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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF BROOME

LOCAL PLANNING SCHEME

No. 6

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME
Shire of Broome
Local Planning Scheme No. 6

Ref: TPS/0915

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 Broome Local Planning Scheme No. 6 on 4 December 2014, the scheme text of which is published as a schedule annexed hereto.

G. T. CAMPBELL Shire President.
K. R. DONOHOE, Chief Executive Officer.

SCHEDULE
Shire of Broome
Local Planning Scheme No. 6
25 November 2014

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

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

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

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

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PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF BROOME****LOCAL PLANNING SCHEME No. 6****PART 1—PRELIMINARY****1.1 Citation**

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

1.1.2 The following Scheme is revoked—

Name:

Shire of Broome Town Planning Scheme No. 4

Date of Gazettal:

21 December 1999

1.2 Responsible Authority

The Shire of Broome (‘council’ or ‘local government’) is the responsible authority for implementing the Scheme.

1.3 Scheme Area

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

1.4 Contents of the Scheme

1.4.1 The Scheme comprises of—

- (a) the Scheme Text; and
- (b) the Scheme Map (Sheets 1-34).

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

1.5 Purposes of Scheme

The purposes of the Scheme are to—

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land and reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule 7 of the *Planning and Development Act 2005*.

1.6 The aims of the Scheme

The aims of this Scheme are—

1.6.1 Place—

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

1.6.2 People—

- (a) Acknowledging Aboriginal heritage and cultural connections to country.
- (b) Supporting a diverse range of housing choice for a varied residential population, to establish and maintain community identity and high levels of amenity.

- (c) Establishing a high quality, diverse and integrated network of open space and providing for the recreational needs of residents and visitors.

1.6.3 Prosperity—

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

1.6.4 Infrastructure—

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

1.6.5 Sustainability—

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

1.6.6 Organisation/Governance—

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

1.7 Definitions

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

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

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

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

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

1.8 Relationship with local laws

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

1.9 Relationship with other schemes

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

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme determinations to conform with Local Planning Strategy

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

Note—

A Local Planning Strategy has been prepared and endorsed under Town Planning Regulations 1967.

2.2 Local Planning Policies

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

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

and may amend or add to or rescind the Policy.

2.3 Relationship of Local Planning Policies to Scheme

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

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

Note—

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

2.4 Procedures for making and amending a Local Planning Policy

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

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

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

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

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

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

2.4.4 A Policy has effect upon publication of a notice under clause 2.4.3(a).

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

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

2.5 Revocation of a Local Planning Policy

A Local Planning Policy may be revoked by—

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

2.6 Local Planning Policy savings provision

Local planning policies prepared and adopted by the local government under the provisions of the revoked scheme referred to in clause 1.1.2 shall be taken to be a Local Planning Policy made in accordance with the requirements of Part 2 of this Scheme.

PART 3—RESERVES

3.1 Reserves

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

3.2 Local Reserves

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

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

3.3 Use and development of Reserves

3.3.1 A person must not—

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

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

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

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

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

3.4 Coastal Reserve

3.4.1 Purpose—

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

3.4.2 Aims and Objectives—

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

3.5 Environmental and Cultural Corridor Reserve

3.5.1 Purpose—

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

3.5.2 Aims and Objectives—

- (a) Provide environmental and cultural corridors which enhance the open natural vegetation or Aboriginal heritage and culture; and
- (b) Provide space for cooling breezes to penetrate the urban environment and assist drainage to minimise the effect of the wet season rainfall/storms; and
- (c) Provide for recreation pursuits which are compatible with the natural environment and Aboriginal heritage and culture.

3.6 Parks, Recreation and Drainage Reserve

3.6.1 Purpose

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

3.6.2 Aims and objectives—

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

3.7 Airport

3.7.1 Purpose—

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

3.7.2 Aims and Objectives—

- (a) Provide for the following uses which are directly related to the airport and aviation land uses—
- i. Runways, taxiways, movement areas, airport navigation aids, airport lighting, associated services, aircraft parking, aprons and aircraft hard standing areas
 - ii. Air traffic control, rescue and fire fighting services, pilot/meteorological briefing and airport radio/radar support facilities
 - iii. Airport passenger terminal, including aerobridges, arrival/departure/transit passenger processing facilities, baggage handling/storage areas, secure areas, airline lounges, airport/airline administration and staff amenities and office accommodation, interview rooms and staff amenities for State and Commonwealth regulatory agencies
 - iv. Aircraft maintenance facilities, aircraft refuelling/storage facilities
 - v. General aviation terminal for use by light aircraft not associated with main passenger terminal
 - vi. Aircraft hangers and officers and associated apron/parking areas
 - vii. Flight catering facilities
 - viii. Air freight and cold storage facilities
 - ix. Airline support facilities, including ramp handling storage and maintenance
 - x. Customs, immigration and quarantine building(s) including under-bond storage and animal housing facilities
 - xi. Airport plant and equipment buildings and facilities
 - xii. Standby power generation plant and associated workshops
 - xiii. Airport sewerage disposal/treatment plant
 - xiv. Airport maintenance, mechanical workshops, storage and vehicle parking areas
 - xv. Overnight accommodation for airport management and maintenance staff.
- (b) Provide for the following infrastructure and facilities to support the airport and aviation land uses—
- i. Access roads, footpaths, and parking access for use by the general public
 - ii. Terminal kerbside set down and pick up areas
 - iii. Taxi, coach and limousine parking and holding areas
 - iv. Public short and long term car parks
 - v. Car rental support facilities
 - vi. Valet support facilities and associated parking storage areas
 - vii. Airport administration and associated parking
 - viii. Airline, tenant and concessionaire staff parking
 - ix. Airport service station
 - x. Airport advertising and signage
- (c) Provide for the following other uses only when within the airport terminal or integrated with the terminal complex—
- i. Food and beverage
 - ii. Newsagency and/or gift shop
 - iii. Arts and crafts
 - iv. Duty free
 - v. Terminal advertising
 - vi. Medical rooms and chemist
 - vii. Automatic tellers and Currency Exchange
 - viii. Public Telephones
 - ix. Tourism reception
 - x. Accommodation booking
 - xi. Internet facilities
 - xii. Airport business centre
 - xiii. Car rental counters
 - xiv. Baggage trolley
 - xv. Amusement/vending machines

3.7.3 With regard to development standards, which include the landscaping, layout, design, scale and location of airport buildings and other airport facilities, building setbacks, car parking areas, service areas, access ways and any other aspect of development in the reserve, all uses listed in 3.7.2 will generally comply with the intentions and provisions of the Scheme.

3.8 Port**3.8.1 Purpose—**

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

3.8.2 Aims and Objectives—

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

3.8.3 Site and Development Requirements—

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

PART 4—ZONES AND THE USE OF LAND

4.1 Zones

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

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

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

4.2 Residential Zone

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

4.2.2 The objectives of the Residential Zone are to—

- (a) allow development in accordance with the Residential Design Codes;
- (b) provide for climatically responsive housing forms that are consistent with energy efficiency and sustainable design principles set out in design guidelines adopted by the local government; and
- (c) ensure the built form is in accordance with Broome-style architecture as specified in clause 5.12 and with applicable local design guidelines.

4.3 Rural Residential Zone

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

4.3.2 The objectives of the Rural Residential Zone are to—

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

4.4 Town Centre Zone

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

4.4.2 The objectives of the Town Centre Zone are to—

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

4.5 Local Centre Zone

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

4.5.2 The objectives of the Local Centre Zone are to—

- (a) ensure development within the Local Centre Zone, is consistent with the Local Planning Strategy and the Local Commercial Strategy;
- (b) make provision for development providing a range of convenience goods and services whilst excluding activities which may adversely impact upon the residential amenity, generate large traffic volumes or detract from the role of the Town Centre Zone as the principal centre for retail and commercial activity;
- (c) ensure that the scale and design of development is consistent with a small scale local centre serving the day to day needs of the immediate locality;
- (d) guide and control development to achieve optimum levels of safety and accessibility and allow for strategic vehicular, pedestrian, cycling and open space linkages;
- (e) ensure that land uses and developments and open space areas are of high quality and preserve or enhance the streetscape ; and
- (f) ensure that the local centre, land uses and developments are complemented by landscaping and other features which enhance the appearance and reflects Broome-style architecture as specified in clause 5.12.

4.6 Mixed Use Zone

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

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

4.6.2 The objectives of the Mixed Use Zone are to—

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

4.7 Service Commercial Zone

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

4.7.2 The objectives of the Service Commercial Zone are to—

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

4.8 Industry Zone

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

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

4.9 Light and Service Industry Zone

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

4.9.2 The objectives of the Light and Service Industry Zone are to—

- (a) provide for light industries, service industries, motor vehicle repair, motor vehicle hire, transport depots, recreational activities, showrooms and workshops and activities associated with the construction sector where these land uses can be classified as light industry; and
- (b) restrict the size and location of caretakers dwellings in association with another approved use on site.

4.10 General Agriculture Zone

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

4.10.2 The objectives of the General Agriculture Zone are to—

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

4.11 Rural Small Holdings Zone

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

4.11.2 The objectives of the Rural Small Holdings Zone are to—

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

4.12 Culture and Natural Resource Use Zone

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

4.12.2 The objectives of the Culture and Natural Resource Use Zone are to—

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

4.13 Low Impact Tourist Zone

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

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

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

4.14 Tourist Zone

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

4.14.2 The objectives of the Tourist Zone are to—

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

4.15 Settlement Zone

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

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

4.16 Development Zone

4.16.1 The purpose of the Development Zone is—

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

4.16.2 The objectives of the Development Zone are to—

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

4.17 Zoning Table

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

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

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

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

- (a) the local government has exercised its discretion by granting 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 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.

Use Class	Residential Zones		Commercial Zones				Industrial Zones		Rural Zones			Tourism		Settlement	Special Use	Development
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist Development			
Aged or Dependent Person's Accommodation	D	X	3.D	4.D	5.D	X	X	X	X	D	X	X	X	Permitted Land Use and Development in Accordance with 4.43	Permitted Land Use and Development in Accordance with Schedule 4	Permitted Land Use and Development in Accordance with 4.44
Agriculture— Extensive	X	X	X	X	X	X	X	X	P	P	P	X	X			
Agriculture— Intensive	X	2.D	X	X	X	X	X	X	A	A	12. D	X	X			
Agroforestry	X	X	X	X	X	X	X	X	D	D	12. D	X	X			
Airport & Aviation Uses	X	X	X	X	X	X	X	X	X	X	X	X	X			
Amusement Parlour	X	X	A	A	A	X	X	X	X	X	X	A	A			
Ancillary Dwelling	D	D	X	X	D	X	X	X	D	D	D	X	X			
Animal Establishment	X	2.A	X	X	X	X	D	D	P	D	12. D	X	X			
Animal Husbandry— Intensive	X	X	X	X	X	X	X	X	D	A	12. A	X	X			
Aquaculture	X	2.A	X	X	X	X	D	D	D	D	12. A	X	X			
Art & Craft Centre	X	A	P	P	P	X	X	X	D	A	X	P	P			
Bed & Breakfast Accommodation	A	A	D	X	P	X	X	X	D	D	D	D	D			

Use Class	Residential Zones		Commercial Zones				Industrial Zones		Rural Zones			Tourism		Settlement	Special Use	Development
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist Development			
Car Park	X	X	P	D	P	D	X	X	X	X	X	D	D	Permitted Land Use and Development in Accordance with 4.43	Permitted Land Use and Development in Accordance with Schedule 4	Permitted Land Use and Development in Accordance with 4.44
Caravan Park	X	X	X	X	X	X	X	X	A	A	X	P	P			
Caretaker's Dwelling	X	X	3.D	4.D	5.D	D	X	8.D	D	D	X	D	15. D			
Childcare Centre	A	X	D	P	D	X	X	X	X	A	X	D	D			
Cinema/Theatre	X	X	P	X	P	X	X	X	X	X	X	P	D			
Civic use	D	D	P	P	P	D	X	X	X	X	X	P	P			
Club Premises	D	X	P	P	P	A	X	X	X	X	X	P	P			
Community Living	A	A	X	X	X	X	X	X	D	D	A	X	16. D			
Community Purposes	D	X	P	P	P	D	X	X	X	X	X	P	P			
Consulting Room	X	X	P	P	P	X	X	X	X	X	X	D	D			
Department Store	X	X	D	X	X	A	X	X	X	X	X	X	X			
Display Home	D	X	X	X	X	X	X	X	X	X	X	X	X			
Display Home Village	D	X	X	X	X	X	X	X	X	X	X	X	X			
Dry Cleaning Premises	X	X	D	D	D	D	P	P	X	X	X	D	D			
Educational Establishment	D	D	D	D	D	D	A	D	D	D	D	D	D			
Exhibition Centre	X	X	D	X	D	D	X	X	X	X	X	D	D			

Use Class	Residential Zones		Commercial Zones				Industrial Zones		Rural Zones			Tourism		Settlement	Special Use	Development
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist Development			
Family Day care	A	A	X	X	A	X	X	X	X	X	X	X	X	Permitted Land Use and Development in Accordance with 4.43	Permitted Land Use and Development in Accordance with Schedule 4	Permitted Land Use and Development in Accordance with 4.44
Fast Food Outlet (Drive-through)	X	X	A	D	X	P	X	X	X	X	X	D	D			
Fuel Depot	X	X	X	X	X	X	P	D	X	X	X	X	X			
Funeral Parlour	X	X	X	X	D	D	X	P	X	X	X	X	X			
Grouped Dwellings	P	X	3.P	4.P	5.D	X	X	X	X	D	X	13.D	16.D			
Health Club	X	X	P	P	P	D	X	P	X	X	X	P	P			
Holiday Home (Large)	X	X	D	D	5. A	X	X	X	X	A	X	D	D			
Holiday Home (Standard)	X	X	D	D	5. A	X	X	X	X	A	X	D				
Home Business	A	D	P	P	P	X	X	X	D	D	D	D	D			
Home Occupation	D	D	P	P	P	X	X	X	D	D	D	D	D			
Home Office	D	D	P	P	P	X	X	X	D	D	D	D	D			
Hospital	X	X	D	X	D	X	X	X	X	X	X	D	D			
Hotel	X	X	P	X	P	X	X	X	X	X	X	P	A			
Industry—Cottage	A	D	D	D	D	D	P	P	D	D	D	D	P			
Industry—Extractive	X	X	X	X	X	X	X	X	D	D	X	X	X			
Industry—General	X	X	X	X	X	X	P	P	X	X	X	X	X			

Use Class	Residential Zones		Commercial Zones				Industrial Zones		Rural Zones			Tourism		Settlement	Special Use	Development
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist Development			
Industry—Light	X	X	A	X	X	D	D	P	X	X	X	X	X	Permitted Land Use and Development in Accordance with 4.43	Permitted Land Use and Development in Accordance with Schedule 4	Permitted Land Use and Development in Accordance with 4.44
Industry—Rural	X	2.A	X	X	X	X	D	P	D	D	D	X	X			
Industry—Service	X	X	A	X	X	D	D	P	X	X	X	X	X			
Industry-Hazardous	X	X	X	X	X	X	A	X	X	X	X	X	X			
Industry- Noxious	X	X	X	X	X	X	A	X	X	X	X	X	X			
Landing Strip	X	X	X	X	X	X	X	X	D	D	X	X	A			
Liquor Store	X	X	D	A	A	D	X	X	X	X	X	A	A			
Marine Filling Station	X	X	X	X	X	A	A	A	X	A	X	X	A			
Market	X	A	P	D	A	X	X	X	X	A	X	P	D			
Medical Centre	X	X	D	D	D	X	X	X	X	X	X	D	D			
Motel	X	X	D	X	P	X	X	X	X	X	X	P	A			
Motor Vehicle and/or Marine Wrecking	X	X	X	X	X	X	D	D	X	X	X	X	X			
Motor Vehicle Repairs	X	X	X	X	X	D	P	P	X	X	X	X	X			
Motor Vehicle Wash	X	X	X	D	X	P	P	P	X	X	X	X	X			
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	X	P	X	D	X	X	X	X	X			

