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PLANNING AND DEVELOPMENT ACT 2005 (WA)(CI)

SHIRE OF CHRISTMAS ISLAND

**LOCAL PLANNING
SCHEME No. 2
DISTRICT ZONING SCHEME**

PLANNING AND DEVELOPMENT ACT 2005 (WA)(CI)

SHIRE OF CHRISTMAS ISLAND

**LOCAL PLANNING SCHEME No. 2
DISTRICT ZONING SCHEME**

The Shire of Christmas Island under the powers conferred by the *Planning and Development Act 2005 (WA)(CI)*, makes the following Local Planning Scheme.

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ADOPTION

PLANNING AND DEVELOPMENT ACT 2005 (WA)(CI)**SHIRE OF CHRISTMAS ISLAND****LOCAL PLANNING SCHEME No. 2
DISTRICT ZONING SCHEME****PART 1—PRELIMINARY****1.1 Citation**

1.1.1 The Shire of Christmas Island Scheme No. 2 (the Scheme) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

<u>Name of Scheme</u>	<u>Gazettal Date</u>
Town Planning Scheme No. 1	4th July 2002

1.2 Responsible Authority

The Shire of Christmas Island is the responsible authority for implementing the Scheme.

1.3 Scheme Area

The Scheme applies to the Scheme area which covers (all or that part) of the local government district of the Shire as shown on the Scheme map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text
- (b) the Scheme Maps (Sheets 1-3)

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

1.5 Purposes of the Scheme

The purposes of the Scheme are to—

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

1.6 The Aims of the Scheme

The aims of the Scheme are—

- (a) to appropriately plan for the Island's diverse cultural, topographic and climatic characteristics;
- (b) to provide for future urban expansion in appropriate areas;
- (c) to enhance and diversify the Island's economic base through the provision of land for a range of economic activities;
- (d) to recognise and enhance the Island's unique heritage, both built and cultural;
- (e) to provide appropriate controls to protect development from the effects of extreme weather events; and
- (f) to preserve the Island's unique natural attributes and environmental values.

1.7 Definitions

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

- (a) in the Planning and Development Act; or

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

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

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

1.8 Relationship with Local Laws

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

1.9 Relationship with Other Schemes

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

PART 2—LOCAL 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.

(A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967 (WA)(CI))

2.2 Local Planning Policies

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

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

and may amend or add to or rescind the Policy.

2.3 Relationship of Local Planning Policies to Scheme

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

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

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

2.4 Procedure for Making or Amending a Local Planning Policy

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

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

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

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

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

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

2.4.4 A Policy has effect on publication of a notice under subclause 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 Subclauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

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

2.6 Transitional Policies

Local Planning Scheme Policies prepared and adopted by the local government under the provisions of a revoked Scheme or Schemes shall be taken to be Local Planning Policies made in accordance with the requirements of Part 2 of this Scheme.

PART 3—RESERVES

3.1 Reserves

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

3.2 Regional Reserves

There are no regional reserves in the Scheme area.

3.3 Local Reserves

'Local Reserves' are delineated and depicted on the Scheme Map according to the legend on the Scheme Map. Lands reserved under the Scheme include—

- (a) Crown Reserve;
- (b) National Park;
- (c) Public Purposes; and
- (d) Public Open Space.

3.4 Use and Development of Local Reserves

3.4.1 A person must not—

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

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

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

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

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

PART 4—ZONES AND THE USE OF LAND

4.1 Zones

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

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

4.2 Objectives of the Zones

The objectives of the zones are—

4.2.1 Residential

To provide for a range of housing densities and dwelling types to meet the diverse needs and climatic conditions associated with Christmas Island.

4.2.2 Commercial Zone

To provide for a range of commercial, retail, entertainment and community functions that will serve as a focal centre for the surrounding area.

4.2.3 Industrial Zone

To provide for a range of industrial uses, the storage and distribution of goods, and sustainable management of material and waste which, by the nature of their operations, should be separated from sensitive land uses.

4.2.4 Tourism Zone

To provide for quality tourism accommodation and associated facilities in suitable areas that compliment surrounding land uses and that are designed in such a way as to take advantage of the natural attributes of the site.

4.2.5 Mixed Use Zone

To provide for a range of compatible residential, commercial and tourism development within a specific area to compliment the overall development of the precinct.

4.2.6 Rural Zone

To facilitate the development of productive land through agriculture, horticulture, aquaculture or other similar activities for the benefit of the Christmas Island economy.

4.2.7 Urban Development Zone

To provide for the orderly planning of appropriate areas of land for residential and other associated urban land uses through the preparation of a detailed Structure Plan which responds to the constraints and opportunities of the area to provide for the sustainable development of new communities.

4.3 Zoning Table

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

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

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

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

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

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

- 2. The local government will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
- 3. In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 10.2.
- 4. The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.

