrial uses, developments and material processing;
- (ii) on-site and off-site buffers required to separate uses within industrial areas and industrial uses from adjacent incompatible uses.

Rural

- (i) the impact of the proposal on the local settlement and rural land use patterns in the Scheme Area;
 - (ii) the demand for commercial and community facilities, including schools, generated by the proposal and implications for the provision of these within the development area or elsewhere;
 - (iii) the intended range of land uses and development for the site, particularly agriculture and intensive agriculture and any proposed limitations on these uses;
 - (iv) land tenure proposals including any cooperative arrangements for shared management of land.
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