Use Class	Residential Zones		Commercial Zones				Industrial Zones		Rural Zones			Tourism		Settlement	Special Use	Development
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist Development			
Multiple Dwellings	P	X	3.P	4.P	5.D	X	X	X	X	D	X	13.D	16.D	Permitted Land Use and Development in Accordance with 4.43	Permitted Land Use and Development in Accordance with Schedule 4	Permitted Land Use and Development in Accordance with 4.44
Museum	A	X	P	X	P	X	X	X	X	A	X	P	P			
Nightclub	X	X	P	X	X	A	X	X	X	X	X	A	A			
Occasional Use	X	X	P	D	D	D	X	X	X	A	X	D	D			
Office	X	X	P	D	P	6.D	7.D	9.D	X	X	X	14.D	17.D			
Place of Assembly— and Worship	A	A	D	P	P	D	X	D	X	A	X	D	D			
Plant Nursery	X	2.D	X	X	D	D	X	P	A	D	D	X	A			
Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P			
Reception Centre	X	A	D	D	D	D	X	X	A	D	D	D	D			
Recreation—Indoor	X	X	P	P	P	D	X	P	X	X	X	P	P			
Recreation—Outdoor	X	A	D	D	D	A	X	X	D	D	D	D	D			
Recreation—Private	X	A	P	A	A	A	X	A	D	D	D	P	P			
Residential Building	A	X	3.P	X	5.D	X	X	X	X	D	X	13.D	16.D			
Restaurant	X	X	P	P	P	D	X	X	X	D	X	D	D			
Restricted premises	X	X	A	X	X	A	X	A	X	X	X	X	X			
Rural Pursuit	X	2.D	X	X	X	X	X	X	P	P	12.D	X	D			

Use Class	Residential Zones		Commercial Zones				Industrial Zones		Rural Zones			Tourism		Settlement	Special Use	Development
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist Development			
Service Station	X	X	A	D	X	P	D	D	X	A	X	X	A	Permitted Land Use and Development in Accordance with 4.43	Permitted Land Use and Development in Accordance with Schedule 4	Permitted Land Use and Development in Accordance with 4.44
Shop	X	X	P	P	D	A	X	D	X	X	X	D	D			
Showroom	X	X	D	X	X	P	7.D	9.D	X	X	X	X	X			
Single Dwelling	P	1.P	X	X	5.D	X	X	X	10.P	P	11. P	13. D	16. D			
Stable	X	D	X	X	X	X	X	X	P	P	D	X	A			
Staff Accommodation	X	D	D	X	X	D	X	X	10. D	A	D	D	16. D			
Stockyards	X	X	X	X	X	X	D	X	P	P	12. A	X	X			
Storage Facility, Depot, Laydown area	X	X	X	X	X	X	P	P	A	A	X	X	X			
Telecommunications Infrastructure	X	A	A	A	A	A	D	D	A	A	A	A	A			
Tourist Development	X	X	P	X	P	X	X	X	X	A	X	P	A			
Tourist Development- Low Impact	X	X	X	X	X	X	X	X	D	D	X	D	P			
Transport Depot	X	X	X	X	X	A	P	D	D	A	X	X	X			
Transport Overnight Facility	X	X	X	X	X	A	D	D	D	A	X	X	X			

Use Class	Residential Zones		Commercial Zones				Industrial Zones		Rural Zones			Tourism		Settlement	Special Use	Development
	Residential	Rural Residential	Town Centre	Local Centre	Mixed Use	Service Commercial	Industry	Light & Service Industry	General Agriculture	Culture & Natural Resource Use	Rural Small Holdings	Tourist	Low Impact Tourist Development			
Vehicle Hire	X	X	D	D	D	P	A	D	X	D	X	A	D	Permitted Land Use and Development in Accordance with 4.43	Permitted Land Use and Development in Accordance with Schedule 4	Permitted Land Use and Development in Accordance with 4.44
Veterinary Centre	X	X	D	D	A	D	X	P	D	X	D	X	X			
Warehouse	X	X	X	X	X	P	P	P	X	X	X	X	X			
Winery	X	A	X	X	X	X	X	D	D	D	D	X	D			
Zoological Gardens	X	X	X	X	X	X	X	X	D	D	12. A	X	A			

Footnote:

1. Refer Clauses 4.31.1 (a) and (b) Site and Development Requirements (Development in the Rural Residential Zone)
2. Refer Clause 4.31.1 (g) Site and Development Requirements (Development in the Rural Residential Zone)
3. Refer Clause 4.32.1 (d) Site and Development Requirements (Development in Town Centre Zone)
4. Refer Clause 4.33.1 (e) Site and Development Requirements (Development in the Local Centre Zone)
5. Refer Clause 4.34.3 (b) Site and Development Requirements (Development in the Mixed Use Zone)
6. Refer Clause 4.35.1 (b) Site and Development Requirements (Development in the Service Commercial Zone)
7. Refer Clause 4.36.1 (b) Site and Development Requirements (Development in the Industry Zone)
8. Refer Clauses 4.37.2 (a) and (b) Caretaker's Dwellings (Development in the Light and Service Industry Zone)
9. Refer Clause 4.37.1 (b) Site and Development Requirements (Development in the Light and Service Industry Zone)
10. Refer Clause 4.38.1 (a) Site and Development Requirements (Development in the General Agriculture Zone)
11. Refer Clauses 4.39.1 (a) and (b) Site and Development Requirements (Development in the Rural Small Holdings Zone)

12. Refer Clause 4.39.1 (d) Site and Development Requirements (Development in the Rural Small Holdings Zone)
13. Refer Clauses 4.42.1 (c) and (d) Site and Development Requirements (Development in the Tourist Zone)
14. Refer Clause 4.42.1 (g) Site and Development Requirements (Development in the Tourist Zone)
15. Refer Clause 4.41.1 (i) Site and Development Requirements (Development in the Low Impact Tourist Zone)
16. Refer Clause 4.41.1 (j) Site and Development Requirements (Development in the Low Impact Tourist Zone)
17. Refer Clause 4.41.1 (h) Site and Development Requirements (Development in the Low Impact Tourist Zone)

Note—

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

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

In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.

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

4.18 Interpretation of the Zoning Table

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

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

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

4.19 Additional Uses

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

Note—

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

4.20 Restricted Uses

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

Note—

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

4.21 Special Use Zones

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

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

Note—

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

4.22 Non-conforming Use Rights

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

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 5.18.3 the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.

4.23 Extension of a Non-Conforming Use

4.23.1 A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme. All applications for planning approval under this clause will be subject to notice under clause 9.4 and Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.

4.24 Change of Non-Conforming Use

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

4.25 Discontinuance of Non-Conforming Use

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

4.26 Termination of a Non-Conforming Use

4.26.1 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.27 Destruction of Non-Conforming Use Buildings

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

4.28 Register of Non-Conforming Uses

4.28.1 The Council to keep a Register of non-conforming uses at the offices of the Council which shall be made available for public inspection during office hours.

4.28.2 A person who wishes the Council to record that a non-conforming use exists may submit to the Council in writing full details of the nature, location and extent of the non-conforming use claimed.

4.28.3 Where the Council is satisfied that a non-conforming use exists, it shall record details of the non-conforming use on the Register.

4.28.4 Non-conforming use does not cease to exist if it is not registered on the Register.

4.29 Development standards and requirements for specific zones

4.29.1 Specific development standards and requirements to which the development is subject to are incorporated into the Scheme by Schedule 15.

4.30 Development in the Residential Zone

4.30.1 Site and Development Requirement—

- (a) All residential development shall conform with the Residential Design Codes subject to any variations referred to in clause 5.3 and any variations contained in a local planning policy adopted for the purpose of Part 5 of the *Residential Design Codes*.

4.31 Development in the Rural Residential Zone

4.31.1 Site and Development Requirements—

- (a) With respect to residential development, no more than one single house with ancillary accommodation is permitted on a lot within the Rural Residential Zone.
- (b) A single house is not permitted unless an adequate water supply is provided either by connection to a reticulated water supply or the provision of a bore or other connection to a potable water supply with a minimum storage capacity of 92,000 litres.
- (c) One shed of a maximum of 100m² in floor area is permitted on a lot.
- (d) An increase in the floor area of the shed and the number of sheds per lot may be approved at Council's discretion. When considering such an application, the Council shall have regard for: the approved land use on site and the demand for the shed, and the use of the proposed shed/s and any existing sheds, and the impact of increased floor area and an increase in the number of sheds on the amenity of the site and locality, and the objective and policies of the Rural Residential zone
- (e) Existing natural vegetation shall be retained within all setback areas.
- (f) Natural vegetation may only be removed where clearing is required to provide for approved development or land use, firebreak or drainage requirements or where vegetation is dead, dangerous or diseased. All other removal of natural vegetation requires Council approval.
- (g) Rural Industry and sheds used for rural purposes are not permitted unless they are associated with an approved rural pursuit on the lot.
- (h) The development of rural pursuits, rural industry, plant nursery, aquaculture and community living is not permitted unless the availability of water has been determined and access to water approved by the Department of Water.

4.31.2 Subdivision Requirements—

- (a) The subdivision of land which proposes additional lots or reduces the size of existing lots, will not be supported by Council unless—
 - i. a structure plan has been approved for the land proposed to be subdivided; or
 - ii. the subdivision is in conformity with clauses 4.31.2(c), (d) and (e) when land is within the precincts referred to in those clauses.
- (b) With the exception of the Coconut Wells precinct, the Council may dispense with the requirement for a structure plan, prior to making a recommendation supportive of subdivision if the Council considers the proposed subdivision represents minor boundary alterations.
- (c) Twelve Mile—

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

(d) Coconut Wells—

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

(e) Bilingurr and Wattle Drive—

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

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

4.32 Development in the Town Centre Zone

4.32.1 Site and Development Requirements—

- (a) All land use and development shall be consistent with the Chinatown Development Strategy and relevant design guidelines.
- (b) In considering applications for planning approval, council shall have regard to the Obstacle Limitation Surfaces (Schedule 18) and Australian Noise Exposure Forecast (ANEF) contours for the Broome International Airport (Schedule 17).
- (c) Within the Town Centre zone residential development may be undertaken to a density coding of R50 in accordance with the Residential Design Codes.
- (d) Notwithstanding the provisions of the zoning table residential development will not be permitted at street level unless provided for in an adopted development strategy.
- (e) When determining site and development requirements for residential development, Council shall have regard to the 'Mixed Use Development' provisions of the Residential Design Codes.

4.33 Development in the Local Centre Zone

4.33.1 Site and Development Requirements—

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

4.34 Development in the Mixed Use Zone

4.34.1 Site and Development Requirements—

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

4.34.2 Tourist Development—

- (a) Tourist development is to be regarded as residential development and may be developed to a maximum density of the R40 Residential Design Code and Council will have regard to the relevant policy when considering such proposals.

4.34.3 Residential Development—

- (a) Residential development within the Mixed Use zone shall be developed to a maximum density of R40 Residential Design Code unless otherwise indicated on the Scheme Maps.
- (b) Notwithstanding anything within the Scheme and Section 4.17-Table 1, for lots coded R20 and above, new residential development including 'holiday homes- standard' or 'holiday homes- large' is not permitted unless located above or behind existing or new commercial development on the lot.
- (c) When determining site and development requirements for all residential development, Council shall have regard to the 'Mixed Use Development' provisions of the Residential Design Codes.

4.35 Development in the Service Commercial Zone

4.35.1 Site and Development Requirements—

- (a) All land use and development shall be consistent with the relevant design guidelines.
- (b) Notwithstanding anything within the Scheme and Table 1, offices are not permitted in the Service Commercial Zone unless the office is incidental to another approved land use.

- (c) Development proposals for land within the Service Commercial Zone will be considered having regard to—
- i. the nature of the use and development on nearby properties;
 - ii. the likely impact of the proposed development on the streetscape;
 - iii. the impact on nearby properties in terms of amenity and character of established land uses and development; and
 - iv. where land uses not contained within buildings are proposed, the degree to which the activities on the site will impact upon or be compatible with land uses and development on nearby properties.

4.36 Development in the Industry Zone

4.36.1 Site and Development Requirements—

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

4.36.2 Subdivision Requirements—

- (a) The council will not support subdivision which proposes lots with an area of less than 6,000m². If the Council considers that a minor reduction below 6,000 m² in lot area will not prejudice the intent of the Industry Zone, Council may recommend to the Commission that subdivision be approved for lots with an area less than 6,000 m².
- (b) The Council will not support subdivision within the Broome Road Industrial Area unless the subdivision is in accordance with an endorsed Structure Plan or the plan included in Schedule 12-Structure Plan Areas, or considered to be minor subdivision or boundary realignment.

4.37 Development in the Light and Service Industry Zone

4.37.1 Site and Development Requirements—

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

4.37.2 Caretakers' Dwellings—

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

4.37.3 Subdivision Requirements

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

4.38 Development in the General Agriculture Zone

4.38.1 Site and Development Requirements—

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

4.38.2 Subdivision Requirements—

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

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

4.39 Development in the Rural Smallholdings Zone

4.39.1 Site and Development Requirements—

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

- (d) The development of rural pursuits, rural industry, plant nursery, aquaculture and community living is not permitted unless the availability of water has been determined and access to water approved by the Department of Water.

4.39.2 Subdivision Requirements—

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

4.40 Development in the Culture and Natural Resource Use Zone

4.40.1 Site and Development Requirements—

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

4.41 Development in the Low Impact Tourist Zone

4.41.1 Site and Development requirements—

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

4.41.2 Subdivision requirements—

- (a) The subdivision including strata titling of land for more than 10 chalets included within the Low Impact Tourist Zone will only be supported by the local government where it can be demonstrated that the resultant lots will be capable of being used in conformity with the purpose of the zone.

4.42 Development in the Tourist Zone

4.42.1 Site and Development Requirements—

- (a) Development shall be consistent with any relevant endorsed development strategy and any relevant design guidelines.

- (b) Council may require the preparation and adoption of a local development plan prior to considering a development application, or making a recommendation to the Commission regarding the application for approval of subdivision or strata subdivision of land, unless the development or subdivision is minor.
- (c) Council may approve a combination of tourist land uses and permanent residential development on the same site provided that—
 - i. the tourist land use is the predominant use of the site and will occupy not less than 60% of the site area and 60% of the total number of units;
 - ii. the residential development is integrated with a tourist land use on the same site;
 - iii. the residential development is located and designed to protect and enhance privacy and amenity;
 - iv. the residential development is in the form of medium density grouped dwellings or multiple dwellings and shall not include any single house;
 - v. the residential development complies with the Residential Design Codes R40 provisions unless varied by the relevant design guidelines or structure plan;
 - vi. if the development is to be staged, the residential development will not precede tourist land use;
 - vii. the tourism character and function of the Tourist Zone is protected and enhanced;
 - viii. the tourist land use is in a form that provides resort style facilities; and
 - ix. the residential development may provide for staff accommodation.
- (d) Where a tourist land use and permanent residential development are developed on the same site the protection of the residential amenity through careful design of both forms of development shall occur in order to minimise disturbance and conflicts between land uses.
- (e) Setbacks and density for all development within the Tourist Zone shall be in accordance with the provisions of the Residential Design Codes that apply to a density of R40.
- (f) Landscaping for all development within the Tourist Zone shall be provided and maintained abutting all street boundaries to a minimum depth of 3 metres from the boundary and within side setback areas or an equivalent area within the site.
- (g) Notwithstanding anything within the Scheme and Table 1, offices are not permitted in the Tourist Zone unless the office is associated with another 'P' land use.

4.42.2 Subdivision Requirements—

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

4.43 Development in the Settlement Zone

4.43.1 Site and Development Requirements—

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

4.44 Development in the Development Zone

4.44.1 Site and Development Requirements—

- (a) Planning approval will not be granted and subdivision will not be supported unless a structure plan has been adopted for all or part of the zone under Section 5.26.
- (b) The Council may dispense with the requirement for a structure plan, prior to the issue of planning approval for a development or land use or prior to making a recommendation to the Commission regarding subdivision, where the Council considers the proposed development, land use or subdivision is a minor extension to an existing land use or building, a minor additional land use, a minor land use change or is a minor subdivision.
- (c) Development within the Development Zone is to be in accordance with the adopted structure plan.
- (d) Where appropriate, the general development requirements of Part 5 and the development requirements of a specific zone that most closely equates to the proposed land use and development will be applied.