TABLE 1—ZONING TABLE

USE CLASSES	Zones						
	Residential	Commercial	Industrial	Tourism	Mixed Use	Rural	Urban Development
1 Ancillary Accommodation	D	X	X	D	D	P	Refer to Clause 5.8
2 Aged and Dependent Persons Dwelling	D	X	X	X	A	X	
3 Agriculture—Intensive	X	X	X	X	X	A	
4 Amusement Parlour	X	P	X	D	P	X	
5 Animal Husbandry—Intensive	X	X	X	X	X	A	
6 Caretaker’s Dwelling	P	D	A	D	D	D	
7 Car Park	D	D	D	D	D	A	
8 Civic Use	A	D	X	X	A	X	

USE CLASSES	Zones						Urban Development
	Residential	Commercial	Industrial	Tourism	Mixed Use	Rural	
9 Club, Reception Centre	X	P	X	P	D	X	Refer to Clause 5.8
10 Community Purpose	A	D	X	D	D	D	
11 Consulting Room	A	P	X	X	D	X	
12 Dry Cleaning Premises	X	D	D	D	D	X	
13 Eco Tourism	X	A	X	D	A	A	
14 Educational Establishment	A	A	X	X	X	X	
15 Exhibition Centre	X	D	X	D	A	X	
16 Fast Food Outlet	X	P	X	D	D	X	
17 Fish Shop	X	P	X	A	D	X	
18 Fuel Depot	X	X	P	X	X	X	
19 Home Business, Home Occupation, Home Office	D	X	X	X	X	X	
20 Hotel, Motel, Tavern	X	P	X	P	P	X	
21 Industry Cottage	D	P	P	X	X	A	
22 Industry Extractive	X	X	D	X	X	A	
23 Industry General	X	X	D	X	X	X	
24 Industry Hazardous	X	X	A	X	X	X	
25 Industry Light	X	X	P	X	X	X	
26 Industry Mining	X	X	X	X	X	A	
27 Industry Noxious	X	X	D	X	X	X	
28 Industry Service	X	D	P	X	X	A	
29 Medical Centre	X	D	X	A	D	X	
30 Motor Vehicle, Boat or Caravan Sales	X	P	D	X	X	X	
31 Motor Vehicle Repair	X	A	P	X	X	X	
32 Office	X	P	D	X	D	X	
33 Private Recreation	X	P	D	D	D	X	
34 Place of Worship	D	D	X	A	D	A	
35 Public Utility	D	D	D	D	D	D	
36 Residential Building	D	D	X	D	D	X	
37 Residential							
Single House	P	X	X	X	X	D	
Multiple Dwelling	D	X	X	X	D	A	
Grouped Dwelling	D	X	X	X	D	A	
38 Restaurant	X	P	X	P	P	D	
39 Rural Pursuit	X	X	X	X	X	P	
40 Service Station	X	D	P	X	X	X	
41 Shop	X	P	A	D	P	D	
42 Short Stay Accommodation	A	X	X	A	A	X	
43 Showroom	X	D	D	X	X	X	
44 Trade Display	X	P	D	X	X	X	
45 Tourism Development	A	X	X	A	A	X	
46 Tourist Resort	X	X	X	A	X	X	
47 Warehouse	X	X	P	X	X	X	

4.4 Interpretation of the Zoning Table

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

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

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

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

4.5 Additional Uses

There are no additional uses which apply to the Scheme.

4.6 Restricted Uses

There are no restricted uses which apply to the Scheme.

4.7 Special Use Zones

There are no special use zones which apply to the Scheme.

4.8 Non-Conforming Uses

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

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

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

4.9 Extensions and Changes to a Non-Conforming Use

4.9.1 A person must not—

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

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

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

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

4.10 Discontinuance of Non-Conforming Use

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

4.11 Termination of a Non-Conforming Use

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

Note: Part 11 Division 4 of the Planning and Development Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997 (WA)(CI)*, that section and the Scheme.

4.12 Destruction of Non-Conforming Use Buildings

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

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with Development Standards and Requirements

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

5.2 Residential Planning Codes

5.2.1 For the purpose of this Scheme “Residential Planning Codes” means the Residential Planning Codes set out in State Planning Policy 3.1 together with any amendments thereto.

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

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

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

5.3 Special Application of Residential Planning Codes

There are no exclusions or variations to the Residential Planning Codes which apply to the Scheme.

5.4 Site and Development Requirements

Any development that is permitted under the provisions of Part 3 and Part 4 of this scheme shall conform to the requirements for that use as specified in Table 2.

5.5 Restrictive Covenants

5.5.1 Subject to subclause 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 Planning Codes which apply under the Scheme.

5.5.2 Where subclause 5.5.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of subclause 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 Variations to site and development standards and requirements

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

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

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

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

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

5.7 Environmental conditions

5.7.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 9 of the Scheme.

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

5.7.3 The local government is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the *Environmental Protection Act 1986 (WA)(CI)*; 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 (WA)(CI)*.

5.8 Urban Development Zone

5.8.1 The Council may require the preparation of a Structure Plan for all or part of a site before recommending subdivision or approving development of land zoned "Urban Development" under the Scheme.

5.8.2 The permissibility of uses in the Urban Development Zone subject to subclause 5.13.6.2 shall be determined in accordance with the provisions of the relevant Structure Plan.

5.9 Tourism Zone

5.9.1 The Council may require the preparation of a Structure Plan for all or part of a site as a prerequisite to the submission of a Development Application.

5.9.2 A Structure Plan may include master plan concepts and other documentation and is required to include (as appropriate) the following details—

- (a) the area to which the Structure Plan applies;
- (b) key opportunities and constraints including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, land ownership, land use, roads and public transport, and utility services;

- (c) the planning context for the Structure Plan including relevant strategies, scheme provisions and policies, neighbourhood structure and (where appropriate) indicate how the proposed subdivision and development proposed by the Structure Plan is to be integrated into the surrounding area;
- (d) urban design principles, general building envelopes, characteristics of proposed materials and response to climatic conditions;
- (e) estimates of projected bed numbers and extent of ancillary facilities;
- (f) the proposed conceptual road and access network;
- (g) the likely timeframe and staging of the development;
- (h) evidence of consultation with adjoining property owners notwithstanding that the Council may still resolve to formally advertise the Structure Plan; and
- (i) such other information as may be required by the local government.