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with development standards and requirements

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

5.2 Residential Design Codes

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

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

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

5.3 Special application of Residential Design Codes

5.3.1 The provisions of the Residential Design Codes may be varied by—

- (a) a structure plan adopted under Part 5,
- (b) guidelines adopted by Council and approved by the Commission under clause 5.3.2 of the Residential Design Codes,

and where there is any inconsistency between the provisions of the Residential Design Codes and the provisions of a structure plan or design guidelines the provisions of the structure plan and design guidelines shall prevail.

5.3.2 Where—

- (a) a lot with an area of 2,000m² or greater has a Residential Design Code density of R10; and
- (b) the location of an existing dwelling, building or significant tree on the site would preclude approval of a two lot subdivision or strata subdivision or two grouped dwellings and the local government considers that the existing dwelling, building or tree is worthy of retention,

the local government may—

- (c) approve two grouped dwellings and recommend that the Commission approves a two lot strata subdivision with one of the strata lots having a minimum area of 800m²;
- (d) recommend that the Commission approves a subdivision with either or both lots having areas of no less than 900m².

5.3.3 Notwithstanding anything within this Scheme or the Residential Design Codes all dwellings including a single house, grouped dwellings, multiple dwellings and single bedroom dwellings shall have a minimum of two car parking bays provided on site. Where ancillary accommodation is proposed an additional third car parking bay shall be provided which may not be in tandem with the other two bays. These requirements are in substitution for clause 5.3.3 and clause 6.3.3 of the Residential Design Codes.

5.3.4 Outbuildings that do not exceed a wall height of 3.2m and a ridge height of 5.0m are considered to meet the deemed to comply provisions of the Residential Design Codes. These requirements are in substitution for clauses 5.4.3 C3(iv) and (v) of the Residential Design Codes.

5.3.5 A floor level of no more than 0.65m above natural ground level is considered to meet the deemed to comply provisions for the Privacy Requirements of the Residential Design Codes. This requirement is in substitution for the requirement for a floor level no more than 0.5m above natural ground level in clause 5.4.1, C1.1 of the Residential Design Codes.

5.3.6 The height of residential development must not exceed a wall height of six and a half (6.5) meters and a building height of ten and a half (10.5) meters. This replaces the deemed to comply provisions 5.1.6 C6 Category B of table 3 of the Residential Design Codes.

5.4 Variations to site and development requirements

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

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

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

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

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

5.5 Restrictive covenants

5.5.1 Subject to clause 5.5.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to

the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.5.2 Where clause 5.5.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval for the development of the land which would, but for the operation of clause 5.5.1, have been prohibited unless the application has been dealt with as an “A” use and has complied with all of the advertising requirements of clause 9.4.

5.6 Environmental conditions

5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are subject are incorporated into the Scheme by Schedule 11.

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

5.6.3 The local government is to—

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

Note—

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

5.7 Car parking

5.7.1 Land within the Scheme area shall not be used or developed for any purposes unless car parking bays, bicycle racks and motorcycle bays are provided on site in accordance with Schedule 16.

5.7.1.1 Where land is to be developed or used for a purpose not mentioned in Schedule 16, or where a standard or requirement is not specified in Schedule 16, the local government shall determine in each case the required number of car parking bays, bicycle racks and motorcycle bays to be provided on the land having regard to the—

- (a) nature of the proposed development;
- (b) number of employees or others likely to be employed or engaged in the use of the land;
- (c) anticipated demand for visitor parking;
- (d) orderly, proper and sustainable planning of the area;
- (e) the parking requirements under the Scheme for uses of a similar nature (if any).

5.7.2 Reciprocal parking

5.7.2.1 Where on any lot, different land uses have been or are to be established and those uses operate at different times to each other, the local government, upon being satisfied that the operating times will be permanent and will form the subject of conditions under which a planning approval will be granted, may reduce the total number of bays required to be provided for those uses as set out under Schedule 16, or as specified by the local government, on a reciprocal use basis having regard to the greatest number of vehicles that may need to be accommodated on the land during periods of peak usage of the site.

5.7.3 Calculation of car parking requirements

5.7.3.1 Except as provided in clause 5.7.2.1, for developments involving a number of uses, the car parking requirement shall be the sum of the number required for each use.

5.7.4 Construction of parking areas

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

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

5.7.5 Pedestrian movement for parking areas

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

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

5.7.6 Cash-in-lieu of car parking

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

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

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

5.7.8 Change of use and parking provisions

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

- (a) accept a cash-in-lieu of parking in the event that the additional parking cannot be provided on site; or
- (b) require the provision of additional parking either on site or in a location nearby acceptable to the local government.

5.7.9 Car parking for tourist uses

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

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

5.8 Service areas

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

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

5.9 Land use and noise control

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

5.10 Controlled access

5.10.1 Roads under the control of Main Roads Western Australia

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

5.10.2 Roads under the control of local government

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

5.11 Height of buildings

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

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

5.11.3 The local government must not exercise the power in Clause 5.4.1 to vary the height limits clause 5.11.2 unless the local government is satisfied that the variation will not prejudice the amenity and the low scale character of the general area of the proposed development. When considering variations to the height limit, the local government must have regard to all of the following—

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

5.12 Broome-style architecture

5.12.1 The provisions of this clause only apply to development within the Town Centre, Local Centre, Mixed Use, Tourist, Service Commercial and Residential Zones.

5.12.2 The building style of all buildings within the Scheme area are to be a low scale of building bulk and have regard for local climatic conditions and traditional architecture features, including a pitched roof, single and multiple hipped roof, gables, colourbond roof, and predominant wall materials of colourbond or timber.

5.12.3 Verandas, shutters, and similar features should be included in development to reduce solar penetration and increase access to prevailing breezes.

5.12.4 Materials of concrete, brick, zincalume or rendered walls must be painted and /or treated to reduce the impact of thermal heatload.

5.13 Inappropriate or incongruous development

5.13.1 Where, in the opinion of the local government, any proposed development, would not be in harmony with existing buildings or the landscape of the locality in which the proposed development is to be located by virtue of the use, design or appearance of the development, the colour or type of materials to be used on exposed surfaces, the height, bulk and mass of any building, the local government may—

- (a) refuse its approval for the development notwithstanding that it otherwise complies with the provisions of the Scheme; or
- (b) impose conditions on any planning approval granted for the proposed development to ensure that it will be in harmony with existing buildings and the landscape quality of the locality in which the development is to be located.

5.14 Landscaping and existing trees

5.14.1 When considering an application, the local government is to determine whether any tree has landscape significance and should be retained.

5.14.2 For the purpose of retaining significant tree the local government may—

- (a) impose a condition on a planning approval requiring trees to be retained;
- (b) request the Commission to impose a subdivision condition for the retention of trees and/or for additional trees to be planted on the site,
- (c) impose a condition requiring a modification of the development to ensure retention of significant trees, and/or
- (d) permit a variation of the applicable site and development requirements or recommend to the Commission a variation of subdivision requirements.

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

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

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

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

without the prior written approval of the local government.

5.16 Derelict vehicles

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

5.17 Telecommunications infrastructure

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

5.17.1.1 Applications for planning approval for telecommunications infrastructure shall be accompanied by plans and information required for applications for planning approval under clause 8.1 and will be considered having regard to the following—

- (a) consistency of the telecommunications infrastructure with the objectives and purpose of the zone or reserve;
- (b) social and economic benefits of the telecommunications infrastructure;
- (c) the impact of the telecommunications infrastructure on the landscape, heritage, environmental and amenity values of the locality;
- (d) co-location with other services; and
- (e) any relevant local planning policy adopted by the local government.

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

5.18 Control of advertisements

5.18.1 For the purpose of this Scheme, the erection, placement or display of any advertisement and the use of land or any building for the display of any advertisement is development requiring the prior approval of the local government except as otherwise provided.

5.18.2 Applications for planning approval to erect, place and display advertisements shall be made in accordance with the requirements of Part 9 and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule 7.

5.18.2.1 The local government's prior approval is not required in respect of the exempted advertisements listed in Schedule 5.

5.18.3 Advertisements which—

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

are "existing advertisements" and may, except as otherwise provided, continue to be erected, placed or displayed.

5.18.4 Where, in the opinion of the local government an advertisement has deteriorated so that it adversely impacts upon the visual amenity of the locality, conflicts with the amenity objectives of the Scheme or ceases to be effective for the purposes for which it is erected and displayed, the local government may by notice in writing require the advertiser or land owner to—

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

5.18.5 A person on whom notice is served under clause 5.18.4 may seek a review under clause 10.10.

5.18.6 An advertisement will not be approved on land other than the land on which is conducted a business, profession or other activity to which the advertisement relates.

5.19 Bush fire hazard and Fire Management Plans

5.19.1 Where—

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

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

5.20 Dwellings without regulated water service provision

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

5.20.2 Where, in addition to the requirements of clause 5.20.1 for a supply of potable water for any dwelling and ancillary accommodation additional water supplies are also required for fire fighting purposes, the capacity of each water storage tank shall include an additional 15,000 litres and be fitted with an appropriate gate valve to enable fire fighting appliances to draw water for fire fighting purposes.

5.21 Caretaker's dwellings

5.21.1 Caretaker's dwellings—

- (a) are limited to one caretaker's dwelling per lot and are not permitted on lots within a strata scheme;
- (b) shall be limited in floor area to a maximum of 100 square metres; and
- (c) may not be used until such time as the land upon which it is to be established is developed and/or is in use for a purpose requiring oversight by a caretaker.

5.22 Management of construction sites

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

5.23 Community living

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

5.24 Structure Plans

5.24.1 The local government or the Commission may require the preparation of a structure plan prior to considering a subdivision and/or development proposal for any area or zone in the scheme.

5.24.2 Subdivision and development of land is to generally be in accordance with the structure plan.

5.24.3 A structure plan may, with the agreement of the local government, be prepared and implemented in stages.

5.25 Structure plan form and layout

5.25.1 A proposed structure plan is to contain such detail as, in the opinion of the local government, is required to satisfy the planning requirements, and, without limiting the generality of the foregoing, may include the following details—

- (a) A set of maps and a report describing the structure plan area and surrounding land uses;
- (b) Maps are to be prepared to be of legible scale for the structure plan area;
- (c) Key opportunities and constraints of the structure plan area including landform, topography, hydrology (including depth to water table), hydraulic processes, landscape, threatened fauna, vegetation (including declared rare flora), Threatened Ecological Communities, soils, conservation and heritage values, ownership, land use, roads, and services;
- (d) Conservation and environmental values including coastal foreshore reserves and setbacks, environmental policy areas and water management policy areas;
- (e) The planning context for the structure plan area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and, where appropriate, indicating how the structure plan is to be integrated into the surrounding area;
- (f) Proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and business uses;
- (g) The proposed indicative lot pattern and general location of any major buildings;
- (h) Estimates of future lots, population, dwellings, the location of appropriate “Residential Design Code” densities, and commercial and industrial floor space;
- (i) Provision for major infrastructure, including water supply, sewerage, drainage, public utilities and other key infrastructure services;
- (j) The proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- (k) The timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;
- (l) Such other matter or information as may be required by the local government or the Commission as a result of the site’s characteristics.

5.26 Advertising and adoption of structure plans

5.26.1 Upon receiving a structure plan, the local government is to—

- (a) determine that the structure plan is satisfactory for advertising; or
- (b) determine that the structure plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) determine that the structure plan is not satisfactory for advertising and give reasons for this to the proponent.

5.26.2 When the local government has determined that the structure plan is suitable for advertising, the structure plan should be advertised for a minimum period of 21 days.

5.26.3 The local government shall advise affected landowners and relevant agencies in writing that the structure plan is available for public advertising.

5.26.4 Following advertising, the local government shall consider the public submissions made in respect of the structure plan, and either uphold or dismiss the submissions made.

5.26.5 The local government may require modifications to the structure plan prior to adoption.

5.26.6 When the local government is satisfied with the structure plan, it is to adopt the structure plan and forward the Council’s resolution, the adopted structure plan, and schedule of public submissions to the Commission for final approval.

5.26.7 The Commission shall then either approve or refuse the structure plan, approve the structure plan with modifications or refuse the structure plan.

5.26.8 A structure plan is to be kept at the local government’s administrative offices, and is to be made available for inspection by any member of the public during office hours.

5.27 Change or Departure from Structure Plan

5.27.1 A departure from, or alteration to, a structure plan may be permitted if the local government and Commission considers the proposed departure or alteration to be minor in nature, does not materially alter the intent of the structure plan, and will not prejudice the future subdivision and development of the area.

5.27.2 The local government is to forward a copy of the minor change to the Commission within 10 days from the date of adopting the minor change.

5.27.3 If the Commission considers that the change adopted by the local government under clause 5.27.1 materially alters the intent of the structure plan, then the Commission—

- (a) may require the local government to follow the procedures set out in clause 5.26.3 in relation to the change or departure; and
- (b) is to notify the local government of this requirement within 10 days.

5.27.4 Any change to a structure plan that is not within clause 5.27.1 is to follow the procedures set out in clause 5.26.3.

5.28 Operation of Structure Plan

5.28.1 A structure plan commences operation on the date it is adopted by the local government and approved by the Commission.

5.28.2 If a structure 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 structure 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 land the subject of the structure plan area;
- (c) where there is a conflict between the provisions of a zone, reserve or provision in a structure plan or a scheme, the scheme shall prevail.

5.28.3 If the zones or reserves proposed by a structure plan are inconsistent with the Scheme, they must be incorporated into the Scheme via a Scheme amendment prior to the local government advertising or adopting the structure plan.

5.29 Right of review

5.29.1 The proponent of a structure plan required by the scheme may make an application for review under Part 14 of the *Planning and Development Act 2005* on the following grounds—

- (a) the failure of the local government to make a determination on the content and requirement of a structure plan (or an amendment to a structure plan) within 120 days of the structure plan being lodged;
- (b) a decision by the local government not to endorse a structure plan (or an amendment to a structure plan);
- (c) conditions of approval of the structure plan (or an amendment to a structure plan).

5.29.2 In considering other procedural matters involved with structure plans, the local government and proponent will be guided by policies of the Commission.

5.30 Existing Development Plans savings provision

A Development Plan that has been duly approved by the local government in accordance with the requirements of the revoked Scheme referred to in clause 1.1.2 prior the Gazettal date, is to have the full force and effect as if it were a structure plan made under the Scheme.

5.31 Local Development Plans

5.31.1 The local government or the Commission may require a person to prepare and submit to the local government a local development plan.

5.31.2 A local development plan is to relate to a particular lot or lots and may be prepared and submitted—

- (a) to enhance, elaborate or expand on the details or provisions contained in a structure plan;
- (b) in place of a development approval required to comply with provision 2.5 of the Residential Design Codes; or
- (c) for any other planning purpose.

5.31.3 The local government is to—

- (a) approve with or without conditions; or
- (b) refuse to approve

the local development plan.

5.31.4 If within 60 days of receiving a local development plan for the purpose of clause 5.31.2 or such longer period as may be agreed in writing between the person and the local government, the local government has not made one of the determinations referred to in clause 5.31.3, the local government is deemed to have refused to approve the local development plan.

5.31.5 The local government is to forward a copy of the local development plan to the Commission within 10 days of approving the local development plan.

5.31.6 The local government's refusal to approve a local development plan under clause 5.31.3 is not a valid reason for the local government to refuse to adopt or the Commission to refuse to approve a proposed structure plan under clauses 5.26.6 and 5.26.7 respectively.

5.31.7 Unless clause 5.31.2(b) applies, once approved by the local government, the local development plan is to be used as the basis for—

- (a) making recommendations to the Commission on subdivision applications; and
- (b) determining development applications

with respect to the land subject to the local development plan.

5.31.8 An local development plan may include details regarding—

- (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;
- (k) Local Water Management Strategy;
- (l) landscape visual analysis; and
- (m) such other information considered relevant by the local government

5.31.9 An approved local development plan may be modified or varied with the approval of the local government, but where there is a related structure plan, such modifications or variations are to conform with the structure plan.

5.31.10 The local government is to forward a copy of the modification or variation of the local development plan to the Commission within 10 days of approving the modification or variation.

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of Special Control Areas

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

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

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

6.1.3 Notwithstanding any other provision of the Scheme, development is prohibited on land within any of the Special Control Areas referred to in clause 6.1.1 without the prior approval of the local government. For the purpose of this clause, development is to be taken as including—

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

6.1.4 Development in Special Control Areas will not be approved unless the local government is satisfied that the relevant matters referred to in clause 6.2 pertaining to specific Scheme Control Areas have been included and satisfactorily addressed in the application.

6.2 Special Control Areas

6.2.1 Existing Broome International Airport Environs (SCA 1)

6.2.1.1 Objective—

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

6.2.1.2 In determining applications for approval of all new land uses and development, council shall have regard to the Australian Noise Exposure Forecast Contours in Schedule 17.

6.2.1.3 All new development including towers, antennae, and any alterations to roof lines and any increase to building heights on land must not exceed the height restrictions in the Broome Airport Obstacle Limitation Surface Plan contained in Schedule 18.

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

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

6.2.2 Future Broome International Airport Environs (SCA 2)

6.2.2.1 Objective—

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

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

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

6.2.3 Essential Service Buffer Areas (SCA 3)

6.2.3.1 Objective—

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

6.2.3.2 Clementson Street Wastewater Treatment Plant—

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

6.2.3.3 Buckley's Road Waste Management Facility—

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

6.2.3.4 Crab Creek Waste Water Treatment Plant and Refuse Recycling Facility—

- (a) Despite the provisions of the Zoning Table no residential development or caretaker's dwelling or tourist land use is permitted within the identified buffer boundaries.
- (b) In considering an application for planning approval the local government is to have regard to—
 - i. whether the proposed development is compatible with odour emissions; and
 - ii. any other relevant planning or environmental considerations or policies or advice including, including those of the Commission and Department of Environment Regulation and Department of Water.
- (c) In consideration of 6.2.3.4(a) the local government may at its discretion refer any development application to the operator of the wastewater treatment plant or refuse recycling facility requesting their advice.

6.2.3.5 Mc Daniel Road Power House—

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

6.2.4 Flood Prone Land (SCA 4)

6.2.4.1 Objective—

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

6.2.4.2 Potential for flooding exists in the following areas—

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

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

- (a) building floor and fill levels (absolute minimum fill level to be 5.3m A.H.D and minimum floor level of 5.7m A.H.D);
- (b) fill or drainage requirements and financial contribution to drainage works;
- (c) limitations/restrictions on filling in areas required to hold stormwater;
- (d) location, construction style and/or orientation of buildings on site;
- (e) density and site cover;
- (f) landscaping and open space;

- (g) location and style of fencing;
- (h) lot access requirements; and
- (i) the type and location of onsite effluent disposal systems.

6.2.5 Public Drinking Water Source Protection Areas (SCA 5)

6.2.5.1 Objective—

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

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

6.2.5.3 In considering an application for planning approval, the local government is to have regard to—

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

6.2.5.4 The local government may—

- (a) refuse any application for planning approval or impose conditions on any planning approval so as to protect the resource; or
- (b) when it grants planning approval, impose a condition requiring the registration of a notification under section 70A of the Transfer of Land Act 1893 on the title of the land giving notice of any limitations or constraints associated with the protection of water resources, at the applicant's cost.

Note—

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

6.2.6 Drainage Aquifer Recharge Areas (SCA 6)

6.2.6.1 Objective—

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

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

6.2.7 Landscape Protection Areas (SCA 7)

6.2.7.1 Objective—

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

6.2.7.2—

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

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

6.2.7.4 The Council may grant planning approval for development on land within (wholly or partly) the Landscape Protection Area where it is satisfied that—

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

6.2.7.5 The Council shall not grant planning approval for development on land within a Landscape Protection Area unless it is satisfied that—

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

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

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

6.2.7.7 Council may consult with the Department of Environment Regulation, the Department of Water and the Water Corporation in regard to any proposal that may have environmental impact.

6.2.8 Aboriginal Communities (SCA 8)

6.2.8.1 Objective—

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

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

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

6.3 Development Contribution Plan Areas

6.3.1 Development Contribution Areas

6.3.1.1 The Development Contribution Areas are shown on the scheme map as DCA with a number and included in Schedule 14.

6.3.1.2 Objectives—

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

(c) To coordinate the timely provision of infrastructure.

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

6.3.2 Development contribution plan part of scheme

6.3.2.1 The development contribution plan is incorporated in schedule 14 as part of the Scheme.

6.3.3 Subdivision, strata subdivision and development

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

6.3.4 Guiding principles for development contribution plans

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

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

6.3.5 Recommended content of development contribution plans

6.3.5.1 The development contribution plan is to specify—

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

6.3.6 Period of development contribution plan

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

6.3.7 Land excluded

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

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

6.3.8 Development contribution plan report and cost apportionment schedule

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

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

6.3.8.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 10.10.

6.3.9 Cost contributions based on estimates

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

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

- (a) in the case of land to be acquired, in accordance with clause 6.3.10; and
- (b) in all other cases, in accordance with the best and latest information available to the local government,

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

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

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

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

6.3.9.5 Where an owner's cost contribution is adjusted under clause 6.3.9.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

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

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

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

6.3.10 Valuation

6.3.10.1 Clause 6.3.10 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6.3.10.2 In clause 6.3.10—

- (a) 'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm's length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell. The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 14. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.
- (b) 'Valuer' means a licensed valuer agreed by the local government and the owner, or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

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

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

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

6.3.11 Liability for cost contributions

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

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

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

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

6.3.11.3 Despite clause 6.3.11.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

6.3.11.4 Where a development contribution plan expires in accordance with clause 6.3.6, an owner's liability to pay the owner's cost contribution under that development contribution plan must be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

6.3.12 Payment of cost contribution

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

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

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

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

6.3.13 Charge on land

6.3.13.1 The amount of any cost contribution for which an owner is liable under clause 6.3.11, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

6.3.13.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.3.13.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

6.3.13.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.3.13.

6.3.14 Administration of funds

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

6.3.14.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.3.14.1 is to be applied in the development contribution area to which the reserve account relates.

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

6.3.15 Shortfall or excess in cost contributions

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

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

but nothing in paragraph 6.3.15.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

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

6.3.16 Powers of the local government

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

- (a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and

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

6.3.17 Arbitration

Subject to clauses 6.3.10.3 and 6.3.10.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

PART 7—HERITAGE PROTECTION

7.1 Heritage List

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

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

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

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

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

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

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

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

Note—

1. *The purpose and intent of the heritage provisions are—
to facilitate the conservation of places of heritage value; and
to ensure as far as possible that development occurs with due regard to heritage values.*
2. *“A place” is defined in Schedule 1 and may include works, buildings and contents of buildings.*

7.1.7 Notwithstanding the above clauses, the Shire of Broome’s Municipal Inventory will form the heritage list until a separate list is prepared and adopted under this Part.

7.2 Designation of a heritage area

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

7.2.2 The local government is to—

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

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

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

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

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

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

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

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

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

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

7.3 Heritage agreements

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

Note—

1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4 Heritage assessment

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

7.5 Variations to Scheme provisions for a heritage place or heritage area

7.5.1 Where desirable to—

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

the local government may vary any site or development requirement specified in the Scheme, or the Residential Design Codes by following the procedures set out in clause 5.4.2.

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for approval to commence development

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

Note—

1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
2. Development includes the erection, placement and display of any advertisements.

8.2 Permitted development

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

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - i. located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - ii. the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - iii. included in the Heritage List under clause 7.1 of the Scheme.
- (b) The erection on a lot, a strata and survey strata lot within the Residential, Settlement, Rural Residential and Development zones of a single house including any extension, ancillary outbuildings, external fixture and swimming pools, except where—
 - i. the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the deemed-to-comply provisions of the Residential Design Codes;

- ii. the development will be located in a heritage area designated under the Scheme;
 - iii. the development is inconsistent with an adopted local planning policy;
 - iv. the development is inconsistent with an approved structure plan or an adopted and endorsed Layout Plan or local development plan; or
 - v. Ancillary accommodation is part of any development.
- (c) the demolition of any building or structure except where the building or structure is—
- i. located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - ii. the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - iii. included on the Heritage List under clause 7.1 of the Scheme; or
 - iv. located within a heritage area designated under the Scheme.
- (d) the erection on a lot within the General Agriculture zone of a single house including any extension, ancillary outbuildings and swimming pools, and any building associated with Agriculture—Extensive use of the land except where the building or structure is contrary to any provisions of the scheme and schedules.
- (e) a home office.
- (f) the carrying out of any activities associated with traditional use and law;
- (g) any use or works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (h) any of the exempted advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a heritage area; and
- (i) Any minor development as defined in an adopted Local Planning Policy.

Note—

Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 151 of the Planning and Development Act 2005

8.3 Amending or revoking a planning approval

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

8.4 Unauthorised existing developments

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

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

Note—

1. *Applications for approval to an existing development are made under part 9.*
2. *The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.*

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1 Form of application

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

- (a) a use or commencement of development on a Local Reserve under clause 3.3;
- (b) commencement of a “P” use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.17.3;
- (c) commencement of a “D” or an “A” use as referred to in clause 4.17.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.18.2;
- (e) alteration or extension of a non-conforming use under clause 4.23;
- (f) a change of a non-conforming use under clause 4.24;
- (g) continuation of a non-conforming use under clause 4.27;
- (h) variation of a site or development requirement under clause 5.4;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

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

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

9.2 Accompanying Material

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

- (a) a plan or plans to a scale of not less than 1:500 showing—
 - i. the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - ii. the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - iii. the existing and proposed use of the site, including proposed hours of operation and buildings and structures to be erected on the site;
 - iv. the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - v. the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - vi. the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - vii. the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
 - viii. the nature and extent of any open space and landscaping proposed for the site;
 - ix. finished floor levels and existing and proposed stormwater and flood management arrangements/infrastructure; and
 - x. the location, type and size of all existing trees on the site and within the abutting road reserve or any other abutting reserve.
- (b) plans, elevations and sections to be of a scale not less than 1:100 of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that the local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

9.3 Additional material for heritage matters

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

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

9.4 Advertising of applications

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

- (a) an 'A' use as referred to in clause 4.17.2; or
- (b) a use not listed in the Zoning Table,

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

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

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

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

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

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

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

9.5 Applications containing insufficient information

9.5.1 Where in respect of any application for planning approval, the accompanying material is, in the opinion of the local government, insufficient for a proper planning evaluation to be made for the purposes of this Scheme, the local government shall, within a period of 21 days of receiving the application, notify the applicant in writing that additional information is required and specify the type and form of the information to be submitted.

9.5.2 Where notice has been served pursuant to subclause 9.5.1, the unexpired portions of periods for calculating whether or not an application may be deemed to have been refused for the purpose of clause 10.9 shall cease to run until such time as the additional information has been received by the local government or the applicant has refused to provide the required information and has requested that the application be determined as submitted in accordance with Part 10.

9.5.3 On the receipt of the requested information, or where the information is not received within 21 days, the local government may proceed to determine the application in accordance with the requirements of the Scheme.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultation with other authorities

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

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

10.2 Matters to be considered by local government

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

- (a) the aims and provisions of the Scheme and any other relevant local planning schemes operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved State Planning Policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan, strategy or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which that 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, Acid Sulphate Soils or any other risk.
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress
- (q) from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (r) 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;

- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision is made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) whether adequate provision has been made for access by disabled persons;
- (w) 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;
- (x) Any off-site impacts that have an effect on Special Control Area 7—Landscape Protection Areas;
- (y) whether the proposal is likely to cause soil erosion or land degradation, or adversely impact on water quality;
- (z) the potential loss of any community service or benefit resulting from the planning approval;
 - (aa) any relevant submissions received on the application;
 - (bb) the comments or submissions received from any authority consulted under clause 10.1.1;
 - (cc) any adopted structure plan or local development plan;
 - (dd) the comments and submissions received from the Department of Indigenous Affairs and representatives of Aboriginal groups and people on matters of heritage and cultural as set out in the *Aboriginal Heritage Act 1972* or *Native Title Act 1993 (Cwth)*;
 - (ee) any other planning consideration the local government considers relevant.

10.3 Determination of applications

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

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

10.4 Form and date of determination

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

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

10.5 Term of planning approval

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

- (a) the development approved is to be substantially commenced within two years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

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

10.6 Temporary planning approval

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

Note—

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

10.7 Scope of planning approval

10.7.1 Planning approval may be granted—

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

10.8 Approval subject to later approval of details

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

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

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

10.9 Deemed refusal

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

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

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

10.10 Appeals

10.10.1 An applicant aggrieved by a determination of the local government 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 *Planning and Development Act 2005*.

PART 11—ENFORCEMENT AND ADMINISTRATION

11.1 Powers of the local government

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

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

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

11.2 Removal and repair of existing advertisements

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

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

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

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

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

11.2.4 A person on whom notice is served under this clause may apply for review of the determination of the local government to the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

11.3 Delegation of functions

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

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

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

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

11.4 Person must comply with provisions of Scheme

11.4.1 A person must not—

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

Note—

Section 218 of the Planning and Development Act provides that a person—

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

Penalty: \$200,000, and a daily penalty of \$25,000.

11.5 Compensation

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

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Planning and Development Regulations 2009*; or
- (b) where the land has been reserved for a public purpose and—
 - i. an application made under the Scheme for approval to carry out development on the land is refused; or
 - ii. an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

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

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

Note—

A claim for compensation under Section 173 of the Planning and Development Act 2005, may be made in the form Number 7 in appendix A of the Planning and Development Regulations 2009.

11.6 Purchase or taking of land and valuation

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

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

Note—

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

11.7 Notice for Removal of Certain Buildings

11.7.1 Under Section 214(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 work referred to in that subsection.

11.7.2 The local government may recover expenses under Section 215(2) of the *Planning and Development Act 2005* in a court of competent jurisdiction.

Schedule 1

DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

General Definitions

In the Scheme—

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

“**Act**” means the *Planning and Development Act 2005*.

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

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

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

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

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

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

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

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

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

“**Building Code of Australia**” means the *Building Code of Australia 1996*.

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

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

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

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

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

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

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

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

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

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

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

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

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

“**development area**” means an area included in the Development zone or an area included in Schedule 12.

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

- “**development contribution plan**” means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of clause 6.3 of the Scheme (as incorporated in Schedule 14 to this Scheme).
- “**development contribution plan report**” means a report prepared and distributed in accordance with clause 6.3.8.
- “**district**” means the local government district of the Shire of Broome.
- “**façade**” means the exposed face of a building orientated towards any road or open space, or the outward appearance of a building.
- “**firebreak**” means the minimum area of land required to be cleared and be maintained as a firebreak for a firebreak to comply with the *Bush Fires Act 1954* and local government firebreak requirements.
- “**floor area**” has the same meaning as in the *Building Code of Australia*.
- “**frontage**”, when used in relation to a building that is used for—
- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
 - (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.
- “**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Government Gazette* under section 81(4) of the Act.
- “**gross floor area**” shall have the same meaning as floor area in the *Building Code of Australia*.
- “**gross leasable area**” means, in relation to a building, the area of all floors capable of being occupied for exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
- “**height, building**”—
- (a) when used in relation to a building that is used for residential purposes, has the same meaning given to it in and for the purposes of the Residential Design Codes; or
 - (b) means the vertical distance at any point from natural ground level to the upper most part of the building above that point (roof ridge, parapet or wall), excluding minor projections above that point.
- “**height, wall**”—
- (a) when used in relation to a building that is used for residential purposes, has the same meaning given to it in and for the purposes of the Residential Design Codes of Western Australia; or
 - (b) when used in relation to a building that is used for purposes other than residential purposes, means the measurement taken from the natural ground level to the level of the top of the eave, parapet or flat roof, whichever is the highest.
- “**heritage area**” means an area which is of cultural heritage significance and of such distinctive nature or character that special controls are considered necessary to retain and/or enhance that character, even though each individual place in the area may not itself be of significance.
- “**heritage list**” means a list of those places which, in the opinion of the council, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted and unless the contrary is specifically indicated the term has the same meaning as the Municipal Inventory prepared and maintained pursuant to section 45 of the *Heritage of Western Australia Act 1990*.
- “**heavy vehicle**” means a vehicle with a mass limit (tonnes) exceeding 15 tonnes and includes trailers.
- “**incidental use**” means a use of premises which is ancillary and subordinate to the predominant use.
- “**infrastructure**” means the standard infrastructure items and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of clause 6.3.
- “**infrastructure costs**” means such costs as are reasonably incurred for the acquisition and construction of infrastructure.
- “**land**” has the same meaning as in the Act and includes houses, buildings and other works and structures.
- “**Layout Plan**” means a land use plan for Aboriginal settlement.
- “**Local Development Plan**” means a plan prepared and approved under clause 5.31.
- “**local government**” means the Shire of Broome.
- “**Local Planning Strategy**” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time.
- “**lot**” has the same meaning as in the Act but does not include a strata or survey strata lot.