5.9.3 Notwithstanding subclause 5.9.1 and subclause 5.9.2, an application for development within the Tourism zone must be submitted to Council for all or part of the site prior to Council approving development on the land and is required to include (as appropriate) the following details—

- (a) details of the lot including site area, dimensions, easements and caveats;
- (b) details of the site including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, land ownership, land use, roads and utility services;
- (c) the planning context for the development including relevant strategies, scheme provisions and policies, neighbourhood structure and (where appropriate) indicate how the proposed subdivision and development proposed by the Structure Plan is to be integrated into the surrounding area;
- (d) proposed uses including public open space, commercial, accommodation, mixed uses and any other existing uses;
- (e) plans at a scale of not less than 1:200 showing the proposed location, orientation and elevation of all buildings;
- (f) number of beds and retail/commercial floor space;
- (g) details of major infrastructure including drainage, sewerage, water supply, and other key infrastructure services;
- (h) details of the road network, bicycle and pedestrian networks, vehicular access and parking; and
- (i) such other information as may be required by the local government.

5.9.4 Notwithstanding the provisions of clause 5.9, the Council may, at their discretion, advertise any Structure Plan or proposed development within the Tourism zone for such a period as deemed appropriate.

5.10 Mixed Use Zone

Residential development in the Mixed Use zone shall be subject to the provisions of the Residential Planning Codes, except where varied by a Local Planning Policy prepared under this Scheme.

5.11 Control of Advertisements

5.11.1 Power to Control Advertisements

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

5.11.1.2 Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Part 9 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule 6 giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.11.2 Existing Advertisements

Advertisements which—

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

hereinafter in this clause referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval as appropriate.

5.11.3 Consideration of Applications

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

5.11.4 Exemptions from the Requirement to Obtain Planning Approval

Notwithstanding the provisions of subclause 5.11.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Schedule 4 which for the purpose of this clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule 4 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage area established or designated under Part 7 of the Scheme.

5.11.5 Discontinuance

Notwithstanding the scheme objectives and subclause 5.11.4 where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

5.11.6 Derelict or Poorly Maintained Signs

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

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

5.11.7 Notices

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

5.11.7.2 Any notice served in exceptional circumstances pursuant to subclause 5.11.5 or 5.11.6 shall be served upon the advertiser and shall specify—

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

5.11.7.3 Any person upon whom a notice is served pursuant to this clause may within a period of 60 days from the date of the notice appeal to State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005 (WA)(CI)*, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

5.11.8 Scheme to Prevail

Where the provisions of this clause are found to be at variance with the provisions of the Council's Signs, Hoardings and Bill Posting By-Laws, the provisions of the Scheme shall prevail.

5.11.9 Enforcement and Penalties

The offences and penalties specified in clause 11.4 of the Scheme apply to the advertiser in this Clause.

5.12 Transportable Dwellings

5.12.1 Subject to the provisions of this clause, a Transportable Dwelling may not be transported to and placed on a lot within the District and thereafter occupied as a residential dwelling whether in whole or in part.

5.12.2 Notwithstanding the provisions of subclause 5.12.1, Council may permit a Transportable Dwelling to be placed on a lot within the District and used as a residential dwelling if, in the opinion of Council, the Transportable Dwelling—

- (a) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situated following transportation and will not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate; or
- (b) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.

5.12.3 The approval to be obtained from Council pursuant to subclause 5.12.2 may be granted on condition, which may include a requirement that the applicant provide a bond to Council as surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as Council may deem fit.

5.12.4 If Council has required a bond pursuant to subclause 5.12.3 and the applicant fails to complete the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as has been specified by Council, or if no period has been specified within six months from the date of approval, then the bond is forfeited by the applicant and Council may deal with the bond in such manner as it deems fit, including but not limited to—

- (a) keeping the bond;
- (b) applying such amount as may be necessary from the bond to complete the Transportable Dwelling to a standard of presentation acceptable to Council;

- (c) applying such amount as may be necessary from the bond to demolish the Transportable Dwelling;
- (d) applying such amount as may be necessary from the bond to remove the Transportable Dwelling from the applicant's property and to place it elsewhere;
- (e) applying such amount as may be necessary from the bond in respect of administrative costs incurred by Council on the applicant's failure to complete the Transportable Dwelling;
- (f) returning such amount of the bond as Council deems fit to the applicant.

5.12.5 Where Council applies a bond in accordance with subclause 5.12.4 (b), (c) or (d);

- (a) Council may give at least 1 month's written notice to the applicant of its intention to complete, demolish or remove the Transportable Dwelling;
- (b) Council need not complete the Transportable Dwelling in accordance with the licence conditions and the applicant's plans which were approved by Council, but may complete it to such standard and in such manner as it deems fit;
- (c) Council's employees, agents and contractors, with or without vehicles, machinery, plant, tools and the like may enter upon the applicant's land to complete, demolish or remove the Transportable Dwelling;
- (d) the applicant must pay to the Council on demand the amount by which the cost of completing, demolishing or removing the Transportable Dwelling exceeds the bond; and
- (e) Council will not be liable for any loss or damage to the applicant or the applicant's property as a result of the completion, demolition or removal of the Transportable Dwelling.