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

“**Minister**” means the Minister for Planning.

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

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

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

“**obstacle limitation surface (OLS)**” means a horizontally and vertically defined airspace boundary in the vicinity of an airport that has been specified and/or endorsed by the airport operator as representing the maximum desirable height above Australian Height Datum of any building, antenna, other structure or natural feature on land directly underneath the surface.

“**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 the land;
- (c) is a leaser 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 a beneficial owner, trustee, mortgagee in possession, or otherwise.

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

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

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

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

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

“**premises**” means land or buildings.

“**reserve**” means any land reserved under the Scheme for a public purpose.

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

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

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

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

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

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

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

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

“**substantially commenced**” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development.

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

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

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

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

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

LAND USE DEFINITIONS

In the Scheme—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- “**community purpose**” the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
- “**consulting room**” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.
- “**department store**” means a shop which consists of a substantial number of different departments carrying a significant range of goods in each department.
- “**display home**” means a dwelling which is intended to be open for viewing by prospective buyers.
- “**display home village**” means a group of two or more dwellings which are intended to be open for viewing by prospective buyers.
- “**dry cleaning premises**” means any land or building used for the cleaning of garments and other fabrics by chemical processes.
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business collage, academy or other educational centre.
- “**exhibition centre**” means premises used for the display, or display and sale, of materials of an artistic, cultural or historic nature, and includes a museum or art gallery.
- “**family day care**” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*. *Note: Refer Child Care Centre.*
- “**fast food outlet**” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises.
- “**fast food outlet- drive through**” mans any land or buildings used for the preparation, sale and serving of food to customers in cars in a form ready to be eaten without further preparation primarily off the premises.
- “**fuel depot**” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises.
- “**funeral parlour**” means premises used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.
- “**grouped dwelling**” has the same meaning as in the Residential Design Codes.
- “**health club**” means any land or building used for physical exercise and associated activities.
Note: Refer Recreation—Indoor.
- “**home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ more than 2 people not members of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 50 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle of more than 3.5 tonnes tare weight;
 - (g) does not involve the use of an essential service of greater capacity than normally required in the zone; and
 - (h) does not detract from the residential appearance of the dwelling house or domestic outbuilding.
- “**home occupation**” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ any person not a member of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 20 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood;
 - (g) does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;
 - (h) does not involve the use of essential service of greater capacity than normally required in the zone; and
 - (i) does not detract from the residential appearance of the dwelling house or domestic outbuilding.

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

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

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

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

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

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

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

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

incidental to any of those industrial operations.

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

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

“industry—extractive” means an industry which involves—

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

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

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

“industry—light” means an industry—

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

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

“industry—rural” means—

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

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

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

- “**landing strip**” means land used for the aircraft and aviation purposes which does not fall within the definition of Airport and Aviation Use.
- “**liquor store**” means any land and building the subject of or intended to be the subject of a store licence granted under the provisions of the *Liquor Licensing Act 1988*.
- “**lodging house**” shall have the same meaning as is given to the term in and for the purposes of the *Health Act of Western Australia 1990*.
- “**marina**” means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina.
- “**marine filling station**” means premises used for the storage and supply of liquid fuels and lubricants for marine craft.
- “**market**” means premises used for the display and sale of goods from stalls by independent vendors which may also provide entertainment and can include such uses as a farmers’ or producers’ market, or a swap-meet.
- “**medical centre**” means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).
- “**motel**” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*.
- “**motor vehicle, boat or caravan sales**” means premises used to sell or hire motor vehicles, boats or caravans.
- “**motor vehicle and/or marine wrecking**” means land or buildings used for the storage, breaking up or dismantling of motor vehicles, caravans and marine vessels and includes the sale of second hand motor vehicle and marine accessories and spare parts.
- “**motor vehicle repair**” means premises used for or in connection with—
- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
 - (b) repairs to tyres,
- but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.
- “**motor vehicle wash**” means premises where the primary use is the washing of motor vehicles.
- “**multiple dwelling**” has the same meaning as in the Residential Design Code.
- “**museum**” means premises used to exhibit cultural or historical artefacts *Note: Refer Exhibition Centre*.
- “**night club**” means premises—
- (a) used for entertainment with or without eating facilities; and
 - (b) licensed under the *Liquor Licensing Act 1988*.
- “**occasional use**” means the use of premises on an occasional basis for the purpose of recreation, entertainment, community or other similar activity which does not in the opinion of the local government prejudice the orderly and proper planning or the preservation of the amenity of the locality in which the land or building is situated. The term includes a swap-meet, market or fair, the profits of which (if any) are to be employed for charitable or community purposes.
- “**office**” means premises used for the administration of clerical, technical, professional or other like business activities.
- “**open air display**” means the use of a site external to a building for the display and/or sale of goods and equipment.
- “**place of assembly and worship**” means premises where people assemble for a public activity and includes premises used for religious activities such as a church, chapel, mosque, synagogue or temple.
- “**plant nursery**” means premises used for the propagation, rearing, and/or sale of plants and the storage and sale of products associated with horticultural and garden activities.
- “**public utility**” means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- “**recreation—indoor**” means the use of any building for sports including but without limiting the generality of the term, swimming, ice skating, ten pin bowling, cricket, tennis, squash, soccer, billiards and similar activities, an includes use for a health club.
- “**recreation—outdoor**” means the use of any land for outdoor recreation purposes and includes water slides and theme parks.
- “**reception centre**” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- “**recreation—private**” means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
- “**residential building**” has the same meaning as the Residential Design Codes.

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

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

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

“**rural pursuit**” means any premises used for—

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

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

“**service station**” means premises used for—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Schedule 2
ADDITIONAL USES

No.	Description of Land	Additional Use	Conditions
A1	Lot 732 Blick Drive	Restaurant	As determined by Council
A2	Lot 728 Blick Drive	Shop	As determined by Council
A3	Lot 2094 Clemenston Street	Fish curing	As determined by Council
A4	Lot 2101 Clemenston Street	Lunch bar, Delicatessen	As determined by Council
A5	Lot 417 Lullfitz Drive	Health Centre, Natural Healing workshops, short term residential accommodation and ancillary uses and residential house	As determined by Council
A6	Lot 50 Coucal Street	A second dwelling	As determined by Council
A7	Lot 6 Sanctuary Road	Retail of convenience goods, Service Station	As determined by Council
A8	Lot 10 Archer Street	Go Kart track and Ancillary Uses	As determined by Council
A9	Lot 11 Walcott Street	Service Station	As determined by Council
A10	Lot 202 Frederick Street (Boulevard Shopping Centre)	Showrooms	As determined by Council
A11	Lot 3000 Broome Road Skuthorpe	Camping and Caravan Park, Lodging House	1. The predominant use of the site is to remain agricultural purposes. 2. The additional uses are to be limited to short stay accommodation by any person for no longer than three months in any twelve month period. 3. Appropriate separation buffers must be provided within this lot to address the potential for land use conflict from nearby agricultural land uses. 4. Adequate water supply is to be provided to the additional uses.
A12	Lot 300 Lullfitz Drive	Veterinary Centre, Caretakers Dwelling	As determined by Council
A13	Lot 4 Kanagae Drive	Restaurant	As determined by Council
A14	Lot 20 Yamashita Street	Restaurant	As determined by Council
A15	Lot 213, 214 and 216 Hamersley Street and Lot 215 Louis Street	Grouped Dwellings and Multiple Dwellings	1. Clause 4.34.3(b) does not apply to these lots. 2. All other conditions as determined by Council.
A16	Lot 17 Yamashita Street	Restaurant	As determined by Council
A17	Lot 413 Yamashita Street	Zoological Gardens	As determined by Council
A18	Lot 108 Coghlan Street	Motor Vehicle, Boat or Caravan Sales	As determined by Council

No.	Description of Land	Additional Use	Conditions
A19	Lot 3 and 4 Coghlan Street	Motor Vehicle, Boat or Caravan Sales, Motor Vehicle Repairs	As determined by Council
A20	Lot 1 Macpherson Street	Motor Vehicle, Boat or Caravan Sales, Motor Vehicle Repairs	As determined by Council
A21	Lot 8 Frederick Street	Motor Vehicle, Boat or Caravan Sales	As determined by Council
A22	Lot 54 Coghlan Street	Motor Vehicle, Boat or Caravan Sales	As determined by Council
A23	Lot 12 Coghlan Street	Motor Vehicle, Boat or Caravan Sales	As Determined by Council
A24	Lot 238 Willie Creek	Customs	1. Uses may include— <ul style="list-style-type: none"> • Residential buildings for Fisheries Department • Customs activities 2. All other conditions as determined by Council.

Schedule 3
RESTRICTED USES

No.	Description of Land	Restricted Use	Conditions
RU 1	Lot 947 Carnarvon Street	Hotel/Motel	As determined by Council
RU 2	Lot 1 Louis Street	Hotel	As determined by Council
RU 3	Lot 51 Robinson Street	Motel	1. Site and Development Requirements—As determined by Council 2. A nightclub will not be permitted to be incorporated into the motel use. 3. Units situated adjacent to residential zoned land on Walcott Street must be designed so that there are no major openings, habitable rooms or outside living areas including balconies and verandas located on the western side. 4. Landscaping is required within the side setback area of the motel.

Schedule 4
SPECIAL USE ZONES

Notation	Description of Land	Special Use	Conditions
CF	Lot 351 Broome Road	Crocodile Farm	1. Development on site may include a wildlife retreat and associated tourist uses. 2. Site and Development Requirements—As determined by Council
AU	Lot 100, 102 & 259 Broome Road	Aboriginal use, offices and ancillary uses	As determined by Council
BO	Lot 400 Crab Creek Road (Reserve 41066)	Bird observatory	As determined by Council
V	Lot 1225 & Lot 640 Dora Street, Anne Street & Paddy Street	Various	1. Development may include— <ol style="list-style-type: none"> a. Aboriginal Use; b. Offices;

Notation	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> c. Medical Rooms; d. Residential accommodation e. Associated uses 2. Site and Development Requirements—As determined by Council
CP	Lot 2813 Robinson Street (Reserve 17132)	Caravan Park	As determined by Council
CP	Lot 1539 Great Northern Highway (Eighty Mile Beach)	Caravan Park	As determined by Council
CP	Lot 3130 Sanctuary Road	Caravan Park	As determined by Council
CP	Lot 1 Wattle Drive	Caravan Park	As determined by Council
PF	Lot 154 Willie Creek Road	Pearl Farm	As determined by Council
PF	Lot 361 (Dampier Peninsula—Arrow Pearls)	Pearl Farm	As determined by Council
PF	Lot 84, 87 & 215 Cygnet Bay Road	Pearl Farm	1. Uses may include— <ul style="list-style-type: none"> a. Pearl Farm and ancillary use. b. Tourist Development- Low Impact c. Staff Accommodation d. Restaurant 2. Site and Development Requirements—as determined by Council and set out in a local development plan
RH	Lot 136 Broome Road	Road House	1. Uses may include— <ul style="list-style-type: none"> a. Caravan and Camping Grounds b. Service Station c. Convenience retail d. Restaurant e. Associated uses f. Caretakers dwelling g. Staff accommodation h. Liquor store i. Motor vehicle repairs j. Transport overnight facility 2. Site and Development Requirements—As determined by Council
CC	Lot 101 Sanderling Drive	Child Care	As determined by Council
AS	Pt. Lot 297 on Plan No. P093256 and Pt. Reserve 20927	Airstrip	As determined by Council
TD	Lot 100 Cable Beach Road	Tourist Development	As determined by Council
RH	Lot 6 Great Northern Highway	Road House	1. Uses may include— <ul style="list-style-type: none"> a. Caravan and Camping Grounds b. Service Station c. Restaurant d. Caretakers dwelling e. Staff accommodation f. Liquor Store g. Convenience Retail

Notation	Description of Land	Special Use	Conditions
			h. Motor vehicle repairs i. Transport overnight facility j. Associated Uses 2. Site and Development Requirements—As determined by Council
C	Reserve 21709, Waterbank	Camping	As determined by Council
MB	Lot 1642(Strata Lots 1-10) Frederick Street and Lot 1343 Frederick Street	Mixed Business	1. Development shall provide a range of wholesaling, showrooms, trade and professional services which, by reason of their scale, character and operational land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within Mixed Use or Service Commercial zones. 2. Site and Development Requirements As determined by Council with due regard to the Scheme and Policy requirements. 3. New developments must be strategically justifiable in the context of the local planning framework.

Schedule 5

EXEMPTED ADVERTISEMENTS

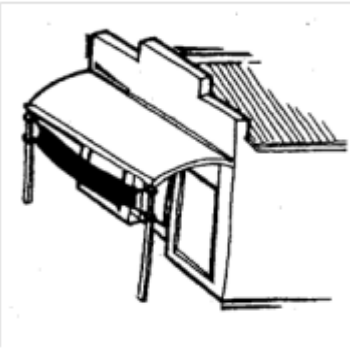
Land use and/or development	Exempted Sign <i>Applies to non-illuminated signs only unless otherwise stated</i>	Maximum Size <i>(Cumulative)</i>
Single Dwelling	One name plate and directional signage	Cumulative 0.2m²
Home Office	One professional name-plate	0.2m²
Home Occupation	One advertisement describing the nature of the home occupation	0.2m²
Home Business	One advertisement describing the nature of the home business	0.2m²
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof	0.2m²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	0.5m²
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All advertisements (illuminated and non-illuminated) provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a local government, and	N/A


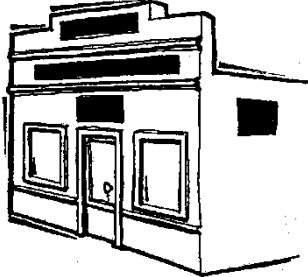

Land use and/or development	Exempted Sign <i>Applies to non-illuminated signs only unless otherwise stated</i>	Maximum Size <i>(Cumulative)</i>
	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	
Advertisements within buildings	All advertisements (illuminated and non-illuminated) placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	N/A

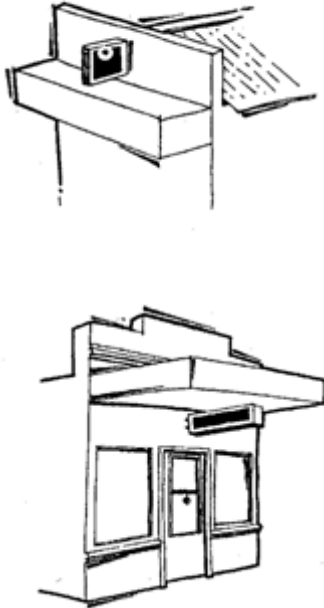

Temporary Signs	Exempted Signs <i>Applies to non-illuminated signs only unless otherwise stated</i>	Maximum Size <i>(Cumulative)</i>
Building Construction Sites signs displayed only for the duration of the construction as follows— a) Dwellings b) Multiple Dwellings, Shops, Commercial and Industrial projects. c) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys ion height.	a) One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work. b) One sign as for (a) above c) One sign as for (a) above and One additional sign showing the name of the project builder.	1.5m² 1.5m² 1.5m² 1.5m²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	1.5m²
Property Transactions—signs displayed for the duration of the period over which over which property transactions are offered and negotiated as follows— a) Dwellings b) Multiple Dwellings, Shops, Commercial and Industrial projects. c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	a) One sign per street frontage for each property relating to the sale, leading or impending auction of the property at or upon which the sign is or the signs are displayed. b) One sign as for (a) above c) One sign as for (a) above	Each sign shall not exceed an area of 2m² Each sign shall not exceed an area of 2m² Each sign shall not exceed an area of 2m²
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection.	a) One sign for each dwelling on display b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m²