5.13 Structure Plans

5.13.1 The Local government or the Western Australian Planning 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.

5.13.2 Subdivision and development should generally be in accordance with an approved structure plan.

5.13.3 A departure from, or alteration to, a structure plan may be permitted if the local government and Western Australian Planning Commission considers the proposed departure or alteration to be minor in nature and it will not prejudice the future subdivision and development of the area.

5.13.4 Structure plan form and content.

5.13.4.1 A Structure Plan is to contain such detail as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning requirements for the structure plan area, and should 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 of legible scale for the structure plan area;
- (c) Key opportunities and constraints of the structure plan area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and services;
- (d) Conservation and environmental values including coastal foreshore reserves and setbacks, environmental policy area and water management areas;
- (e) The planning context for the structure plan including the neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, an indication of how the structure plan is to be integrated into the surrounding area;
- (f) Proposed major land uses, in particular, residential area, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), industrial, and mixed uses;
- (g) The proposed indicative lot pattern and general location of any major buildings;
- (h) Estimates of future lots, dwellings, population, commercial and industrial floor space;
- (i) Provision for major infrastructure, including main drainage, sewerage, water supply 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; and
- (l) Such other information as may be required by the local government or the Western Australian Planning Commission as a result of the site's characteristics.

5.13.5 Advertising and adoption of structure plans.

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

- (a) Determine that the structure plan is satisfactory for advertising;
- (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.

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

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

5.13.5.4 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.

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

5.13.5.6 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 is to be forwarded to the Western Australian Planning Commission for final approval.

5.13.5.7 The Western Australian Planning Commission shall then either approve the structure plan, approve the structure plan with modifications or refuse the structure plan.

5.13.6 Operation of Structure Plan.

5.13.6.1 A structure plan commences operation when it is adopted by the local government and approved by the Western Australian Planning Commission.

5.13.6.2 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 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 structure plan area.
- (c) Where there is conflict between the provisions of a zone, reserve or provision in a structure plan or a scheme, the scheme shall prevail.

5.13.6.3 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.

5.13.7 Right of Review.

5.13.7.1 The proponent of a structure plan required by the Scheme may make application for review under Part 14 of the *Planning and Development Act 2005 (WA) (CI)* 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); and
- (c) Conditions of approval of the structure plan (or an amendment to a structure plan).

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

TABLE 2—DEVELOPMENT TABLE

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Amusement Parlour or Club or Private Recreation	6	*	3	*	30	1 for every 4 persons whom the building is designed to accommodate.
Consulting Room	6	*	3	*	*	1 for every 30 m ² of floor area, plus for each person employed.
Child Care Centre	9	9	6	*	30	1 for every employee.
Educational Establishment	9	*	6	*	30	1 per full time employee, plus 1 bay for every 30 students.
Civic Use or Reception Centre	9	*	3	*	30	1 for every 4 persons whom the building is designed to accommodate.
Home Business or Home Occupation	As per R-Codes	As per R-Codes	As per R-Codes	*	As per R-Codes	As per R-Codes
Hospital	9	9	6	*	30	1 per 4 beds and 1 per employee
Residential Building	4	*	6	*	20	1 for every 2 rooms.

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Hotel or Tavern	4	*	6	*	20	1 for every 2 rooms plus 1 per 4 m ² bar and lounge area.
Industrial	7.5	7.5	*	*	*	1 per 2 employees.
Motel	4	*	6	*	20	1 for every 2 rooms, plus 1 space per 25 m ² of service area.
Motor Vehicle, Boat or Caravan Sales	7.5	*	4	*	30	1 for every 150 m ² of site area
Office or Consulting Rooms or Medical Centre	6	*	3	*	*	1 for every 30 m ² of floor area, plus for each person employed.
Place of Worship	*	*	*	*	*	1 for every 4 persons whom the building is designed to accommodate.
Restaurant or Fast Food Outlet	4	*	3	*	*	1 for every 10 m ² of floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station or Motor Vehicle Repair or Fuel Depot	7.5	*	7.5	*	*	1 for every mechanic bay, plus 1 for each person employed on site.
Shop	4	*	*	*	*	1 for every 15 m ² of floor area.
Showroom	6	*	*	*	*	1 for every 100 m ² of floor area.

NOTES

- (i) *means 'to be determined by the Council' in each particular case.
- (ii) Landscaping to be generally at street frontage.

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of Special Control Area

6.1.1 The following special control areas are shown on the Scheme Maps—

- (a) Christmas Island Waste Water Treatment Plant Odour Buffer
- (b) Groundwater Protection

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

6.1.3 Christmas Island Waste Water Treatment Plant Odour Buffer Special Control Area

- (a) The purpose of the Waste Water Treatment Plan Odour Buffer is to avoid the establishment of incompatible or odour-sensitive land uses or development within the buffer and protect the long term operation of the Christmas Island Waste Water Treatment Plan.
- (b) Notwithstanding any other provisions of the Scheme, a person must not commence or carry out any development or use of land within the Christmas Island Waste Water Treatment Plant Odour Buffer Special Control Area without first having applied for and obtained the planning approval of the local government under Part 9.
- (c) The local government in considering an application for planning approval within the Christmas Island Waste Water Treatment Plant Odour Buffer Special Control Area is to have due regard to—
 - (i) the compatibility of the use or development with wastewater treatment plant infrastructure with regard to potential odour and noise emissions from the waste water treatment plant;
 - (ii) whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant;
 - (iii) the advice and recommendations of the Water Corporation of Western Australia and the WA Department of Environment Regulation and any relevant policies of the Department of Environment Regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy).

6.1.4 Groundwater Protection Special Control Area

- (a) The purpose of the Groundwater Protection Special Control Area is to provide guidance for land use or development for the protection of public drinking water.

Note: The Groundwater Protection Special Control Area is defined on the Scheme Map in accordance with information provided by the Department of Water.

- (b) The objectives of the Groundwater Protection Special Control Area are to—
- i. provide a basis for the protection of public drinking water resources through the control of land use or development which has the potential to prejudice the quality of water supplies for public use;
 - ii. identify land that has been designated as a public drinking water resource;
 - iii. ensure that any land use does not detrimentally impact on a public drinking water resource;
 - iv. implement Scheme controls that are designed to mitigate any adverse effects on a public drinking water resource.
- (c) Despite any other provision of the Scheme planning approval is required for all use and development within the Groundwater Protection Special Control Area including a single house, removal of vegetation, earthworks or the use of land for the keeping of or grazing animals, and shall be subject to discretion of the local government, notwithstanding that the use may be designated as a 'P' use under the Scheme.
- (d) The local government may refuse any application for planning approval or impose conditions on any planning approval so as to—
- i. protect the groundwater resource; and
 - ii. require the registration of a notification under section 70A of the *Transfer of Land Act 1893 (WA)(CI)* on the title to the land giving notice of any limitations or constraints associated with the protection of groundwater resources at the applicant's cost.

Note: There will be a general presumption against development or use of land which involves a significant risk to the groundwater resource. The onus will be on the proponent of development to demonstrate that the proposed activity will not prejudice the groundwater resource.

- (e) The local government shall refer applications for planning approval within the Groundwater Protection Special Control Area to the Department of Water and any other agency or organisation the local government deems necessary and the local government shall have due regard to any advice received.
- (f) In addition to other provisions of the Scheme, in considering any application for rezoning, subdivision or planning approval within the Groundwater Protection Special Control Area, the local government is to have due regard to—
- i. any water resource management plan, strategy or guideline of the Department of Water, and any advice received from the Department of Water;
 - ii. the potential impact of the proposal on the quality of the water resource;
 - iii. the practicability and cost of any ameliorative measures proposed for the protection of the resource;
 - iv. the existing level of protection of the resource provided, with reference to management of land and location of development;
 - v. the nature, location and performance of any existing or proposed effluent disposal system; and
 - vi. the drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to manage run-off and drainage.

PART 7—HERITAGE PROTECTION

7.1 Conservation of Buildings and Places of Cultural Heritage Significance

The purpose and intent of the heritage provisions is to—

- (a) ensure the conservation of any place, building, object or structure of cultural heritage significance;
- (b) afford the opportunity for existing traditional uses to be continued or allow for the approval of alternative uses which are compatible with the heritage values and amenity of the locality; and
- (c) ensure that development or redevelopment within or adjacent to places of cultural heritage significance has due regard to the heritage value of the place and is sympathetically designed to respect the character of the locality.

7.2 Commonwealth Heritage List and Heritage List

7.2.1 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.

7.2.2 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 (WA)(CI)*;

- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate; and
- (c) include on the Heritage List the relevant properties and the places on the Commonwealth Heritage List.

7.2.3 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 subclause 7.2.1 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.

7.2.4 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, the Australian Heritage Council and to the owner and occupier of the place.

7.2.5 The local government is to keep a copy of the Heritage List (including the Commonwealth Heritage List) with the Scheme documents for public inspection.

7.2.6 For the purposes of this part, the Commonwealth Heritage List is pursuant to the *Environmental Protection and Biodiversity Conservation Act 1999*.

7.2.7 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in subclause 7.2.3.

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

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

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

7.3 Designation of a Heritage Area

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

7.3.2 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) a list of any buildings, objects structures or places contained in the Commonwealth Heritage List;
 - (iv) objectives and guidelines for the conservation of the heritage area and setting out how new development should complement the heritage value of the precinct;
 - (vi) an analysis and statement of significance for each place or precinct clearly identifying the place’s heritage values;

and

- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.3.3 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, the Heritage Council of Western Australia and the Australian Heritage Council with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation;
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;

and

- (c) carry out such other consultation as the local government considers appropriate.

7.3.4 Notice of a proposal under subclause 7.3.3(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.

7.3.5 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.

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

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

7.3.8 Subclauses 7.3.3 to 7.3.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.4 Heritage Agreements

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

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

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

7.5 Heritage Assessment

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

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

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Commonwealth Heritage List under the *Environmental Protection and Biodiversity Conservation Act 1999* or listed in the Heritage List under subclause 7.2.1; or
- (b) enhance or preserve heritage values in a heritage area designated under subclause 7.3.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Planning Codes by following the procedures set out in subclause 5.6.2.

7.7 Applications for Planning Approval

7.7.1 In dealing with any matters which may affect a heritage area or individual entry on the Commonwealth Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.

7.7.2 The Council shall, in considering any application that may affect a heritage area or individual entry on the Commonwealth Heritage List, solicit the views of the Australian Heritage Commission and any other relevant bodies, and take those views into account when determining the application.

7.7.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a Heritage area or individual entry listed on the Commonwealth Heritage List.

7.7.4 Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting any building, object, structure or place listed in the Inventory or contained within a heritage area without first having applied for and obtained the planning approval of the council pursuant to the provisions of clause 8.1 of the Scheme.