Temporary Signs	Exempted Signs <i>Applies to non-illuminated signs only unless otherwise stated</i>	Maximum Size <i>(Cumulative)</i>
Election Sign	Is a sign that relates to a local, state or federal election. An election sign may be displayed only during the period commencing 45 days before the election to which it relates and ending 7 days after the election.	N/A
Garage Sale Sign	Notice stuck on an upturned and weighted down standard sized cardboard box and placed on a road safety island advertising a garage sale for a private dwelling. The sign is temporary, being removed once the sale has concluded, usually within 24 hours.	To be equivalent to a standard sized cardboard box being approximately 300mm x 300mm x 500mm

(Clause 8.2(h))

Sign Type on Private Property	Exempted Signs 1. <i>Applies to non-illuminated signs only unless otherwise stated</i> 2. <i>Exemption is as set out in Table 1</i> 3. <i>Signs visible from roads under the control of Main Roads WA are excluded</i> 4. <i>Signs that are offensive, pulsate or move are excluded</i> 5. <i>Subject to footnotes 1—4</i>	Maximum Size <i>(Cumulative)</i> And Number of signs
Banner Sign	A temporary sign on non-rigid material hung on a building or fence to promote sales and special activity but does not include a 'Community Service Sign' or an 'Event Sign' and— <ul style="list-style-type: none"> • Is located under the eaves or verandas and provides head room clearance • Is displayed for no longer than 4 weeks in any 12 month period. 	4m ² One (1)
Community Service Sign	Is a temporary sign on non-rigid material hung on a building or fence to promote a not-for-profit fete, fair or festival for a charitable, religious, education, child care, sporting organisation or the like but does not include a 'Banner Sign' or 'Event Sign'. The following provisions apply— <ul style="list-style-type: none"> • Located on the site of the proposed activity or the property of the relevant organisation where the activity is to occur • Is displayed nor more than 2 weeks before the community activity and taken down the day after the community activity occurs 	4.0m ² One (1) sign per street frontage
Election Sign	Is a sign that relates to a local, state or federal election. An election sign may be displayed only during the period commencing 45 days before the election to which it relates and ending 7 days after the election.	N/A

<p>Flag Sign</p>	<p>Is a sign printed on a flag and flown from a pole and can include up to 4 separate flags, but does not include bunting (small triangular flags attached to rope). The following provisions apply—</p> <ul style="list-style-type: none"> • There is a minimum separation of 1.5m between each flag • Is no higher than the building to which the sign relates • Is not placed in a way to be a hazard or safety risk to pedestrians, bicyclists or vehicular traffic • Is removed at the end of each business day 	<p>2.0m²</p> <p>One (1) flag sign per lot (one 'flag sign' can consist of four (4) flags)</p>
<p>Wall Sign</p>	<p>Is a sign attached to or painted on wall. The following provisions apply—</p> 	<p>Maximum area of 20% of the wall to which it is attached to or 4.0m² whichever is the lesser.</p>
<p>Veranda Sign</p>	<p>Is a sign displayed on the outer fascia of a veranda, canopy, blind or sunshade.</p> <p>A sign displayed on the outer fascia of a veranda or awning and includes signs on blinds, sunshades and other devices attached to the awning where there is one sign for any occupant with a minimum 10 metre of street frontage, the sign is contained within the width of the building.</p> 	<p>1.2m²</p>
<p>Projecting Sign</p>	<p>Is a sign fixed to and projecting from a wall above an awning or veranda or suspended from beneath a veranda. The following provisions apply—</p> <ul style="list-style-type: none"> • Does not impede or create a hazard for pedestrian or cyclists 	<p>1.2m²</p>

	<ul style="list-style-type: none"> • If suspended has a clearance of 2.75m from the ground/pavement. 	
<p>Portable Sign</p>	<p>Is a temporary sign placed on the ground outside a shop or business that has 2 panels on which advertising is displayed. The following provisions apply—</p> <ul style="list-style-type: none"> • Is located within the property of the business it is advertising • Advertises only the name of the owner or occupier of the premises to which it relates and the nature of the business • Does not exceed 1,000mm in height • Must not be located to impede pedestrian, bicycle or vehicular movement, • Is to be taken in each day at close of business. • Is removed when Cyclone warning ‘Yellow’ alert is issued 	<p>Each advertising panel is no greater than 0.8m²</p> <p>One(1) per business</p>
<p>Entertainment Sign</p>	<p>Is a sign that is displayed at an entertainment venue or to publicise a particular movie or performance. The following provisions apply</p> <ul style="list-style-type: none"> • Removed on the completion of the movie or performance to which they relate 	<p>An aggregate area of 0.2m² per 1m street frontage of the tenancy with a maximum area of 4.0m²</p>
<p>Event/Trading Sign</p>	<p>These signs must be approved as part of an Event or Trading permit issued by the Shire of Broome</p>	<p>N/A</p>

<p>Fence Sign</p>	<p>Is a sign erected, attached to or painted on a fence.</p> 	<p>Maximum area of 20% of the section of fence to which it is attached to or 4.0m² whichever is lesser.</p>
<p>Gable Sign</p>	<p>Is a sign attached to or painted on the gable of a roof. The following provisions apply—</p> <ul style="list-style-type: none"> • Fits within the gable feature • Can be inclined no more than 10 degrees from the vertical • Has a maximum depth of 300mm. 	<p>1.2m²</p>
<p>Real Estate Signs</p>	<p>Is any sign advertising property transactions. The following provisions apply</p> <ul style="list-style-type: none"> • Is located within the property boundary to which the transaction relates • Requires no guy ropes or stays or other external devices to ensure stability • Is removed when the property transaction is completed or twelve months whichever is the lesser • Is removed when Cyclone warning 'Yellow' alert is issued 	<p>A maximum size of 2sqm Maximum number of one sign per street frontage even if multiple listed</p>

Schedule 6
FORM OF APPLICATION FOR PLANNING APPROVAL



Office use only		Office use only			
FILE:		FEES PAID:			
ACTION OFFICER		DATE:			
ACTION: (Sign & Date)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Noted</td> <td style="width: 50%; text-align: center;">Responded</td> </tr> </table>	Noted	Responded	RECEIPT NO:	
Noted	Responded				
RECORD NO:		APPLICATION NO:			
FURTHER REFERRAL:		PAYMENT METHOD:			
ACTION OFFICER:		CSO INITIALS:	(acc no: 106410)		
ACTION REQUIRED:	NOTE or RESPOND				
	Already received by:				
	EMAIL/FAX:				

**APPLICATION FOR PLANNING APPROVAL
LOCAL PLANNING SCHEME NO. 6 SCHEDULE 6**

PROPERTY DETAILS

Lot No.	House/Street No.	Location No.	Diagram or Plan No.
Certificate of Title No.	Folio	Lot Area (m ²)	
Title Encumbrances (eg, easements, restrictive covenants)			
Street Name		Suburb	
Nearest Street Intersection		Assessment No	

OWNER DETAILS

Name			
Postal Address		Post Code	
Phone (work)	(home)	Fax	
Contact Person			
Signature		Date	
Signature		Date	
Signature		Date	

The signature of the landowners is required for all applications. This application will not proceed without that signature.

APPLICANT DETAILS

Name			
Postal Address		Post Code	
Phone (work)	(home)	Fax	
Contact Person			
Signature		Date	

The decision letter will be sent to the applicant

PLANNING APPROVAL		
Existing Building/Land Use		
Approximate Cost of Development	Est. Date of Completion	
Description of Proposed Use		
Is land affected by a Restricted Covenant?		
Is the Development for which approval is sought?	Already existing <input type="checkbox"/>	Commenced <input type="checkbox"/>

—————

Schedule 7

ADDITIONAL INFORMATION—ON-SITE ADVERTISEMENTS

**Note: to be completed in addition to
Form 1—application for planning approval**

1. Additional details of the Advertisements proposed position within that property (if necessary).

2. Details of proposed Advertisement:

(a) Type of structure on which advertisement is to be erected (refer to Shire policy for definitions).

(b) Height: _____ Width: _____ Depth: _____

(c) Colours to be used: _____

(d) Height above ground level—(to top of advertisement) _____

(to underside) _____

(e) Materials to be used:

Illuminated

Yes/No

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

3. Period of time for which advertisement is required: _____

4. Details of advertisements (if any) to be removed if this application is approved:

Note: This application should be supported by a photograph or photographs of the premises showing superimposed the position for the proposed advertisement and any advertisements to be removed.

Signature of Advertiser(s) _____

Signature of Land Owner _____

Date:

Schedule 8

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

Planning and Development Act 2005 (as amended)

Shire of Broome

Notice of public advertisement of planning proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited/has received an application to develop land for the purpose described hereunder:

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 Broome.

Schedule 9

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Planning and Development Act 2005 (as amended)

Shire of Broome

Decision on Application for Planning Approval**Local Planning Scheme No. 6**

Name and address of Owner and land on which development is proposed:

Name

Address:

Location:

Lot No:

Plan/Diagram:

Vol No:

Folio No:

Application Date

Received on:

Description of proposed development:

The application for approval to undertake development in accordance with the plans dated attached thereto is—

- granted subject to the following conditions
- refused for the following reason(s):

CONDITIONS/REASONS FOR REFUSAL:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the approval, the approval shall lapse and be of no further affect.

Schedule 12
STRUCTURE PLAN AREAS

Area No.	Area Description
1	Airport Development Plan: Lots 654,705,1648 and 9000 Djugun
2	Broome North District Development Plan: Lots 301, 503, 504, 514, 515, 9004 and 9005 Djugun.
3	Broome North Local Development Plan Stage 2: Pt Lot 3132, 2605, 2658, 2659, Bilingurr.

Schedule 13
LOCAL DEVELOPMENT PLANS

Area No.	Detail Plan Description
1	Pending Local Activity Centre—Magabala Drive Bilingurr
2	Group Housing—Lot 416 Tanami Drive and Lot 439 Sario Terrace Bilingurr
3	Group Housing—Lots 237 & 238 Magabala Drive Bilingurr
4	Group Housing—Lot 279 Nishiji Vista & Lot 285 Foy Way Bilingurr
5	Group Housing—Lot 278 Tanami Drive Bilingurr
6	Pending Foy Way Hano Court Bilingurr
7	Group Housing—Lots 124 To 127 Nakamura Avenue Bilingurr
8	Part of Lot 1648 and Part of Lot 1653 Frederick Street
9	Group Housing Lots 242 to 245 Oku Way Bilingurr
10	Group Housing Lots 194 and 195 Nakamura Avenue Bilingurr
11	Lots 101 to 105 Hamersley Street and Lot 106 Robinson Street
12	Lots 155 to 157 Shingoro Street Bilingurr
13	Lots 271 to 273 Tanami Drive Bilingurr
14	Lots 239-241 Dalmatio Street, Bilingurr
15	Lots 442-445 Sario Terrace and Lots 425-428 Povah Road, Bilingurr

Schedule 14
COMMUNITY INFRASTRUCTURE DEVELOPMENT CONTRIBUTION PLAN FOR
DEVELOPMENT

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

Schedule 14A

STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL

Gross realisation

Net lot yield @ average market value per lot

"x" lots @ "\$Y" per Lot \$ (1)

Less GST @ standard/normal rates

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

(1-2) \$ (3)

Less selling, marketing, advertising and settlement fees

@market % multiplied by (1) \$ (4)

Add back Input Tax Credit on selling fees

(4) Multiplied by GST rate/ (100+GST rate) \$ (5)

(4-5) \$ (6)

Balance after selling costs etc and Input Tax Credit (3-6) \$ (7)

Less adjusted profit and risk allowance as per SPP3.6

Market determined profit & risk allowance % (8)

Less fixed profit allowance per SPP3.6 10% (9)

Risk rate applied (8-9) = % (10)

EXPLANATION: (10) to be expressed as a whole number eg 15%=15

Ie Risk = (7) multiplied by (10)/100+(10) \$ (11)

Balance after profit and risk factor (7-11) \$ (12)

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

Add back Input Tax Credit on (13)

(13) Multiplied by GST rate/ (100+GST rate) \$ (14)

Develop cost after Input Tax Credit (13-14) \$ (15)

Add interest on net development costs (15)

For ½ development and ½ selling term

@ Applicable market rates

(15) Multiplied by % rate	\$	(16)
(15+16)	\$	(17)
Balance after deduction of development costs 7 interest (12-17)	\$	(18)

Less interest on land value, rates and taxes and stamp duty

Assessed over ½ development and ½ selling term

@ applicable market rates

(18) Multiplied by (%rate/100+%rate)	\$	(19)
Balance after interest on land (18-19)	\$	(20)

Less rates and taxes

	\$	(21)
--	----	------

Balance after rates and taxes (20-21)

Less Stamp Duty @ current statutory rates

(22) Multiplied by stamp duty rate/(100+stamp duty rate)	\$	(23)
Residual Land Value prior to GST consideration (22-23)	\$	(24)

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

ASSESSED STATUTORY CONTRIBUTION PER SPP3.6

(22+23)	\$	
---------	----	--

The Static Feasibility Model is based on—

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

Schedule 15
DEVELOPMENT STANDARDS

(Clause 5.1)	Setback						Special Conditions/Comments
Zone	Site Coverage %	Plot Ratio	Front	Secondary Street	Rear	Side	
Residential	As per the Residential Design Codes or relevant adopted and endorsed Design Guidelines, Structure Plans or local development plans.						
Rural Residential	N/A	0.1	20	10	*	*	Existing natural vegetation shall be retained within all setback areas.
Town Centre	75	1	Nil	Nil	*	Nil	Landscaping along street frontage within the road reserve is a requirement.
Mixed Use	50	0.5	*	*	*	*	
Service Commercial	75	0.5	10	5	*	Nil*	
Local Centre	50	0.5	3	3	*	Nil	Landscaping for all development within the Local Centre zone shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary or an equivalent area provided within the site.
Industry	75	0.5	9	4.5	*	Nil*	Landscaping along street frontage is a requirement.
Light & Service Industry	75	0.5	9	4.5	*	Nil*	
General Agriculture	N/A	N/A	30	N/A	20	20	
Cultural & Natural Resources	N/A	N/A	30	N/A	20	20	
Rural Small Holdings	N/A	N/A	30	N/A	20	20	
Tourist	50	0.5	10	5	5	*	Where tourist development is integrated with the street frontage a Nil front setback may be provided.
Low Impact Tourist Development	10	N/A	20	10	10	*	See clause 4.13
Settlement	As per the corresponding zone as specified on the relevant Layout Plan. Where the relevant zone is not specified on the Layout Plan the development standards will be determined by the Local Government using the most appropriate zone standard as a guide.						
Port	As per the corresponding zone as specified on the relevant Structure Plan. Where not specified on the Structure Plan the development standards will be determined by the Local Government using the most appropriate zone standard as a guide.						
Special Use	See Schedule 4						
Development	As per the corresponding zone as specified on the relevant Structure Plan. Where not specified on the Structure Plan the development standards will be determined by the Local Government using the most appropriate zone standard as a guide.						

* Standard to be set by the local government in each case having regard to the likely impact of a planning proposal on adjoining properties, the requirements of the Scheme in relation to the subject land.