7.7.5 For the purposes of clause 8.1 the term ‘development’ shall have the meaning as set out in the *Planning and Development Act 2005 (WA) (CI)* but shall also include, in relation to any place entered in the Commonwealth Heritage List or contained within a heritage area, any act or thing that

- (a) is likely to significantly change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building.

7.8 Formalities of Application

In addition to the application requirements prescribed in clause 7.6 and any formalities or requirements associated with development applications contained in any other provision of the Scheme, the Council may require an applicant for development approval, where the proposed development may affect a place of cultural heritage ‘significance or a heritage area, to provide one or more of the following to assist the Council 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) Side and rear elevations of the proposed development, drawn to a scale of not smaller than 1:100;
- (c) In addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the

location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;

- (d) A detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (e) A detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, also the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (f) Any other information which the Council indicates that it considers relevant.

7.9 Power to Determine Application

7.9.1 Without affecting the generality of any other provision of the Scheme specifying the manner in which the Council is obliged or permitted to deal with an application for development approval, the Council in dealing with any application for development approval may for reasons related to the conservation of a place of cultural heritage significance or a heritage area—

- (a) refuse approval;
- (b) grant approval without conditions; or
- (c) grant approval with conditions including conditions aimed at the conservation of the place or precinct.

If an application for development approval is not in compliance with the provisions of the R-Codes, Council may require that the application be treated as an 'A' use. The Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of subclause 9.4.3.

7.10 Conservation Incentives

7.10.1 In dealing with any application concerning or affecting a place of cultural heritage significance or a heritage area, the Council may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses.

7.10.2 Where in the Council's opinion the granting of a conservation incentive is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the incentive, the Council shall consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 9.4 and shall have regard to any expressed views prior to making a decision to grant the incentive.

7.10.3 In granting a conservation incentive under subclause 7.9.1 the Council may enter into a heritage agreement with an owner who would benefit from the incentive. The agreement shall specify the owner's obligations and contain covenants noted on relevant Certificates of Title

7.10.4 Within a heritage area, the Council may permit on a residential lot an increase up to (as specified by Council) of permitted dwelling density which otherwise would not apply on that lot under the Residential Planning Codes. The density bonus shall only be granted where the increased development would not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct, and if one or more of the following circumstances apply—

- (a) provision is made for the preservation of significant landscape features; including significant trees or other vegetation;
- (b) provision is made for the carrying out of conservation works approved by the Council on a heritage place; or
- (c) an agreement is otherwise entered into for a contribution to be made to the Council's current municipal heritage conservation program.

7.10.5 In a case where the Council has allowed under subclause 7.10.4 an increase in the permitted dwelling density, the standards and provisions of the higher density code applicable to that permitted dwelling density shall apply.

7.11 Heritage Advisory Committee

7.11.1 Council shall appoint a Heritage Advisory Committee which shall consist of—

- (a) the President of the Council or a Councillor nominated by the President.
- (b) the Chair of the Committee appointed by Council as Chair.
- (c) at least three other persons representing the community and one of whom in the opinion of council has the knowledge and expertise to give proper advice on the matters to be considered by the Committee.

7.11.2 The Council may revoke the appointment of a member of the Heritage Advisory Committee other than the President or the nominee of the President and may appoint a person to replace that person whose appointment has been revoked or who resigns or is unable to act. No person who has a direct pecuniary interest in a matter before the Heritage Advisory Committee shall act as a member of that Committee.

7.11.3 The Council may limit the term of appointment of the Heritage Advisory Committee or may appoint an Advisory Panel to report only a specific matter. The appointment of an Advisory Committee shall lapse at the expiry of a nominated term or on the resolution of the council.

7.11.4 The role of the Heritage Advisory Committee shall be to consider and make recommendations to Council on any applications within a heritage area.

7.11.5 The Council shall not be bound by a recommendation of the Heritage Advisory Committee.

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for Approval to Commence Development

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

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

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

8.2 Permitted Development

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

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990 (WA)(CI)*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990 (WA)(CI)*;
 - (iii) located in a place that has been entered in the Commonwealth Heritage List under the *Environmental Protection and Biodiversity Conservation Act 1999*; or
 - (iv) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme;
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990 (WA)(CI)*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990 (WA)(CI)*;
 - (iii) located in a place that has been entered in the Commonwealth Heritage List under the *Environmental Protection and Biodiversity Conservation Act 1999*;
 - (iv) included on the Heritage List under clause 7.1 of the Scheme; or
 - (v) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area;
- (g) the use of land in a reserve, where such land is held by the Council or vested in a public authority for the purpose for which the land is reserved under the Scheme;
- (h) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- (i) the use of land which is a permitted (“P”) use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works;
- (j) the erection of a boundary fence except as otherwise required by the Scheme;
- (k) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act; and
- (l) the carrying out of works urgently necessary in the public safety or for essential services.

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

8.3 Amending or Revoking a Planning Approval

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

8.4 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 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 Planning and Development Act in respect of the commencement or carrying out of development without planning approval.

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1 Form of Application

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

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in subclause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in subclause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under subclause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.6;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under subclause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

is, subject to subclause 9.1.2, to be made in the form prescribed in Schedule 5 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 6.

9.2 Accompanying Material

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

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

9.3 Additional Material for Heritage Matters

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

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation; and
- (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 subclause 4.3.2; or
- (b) a use not listed in the Zoning Table,

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

9.4.2 Despite subclause 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 subclause 9.4.3.

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

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

9.4.4 The notice referred to in subclause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 7 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 21 days from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultation With Other Authorities

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

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

10.2 Matters to be Considered by Local Government

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

- (a) the aims and provisions of the Scheme 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;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986 (WA)(CI)*;
- (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 subclause 7.3.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;

- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990 (WA)(CI)*, or which is included in the Heritage List under clause 7.2, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under subclause 10.1.1; and
- (za) any other planning consideration the local government considers relevant.

10.3 Determination of Applications

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

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

10.4 Form and Date of Determination

10.4.1 As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 8 and the date of determination is to be the date given in the notice of the local government's determination.

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

10.5 Term of Planning Approval

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

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

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

10.6 Temporary Planning Approval

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

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

10.7 Scope of Planning Approval

Planning approval may be granted—

- (a) for the use or development for which the approval is sought;

- (b) for that use or development, except for a specified part or aspect of that use or development;
or
- (c) for a specified part or aspect of that use or development.

10.8 Approval Subject to Later Approval of Details

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

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

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

10.9 Deemed Refusal

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

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

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

10.10 Appeals

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may apply for review to the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005 (WA)(CI)*.

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 (WA)(CI)*; 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 (WA)(CI)* 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 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 subclauses 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 a 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 (WA)(CI)*.

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 (WA)(CI)*, 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 subclause 11.3.1.

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

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

11.4 Person Must Comply with Provisions of Scheme

A person must not—

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

Note: 1. Section 218 of the *Planning and Development Act 2005 (WA)(CI)* provides that a person who—

- (a) contravenes the provisions of a planning scheme;
- (b) commences, continues or carries out any development in any part of a region the subject of a region planning scheme or any part of an area the subject of a local planning scheme otherwise than in accordance with the provisions of the planning scheme; or
- (c) commences, continues or carries out any such development which is required to comply with a planning scheme otherwise than in accordance with any condition imposed under this Act or the scheme with respect to the development, or otherwise fails to comply with any such condition,

commits an offence. Penalty: \$50 000, and a daily penalty of \$5 000.

2. Section 223 provides similar penalties for failure to comply with Section 214 of the *Planning and Development Act 2005 (WA)(CI)*.

11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under Part 11 of the *Planning and Development Act 2005 (WA)(CI)*—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967 (WA)(CI)*; 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 subclause 11.5.1.

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

11.6 Purchase or Taking of Land

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

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

Note: Sections 190 and 191 of the *Planning and Development Act 2005 (WA)(CI)* 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(3) of the *Planning and Development Act 2005 (WA)(CI)*, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

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

SCHEDULE 1—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

1. General definitions

In the Scheme—

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

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

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

Commission means the Western Australian Planning Commission;

conservation has the same meaning as in the *Heritage of Western Australia Act 1990 (WA)(CI)*;

cultural heritage significance has the same meaning as in the *Heritage of Western Australia Act 1990 (WA)(CI)*;

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

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

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

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

height when used in relation to a building that is used for—

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

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

local government means the Shire of Christmas Island;

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 (WA)(CI)* and amended from time to time;

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

minerals has the same meaning as in the *Mining Act 1978 (WA)(CI)*;

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

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

non-conforming use has the same meaning as it has in Section 172 of the Planning and Development Act;

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

- (a) is entitled to the land for an estate in fee simple in possession;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;

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

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

Planning and Development Act means the *Planning and Development Act 2005 (WA)(CI)*;

plot ratio in the case of residential dwellings has the same meaning as in the Residential Planning 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;

region scheme means a regional planning scheme made under the Planning and Development Act, as amended from time to time;

Residential Planning Codes means the Residential Planning Codes in the Western Australian Planning Commission State Planning Policy 3.1, as amended from time to time;

retail means the sale or hire of goods or services to the public;

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

wholesale means the sale of any goods and materials to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the *Sales Tax Assessment Act No. 1 1930 (WA) (CI)* (as amended);

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

2. Land use definitions

In the Scheme—

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

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

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

agroforestry means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;

amusement parlour means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

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

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

aquaculture means any fish farming operation for which a fish farm licence issued pursuant of the provisions of Part V of the *Fisheries Act 1905 (WA)(CI)* (as amended) and the *Fisheries Regulations 1938* (as amended) is required;

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

betting agency means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960 (WA)(CI)*;

caravan park has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995 (WA)(CI)*;

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

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

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

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

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

club premises means premises used by a legally constituted club or association or other body of persons united by a common interest;

community purpose means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

consulting rooms means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store means premises—

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
- (b) operated during hours which include, but may extend beyond, normal trading hours;
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300 square metres net lettable area;

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

dry cleaning premises means any land or buildings used for the cleaning of garments and other fabrics by chemical processes;

eco-tourism means land or premises used for low impact tourist activities focussed around natural environmental assets, for the purpose of educating travellers, raising funds for ecological conservation, or directly benefitting the local economy.

educational establishment means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

family day care means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988 (WA)(CI)*;

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

fish shop means a building where wet fish and similar foods are displayed and offered for sale;

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;

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

home 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, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

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

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

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

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

hotel means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988 (WA)(CI)*, and may include a betting agency on those premises, but does not include a tavern or motel;

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

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

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

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

industry—extractive means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;

industry—general means an industry other than a cottage, extractive, light, mining, rural or service industry;

industry—hazardous means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment;

industry—light means an industry—

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

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

industry—noxious means an industry which is listed as an offensive trade under Schedule 2 of the *Health Act 1911 (WA)(CI)* or is listed as a prescribed premises under Schedule 1 of the *Environmental Protection Regulations 1987 (WA)(CI)*, excluding those industries encompassed by the definition of agriculture—intensive, animal husbandry—intensive or industry—rural.