Schedule 16**CAR, MOTORCYCLE AND BICYCLE RATIOS****Table 1—Minimum number of car Parking Bays**

Use Class	Minimum Number of Parking Bays
	'TOWN CENTRE—CHINATOWN' zone
Residential (all types), Residential Building, Backpackers' Hostel, Motel and the accommodation section of a Hotel All other development	Shall comply with the use class requirements as listed below. 1 bay per 25m ² gross floor area
	'LOCAL CENTRE', 'MIXED USE', 'TOURIST', 'LIGHT & SERVICE INDUSTRY', 'INDUSTRY', 'SPECIAL USE', 'DEVELOPMENT', 'SETTLEMENT', 'PORT', 'GENERAL RURAL', 'RURAL AGRICULTURE', 'RURAL LIVING', and 'WATERBANK CONSERVATION' zones
Aquaculture	1 bay per employee Plus 2 additional bays Plus where public access/tours are provided— <ul style="list-style-type: none"> • an additional 1 bay per 40 m² of display area and 1 bay per 4 seats provided in any demonstration or lecture area.
Art and Craft Centre	1 bay per 25 m ² of gross floor area Plus 1 bay per employee
Art Gallery	1 bay per 40 m ² gross floor area
Bed and Breakfast Accommodation	To be in accordance with the provisions of the Residential Design Codes Plus 1 car bay for each guest bedroom.
Camping and caravan parks	A minimum of 1 bay per caravan site and 1 bay for every 2 camp sites which can be provided as part of the caravan or camp site. Plus visitor parking, of 1 bay per 20 sites with a minimum of 2 bays. All visitor bays shall be outside of any security fences/barriers.
Caretaker's Dwelling	2 bays
Child Care Centre	A minimum of 5 bays for the pickup and dropping off of children Plus 1 bay per employee
Cinema/Theatre	1 bay per every 4 seats Plus 1 bay for each employee
Civic Use	1 bay per 40m ² gross leasable area Plus 1 bay per staff member
Community Purposes/Clubs	1 bay per 4 persons capable of being accommodated
Consulting Rooms	4 bays for each professional person, Plus 1 bay for each other employee
Dry Cleaning Premises	4 customer bays Plus 1 bay per employee
Education Centre	1 bay per staff member Plus adequate pickup/set down areas on site; Plus provision of on-site bus standing and turning areas; If students are of driving age, adequate provision for student onsite parking at the discretion of Council.
Fuel Depot	1 bay per 30m ² of ancillary office floor area, with a minimum of 2 bays, Plus 1 bay per employee. Adequate parking and manoeuvring for heavy vehicles shall also be provided, at the discretion of Council.
Funeral Parlour	1 bay per 30m ² of administration and customer service area. Plus 1 bay per 4 persons capable of being accommodated for any memorial service areas. Where bodies are stored and/or prepared for service or cremation, an additional 2 bays.

Use Class	Minimum Number of Parking Bays
'TOWN CENTRE—CHINATOWN' zone	
Home Business	Car bays required in terms of the Residential Design Codes, Plus 1 bay for each employee not resident in the dwelling Plus 1 bay for clients
Home Occupation	Car bays as required by the Residential Design Codes,
Hotel	1 bay for each bedroom Plus 1 bay for each 6m ² of bar, lounge or other areas designated for the public (including function rooms), Plus 1 bay for each staff member
Industry (all types)	1 bay per 50m ² of building area in all zones except the "Industry" zone where 1 car bay per 100m ² of building area shall be provided. Plus 1 bay per 30m ² of ancillary office floor area
Library (Use not listed)	1 bay per 40m ² of floor area Plus 1 bay per staff member
Liquor Store	1 bay per 15m ² gross floor area
Market	At the discretion of Council
Motel	1 bay for each bedroom Plus 1 bay per 25m ² gross floor area of service building.
Motor Vehicle Hire	1 bay per 30m ² of sales/customer service area and office space. Plus 4 additional drop off bays. Plus separate car parking for hire vehicles.
Motor Vehicle Repairs and Wrecking	1 bay per 50m ² gross floor area used for vehicle wrecking. For Motor Vehicle Repairs, 1 bay per 30m ² of sales/customer service area and office space Plus 2 bays per service bay.
Motor Vehicle Sales	1 bay per 150m ² of site area allocated to vehicle display and sales (including buildings). Where vehicle servicing is provided, 1 bay per 30m ² of sales/customer service area and office space Plus 2 bays per service bay
Museum	1 bay per 40m ² gross floor area
Nightclub	1 bay for each 6m ² public drinking area.
Office	1 bay per 30m ² gross leasable area.
Place of Assembly/Worship	1 bay for every 4 persons being accommodated
Plant nursery	1 bay per employee and Where selling occurs 1 bay per 50m ² of publicly accessible sales area
Poultry Farm	1 bay per employee Plus 2 additional bays
Public Utility	1 bay per 25m ² with a minimum of 2 bays
Recreation— Outdoor/Indoor/Private	1 bay per 3 spectator seats in a sporting venue. 3 bays per tennis or squash court. 15 bays per bowling green. 1 bay per 25m ² of gross floor area in a gym, health club or basketball court(s), or the like. All other recreation types at the discretion of Council.
Residential Building	1 bay for each two beds the building is designed to accommodate. Plus 1 bay for any caretaker/manager
Residential Development (single, grouped, multiple and special purpose dwellings)	In accordance with the Residential Design Codes
Restaurant (including Alfresco dining areas)	1 bay per 4m ² of dining area 1 bay for each 6m ² of drinking or assembly area, where provided
Retail Premises— Hire/Shop	1 bay per 15m ² gross leasable floor area
Rural Pursuit	1 bay per employee Plus 2 additional bays

Use Class	Minimum Number of Parking Bays
'TOWN CENTRE—CHINATOWN' zone	
Service Stations	2 bays for every service bay and 1 bay for every employee. Plus the bays required for the storing of vehicles to be at Council's discretion
Showroom	1 bay per 50m ² of gross floor area
Stockyards	1 bay per employee Plus 2 additional bays. Where sales/auctions are undertaken, an additional 1 bay per 20m ² of sales/display area. Adequate parking and manoeuvring for heavy vehicles shall also be provided.
Take Away/Fast Food Outlets (Use not listed)	2 bays per 2m ² of counter area plus 1 car bay per employee; and Where a drive through facility is provided, 4 stacking bays plus 1 waiting bay.
Tavern (Use not listed)	1 bay for each 6m ² public drinking area.
Tourist Development	Short stay Units— 1 bay for every two keyed units. Plus 1 visitor bay for every five keyed units. Back Packers 1 bay for every 6 beds. Long stay Units— Provided in accordance with the Residential Design Codes. Restaurants, cafés and bars— 1 bay per 6m ² of seating area Commercial development— 1 car bay per 25m ² of gross lettable area. Day spas— 1.5 bays per spa/massage/treatment room with a minimum of two bays. Employee Parking 1 bay for each restaurant, café, bar or commercial component 1 boat/trailer bay for every 10 units except where tandem parking is provided or a management statement indicates how the parking of boats are going to be accommodated in an alternative way. 1 accessible bay for every disabled keyed unit
Transport Depot	1 bay per 30m ² of ancillary office floor area, with a minimum of 4 bays, Plus 1 bay per employee. Adequate parking and manoeuvring for heavy vehicles shall also be provided.
Veterinary Centre	4 bays for each professional person, Plus 1 for each other employee
Warehouse	1 bay per 50m ² of gross floor area.
Workers' Accommodation	1 bay for every bedroom
Zoological Gardens	1 bay per employee Plus 2 additional bays. Where public access/tours are provided, an additional 1 bay per 40m ² of indoor display and 1 bay per 80m ² of outdoor area and 1 bay per 4 seats provided in any demonstration or lecture area.
Other uses not listed	Number of parking bays to be determined by Council, on a case by case basis.

Table 2—Number of ACROD, Motorcycle Bays and Bicycle Racks

ACROD Parking Bays	To be provided at a rate of 1 bay for every 50 parking bays or part thereof.
Motor Cycle bays	Normally to be provided in groups according to demand and a maximum of 10% of the required number of parking bays may be provided as motorcycle bays. Ref: AS 2890:5 1993 and AS 2890:1 2004
Bicycle racks	Normally to be provided in groups according to demand

Table 3—Dimensions of ACROD, Motorcycle Bays and Bicycle Racks

Parking Type	Minimum Dimensions
ACROD Parking Bays	Length—5.5 metres Width—4.8 metres
Bicycle Parking Ref: As 2890.3-1993	Length—1.7 metres Double sided rails— <ul style="list-style-type: none"> • Width either side of rail—0.6 metres • Width—if located near fence or wall—0.9 metres Single sided rails— <ul style="list-style-type: none"> • Distance from fence or wall 0.1 metres Width of park side of rail—0.6 metres
Boat Parking	Length—10 metres Width—3.2 metres
Car Parking—Accessible	Residential development—width—5.0 metres All other uses—width—5.0 metres
Car Parking—Public Car Parks	Width—2.7 metres Length—parallel parking—6 metres Length—angle parking—5.5 metres
Car Parking—Residential	In accordance with the provisions of the Residential Design Codes
Motor Cycle Parking Ref: AS 2809:5, AS 2890:1	Width—1.2 metres Length—2.5 metres

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

Schedule 17

AUSTRALIAN NOISE EXPOSURE FORECAST CONTOURS

Building Site Acceptability Based on ANEF Zones

Appendix 1 of *State Planning Policy 5.1—Land Use Planning in the Vicinity of Perth Airport*

Adapted from AS 2021, Table 2.1: *Building Site Acceptability Based on ANEF Zones*

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

Notes—

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

Indoor Design Sound Levels

Appendix 2 of *State Planning Policy 5.1—Land Use Planning in the Vicinity of Perth Airport*

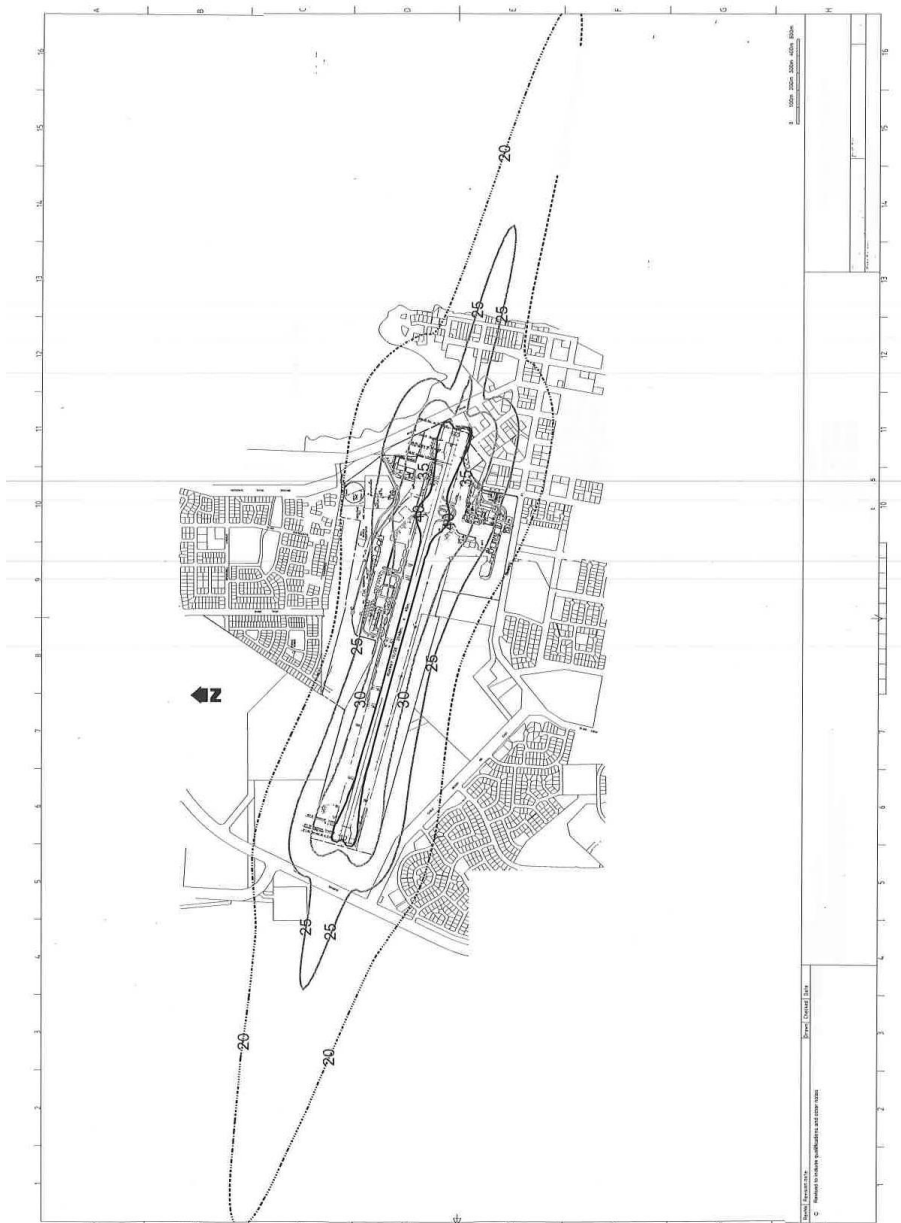
Excerpt from AS 2021: Table 3.3: *Indoor Design Sound Levels* for Determination of Aircraft Noise Reduction.*

Building type and activity	Indoor design sound level*, dB(A)
<i>Houses, home units, flats, caravan parks</i>	
Sleeping areas, dedicated lounges	50
Other habitable spaces	55
Bathrooms, toilets, laundries	60
<i>Hotels, motels, hostels</i>	
Relaxing, sleeping	55
Social activities	70
Service activities	75
<i>Schools, universities</i>	
Libraries, study areas	50
Teaching areas, assembly areas (see Note 5)	55
Workshops, gymnasias	75
<i>Hospitals, nursing homes</i>	
Wards, theatres, treatment and consulting rooms	50
Laboratories	65
Service areas	75
<i>Public buildings</i>	
Churches, religious activities	50
Theatres, cinemas, recording studios (see Note 4)	40
Court houses, libraries, galleries	50
<i>Commercial buildings, offices and shops</i>	
Private offices, conference rooms	55
Drafting, open offices	65
Typing, data processing, shops, supermarkets, showrooms	75
<i>Industrial</i>	
Inspection, analysis, precision work	75
Light machinery, assembly, bench work	80
Heavy machinery, warehouse, maintenance	85