industry—rural means—

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

industry—service means—

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

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

marina means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale

of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;

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

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

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

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

motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans;

motor vehicle repair means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

and may also include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping and sale of second-hand motor vehicle accessories and spare parts;

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

night club means premises—

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

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

park home park has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997 (WA)(CI)*;

place of worship means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

plantation has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

public utility means any work or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications, passenger transport or other similar services.

reception centre means premises used for functions on formal or ceremonial occasions but not for un-hosted use for general entertainment purposes;

recreation—private means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

residential building has the same meaning as in the Residential Planning 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 (WA)(CI)*;

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 (WA)(CI)*;
- (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, agriculture—intensive or aquaculture;

service station means premises used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

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

short stay accommodation 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 and excludes those uses more specifically defined elsewhere;

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

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

tavern means premises licensed as a tavern under the *Liquor Licensing Act 1988 (WA)(CI)* and used to sell liquor for consumption on the premises;

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

tourism development means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests for leisure or vacation purposes 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 and excludes those uses more specifically defined elsewhere;

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

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement;

transportable dwelling means a residential dwelling which is capable of being transported and reconstructed for use as a residential dwelling;

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 premises used for the production of viticultural produce and may include sale of the produce.

SCHEDULE 2—ADDITIONAL USES

NO.	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS

SCHEDULE 3—SPECIAL USES

NO.	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS

SCHEDULE 4—EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not applicable.
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free standing advertisement signs not exceeding 5m in height above ground level	Total area of any such advertisements shall not exceed 15m ² . Maximum permissible total area, shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex of 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 municipality 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 municipality, and c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	n/a n/a n/a
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	n/a
All classes of buildings other than single family dwelling	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

SCHEDULE 5—APPLICATION FOR PLANNING APPROVAL
PLANNING AND DEVELOPMENT ACT 2005 (WA) (CI) (AS AMENDED)
SHIRE OF CHRISTMAS ISLAND
APPLICATION FOR PLANNING APPROVAL

1. Surname of Applicant..... Given Names
- Full Address..... Postcode
2. Surname of Land Owner (if different from above).....
- Given Names.....
3. Submitted by.....
4. Address for Correspondence.....
- Telephone Number Fax Number.....
5. Locality of Development.....
6. Title Details of Land.....
7. Name of Road Serving Property
8. Description of Development
- Nature and size of all buildings proposed
-
- Materials to be used on external surfaces of building
-
- General treatment of open portions of the site
-
- Details of car parking and landscaping proposals
-
- Approximate cost of proposed development
-
- Estimated time for completion
-
-
- Signature of Owner Signature of Applicant or Agent
- (Both signatures are required if applicant is not the owner)
-
- Date Date

SCHEDULE 6—ADDITIONAL INFORMATION FOR ADVERTISEMENTS
ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL
 (to be completed in addition to Application for Planning Approval)

- Name of Advertiser (if different from owner):
- Address in full:
-
- Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:
-
-
- Details of Proposed Sign:
- Height:..... Width: Depth:
- Colours to be used
-
- Height above ground level—
 (to top of advertisement):
- (to underside):
- 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:
-

- 5. State period of time for which advertisement is required:
.....
 - 6. Details of signs, if any, to be removed if this application is approved:
.....
.....
- NB. This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in (6) above,
Signature of Advertiser(s):.....
(if different from land owners)
Date: _____

SCHEDULE 7—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING APPROVAL
SHIRE OF CHRISTMAS ISLAND
LOCAL PLANNING SCHEME No. 2
NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

It is HEREBY NOTIFIED for public information and comment that the local government has received an application to develop land for the purpose described hereunder—

LAND DESCRIPTION

LOT NO STREET
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

.....
CHIEF EXECUTIVE OFFICER DATE

SCHEDULE 8—NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL
PLANNING AND DEVELOPMENT ACT 2005 (WA) (CI) (AS AMENDED)
SHIRE OF CHRISTMAS ISLAND
DETERMINATION ON APPLICATION FOR PLANNING APPROVAL
LOCAL PLANNING SCHEME No. 2

The local government having considered the application
Dated
Submitted by.....
On behalf of.....

hereby advise that it has decided to—
REFUSE/GRANT APPROVAL — TO COMMENCE DEVELOPMENT OR DISPLAY AN ADVERTISEMENT

subject to the following conditions.
CHIEF EXECUTIVE OFFICER.....
DATE

ADOPTION
Adopted by resolution of the Council of the Shire of Christmas Island at the general meeting of the Council held on the 3rd day of May 2011.
GORDON THOMSON, Shire President.
K. MATTHEWS, Chief Executive Officer.
Date: 27 May 2015.

FINAL APPROVAL
1. Adopted by resolution of the Council of the Shire of Christmas Island at the general meeting of the Council held on the 26th day of May 2015 and the seal of the Municipality was pursuant to that resolution in the presence of—
GORDON THOMSON, Shire President.
K. MATTHEWS, Chief Executive Officer.
Date: 27 May 2015.

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

PHILIP WOODWARD,
Delegated under S.16 of *Planning and Development Act 2005 (WA)(CI)*.

Date: 2 September 2015.

3. Final approval granted by Federal Minister of Regional Australia, Regional Development and Local Government

PAUL FLETCHER, Minister for Regional Australia,
Regional Development and Local Government.

Date: 13 December 2015.