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

NOTES—

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



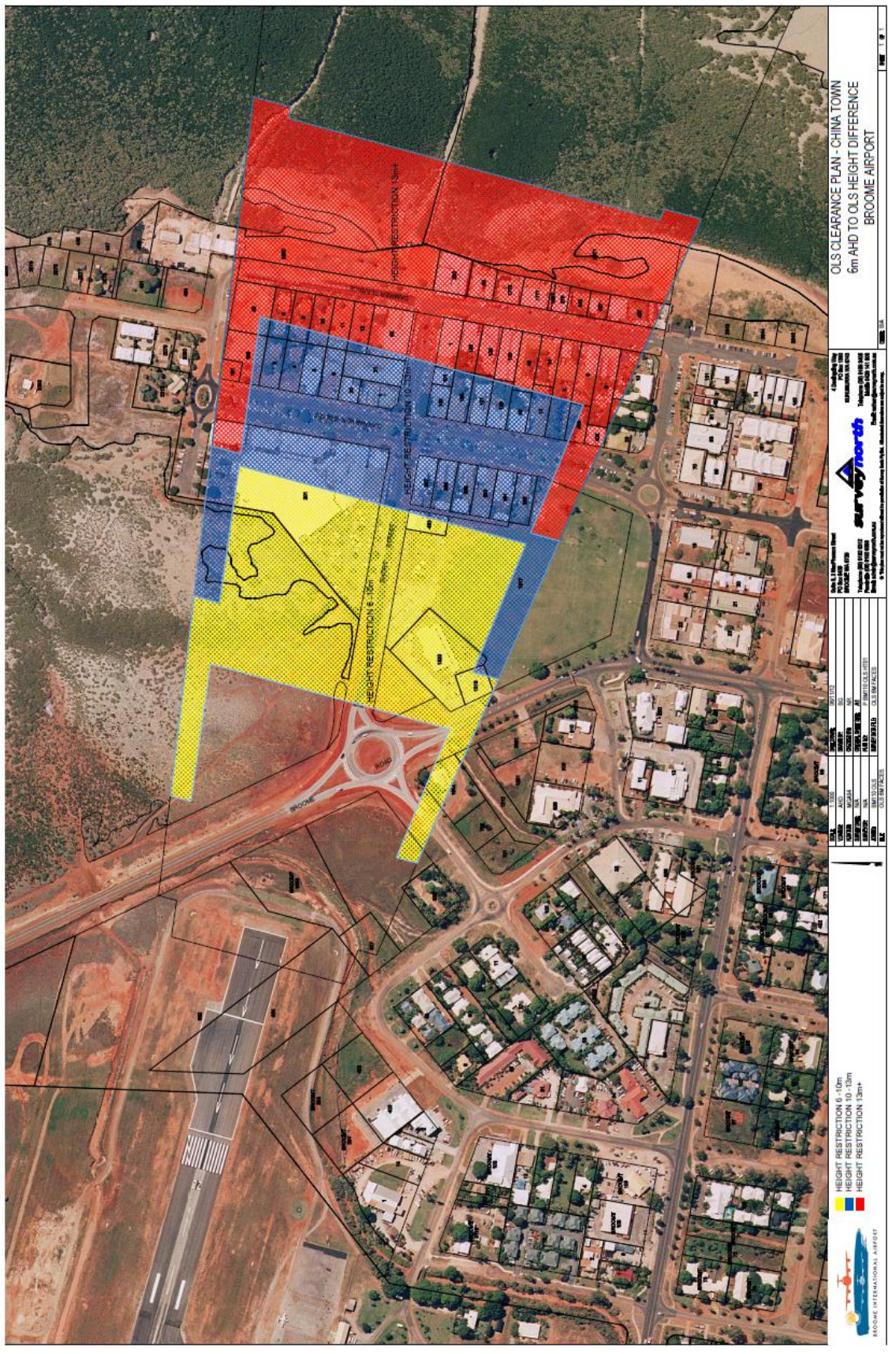
Schedule 18

OBSTACLE LIMITATION SURFACE

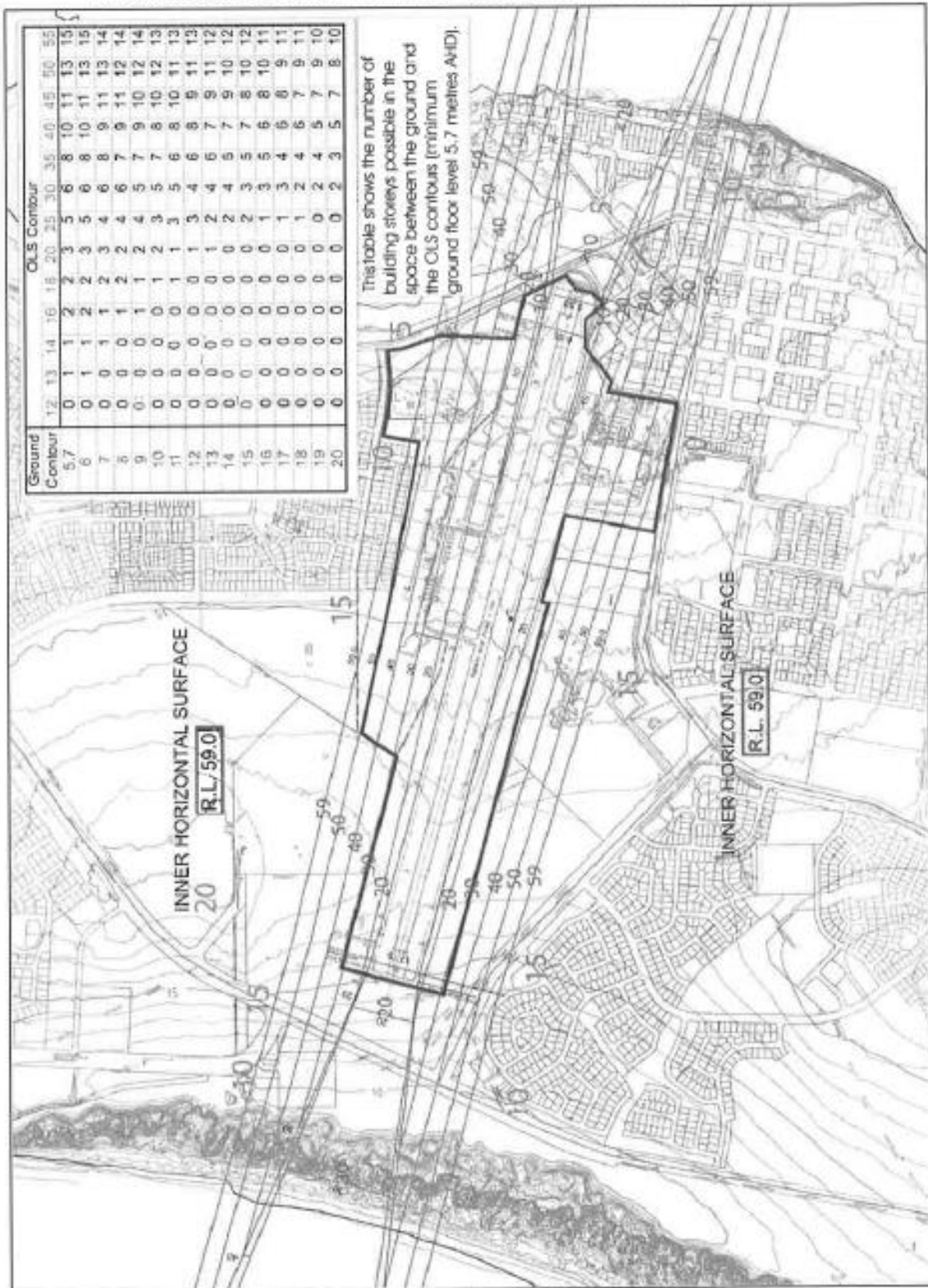
Obstacle Limitation Surface (OLS). A surface that establishes the limit to which objects may project into the airspace associated with an aerodrome so that aircraft operations at the aerodrome may be conducted safely. Obstacle limitation surfaces consist of the following—

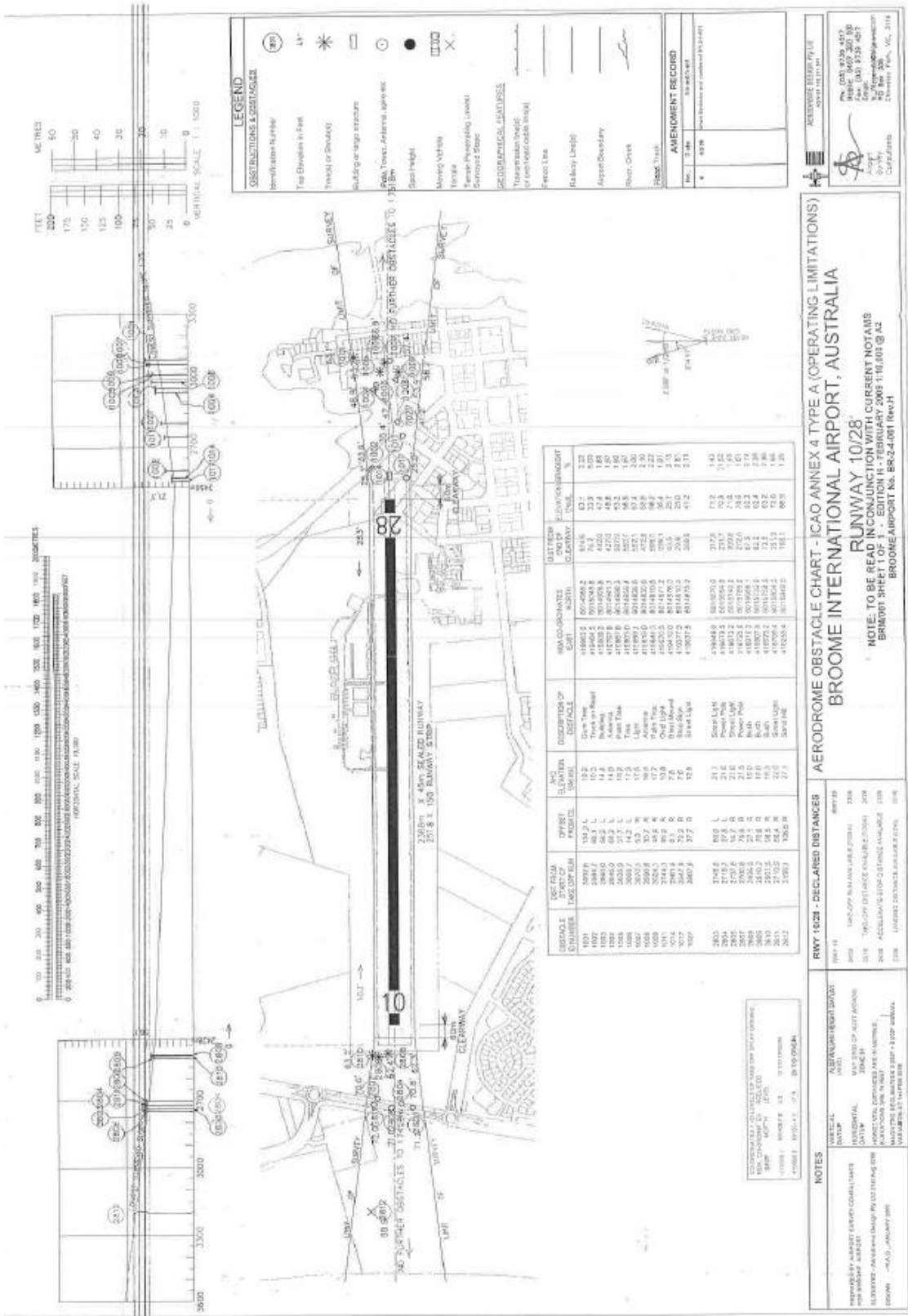
1. Outer surface. A surface located in a horizontal plane above an aerodrome and its environs.
2. Take-off/Approach surface. An inclined plane beyond the end of a runway and preceding the threshold of a runway.

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



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





LEGEND

OBSTRUCTIONS & DISTANCES

- Identification Number
- Top Obstruction in Field
- Top of Obstruction
- Building or large structure
- Radio Tower, Antenna, etc.
- Obst. Height
- Moving Vehicle
- Vehicle
- Temporary Obstruction
- Suspected Obstacle

SYMBOLS

- Obstruction
- Top of Obstruction
- Building or large structure
- Radio Tower, Antenna, etc.
- Obst. Height
- Moving Vehicle
- Vehicle
- Temporary Obstruction
- Suspected Obstacle

AMENDMENT RECORD

No.	Date	Particulars
1	10/28	Issue

AERODROME OBSTACLE CHART - ICAO ANNEX 4 TYPE A (OPERATING LIMITATIONS)

BROOME INTERNATIONAL AIRPORT, AUSTRALIA

RUNWAY 10/28

NOTE: TO BE READ IN CONJUNCTION WITH CURRENT NOTAMS

BRM001 SHEET 1 OF 1 - EDITION 11 - FEBRUARY 2005 1:10,601 @ A2

BROOME AIRPORT NSL BR-03-001 Rev H

DECLARED DISTANCES - RUNWAY 10/28

TYPE OF DISTANCE	VALUE
TAKE-OFF DISTANCE (TOD)	2000
LANDING DISTANCE AVAILABLE (LDA)	2000
STOPWAY DISTANCE AVAILABLE (SDA)	0000
OBSTACLE CLEARANCE HEIGHT (OCH)	1000
OBSTACLE CLEARANCE HEIGHT (OCH) - 50% OF TAKE-OFF SPEED	1000
OBSTACLE CLEARANCE HEIGHT (OCH) - 150% OF TAKE-OFF SPEED	1000

NOTES

1. OBSTACLE DATA IS BASED ON THE LATEST AVAILABLE DATA.

2. OBSTACLE DATA IS SUBJECT TO CHANGE WITHOUT NOTICE.

3. OBSTACLE DATA IS SUBJECT TO CHANGE WITHOUT NOTICE.

4. OBSTACLE DATA IS SUBJECT TO CHANGE WITHOUT NOTICE.

5. OBSTACLE DATA IS SUBJECT TO CHANGE WITHOUT NOTICE.

AMENDMENT RECORD

No.	Date	Particulars
1	10/28	Issue

ICAO ANNEX 4 TYPE A (OPERATING LIMITATIONS)

1:10,601 @ A2

BRM001 SHEET 1 OF 1 - EDITION 11 - FEBRUARY 2005 1:10,601 @ A2

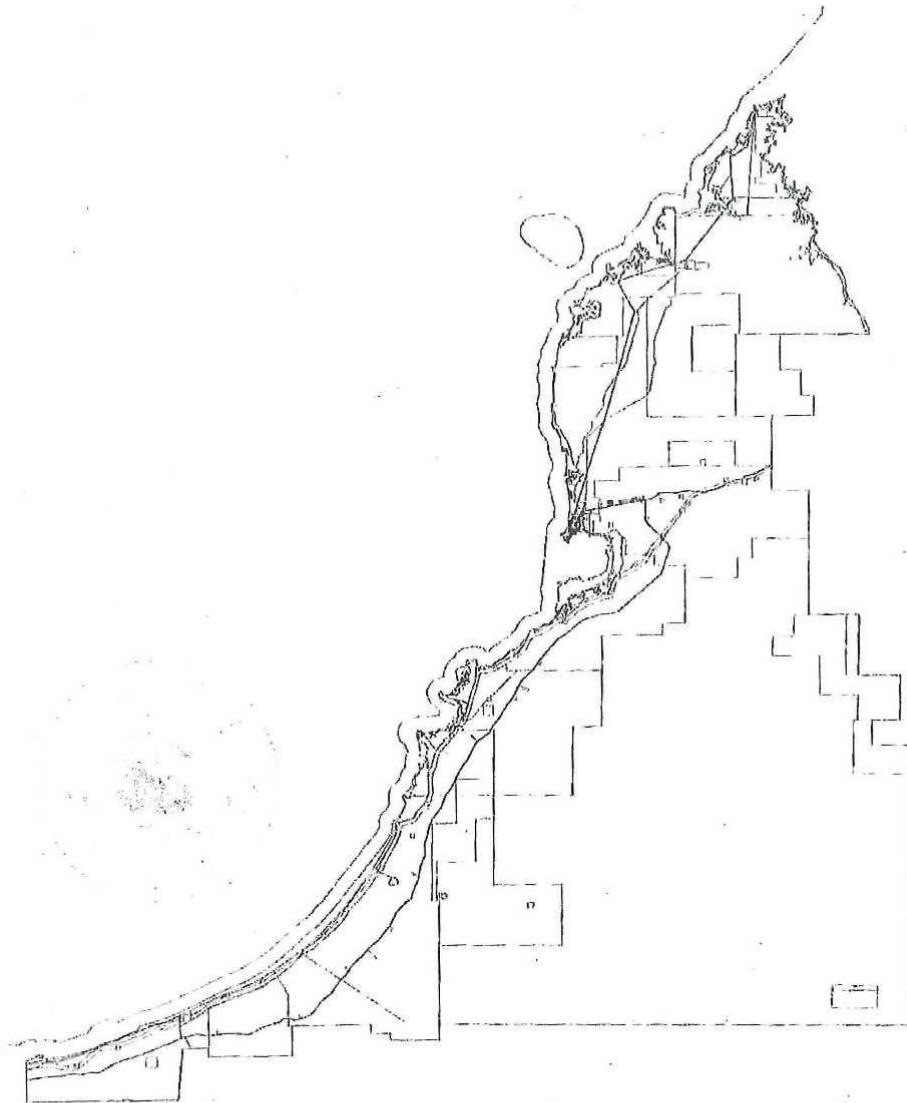
BROOME AIRPORT NSL BR-03-001 Rev H

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO PREPARE A LOCAL PLANNING SCHEME
Land wholly within the Districts of the Shire of Broome
Local Planning Scheme No. 6

Resolved that the local government, in pursuance of Section 72 of the *Planning and Development Act 2005* (as amended) prepare the above Local Planning Scheme with reference to an area situated wholly within the Shire of Broome and enclosed within the inner edge of a black border on a plan now produced to the Council of the local government and marked and certified by the Chief Executive Officer under his hand as "Scheme Area Map".

Dated this 28th day of June 2012.

KENN DONOHOE, Chief Executive Officer.



	LEGEND		<p>1:10000 Scale</p>
	<input type="checkbox"/> L21043002 - Capricorn		
	<input type="checkbox"/> L21043003 - Capricorn		
	<input type="checkbox"/> L21043004 - Capricorn		

RESOLUTION TO ADOPT SCHEME FOR PUBLIC ADVERTISING—

Adopted by resolution of the Council of the Shire of Broome at the Ordinary Meeting of the Council held on the 18th day of December 2012.

G. T. CAMPBELL, Shire President.
K. R. DONOHUE, Chief Executive Officer.

RESOLUTION TO ADOPT SCHEME—

Adopted for final approval by resolution of the Council for the Shire of Broome at the Ordinary Meeting of the Council held on the 20th day of November 2013.

The Common Seal of the Shire of Broome by the authority of a resolution of the Council was hereunto affixed in the presence of—

G. T. CAMPBELL, Shire President.
K. R. DONOHUE, Chief Executive Officer.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL—

JACKIE HOLM, delegated under s.16 of the
Planning and Development Act 2005.

Dated: 3 December 2014.

FINAL APPROVAL GRANTED—

JOHN DAY, Minister for Planning.

Dated: 4 December 2014.
