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SHIRE OF WYNDHAM-EAST KIMBERLEY

TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE

Updated to include amd 15 gg 13/6/06

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Prepared by the Department of Planning

Original Town Planning Scheme Gazettal Date: 21 January 1994

SHIRE OF WYNCHAM-EAST KIMBERLEY TPS 6 - TEXT AMENDMENTS

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SHIRE OF WYNDHAM EAST KIMBERLEY
TOWN PLANNING SCHEME NO 6
WYNDHAM TOWNSITE

The Wyndham East Kimberley Shire Council, under and by virtue of the powers conferred upon it by the *Town Planning and Development Act, 1928* (as amended) hereinafter referred to as The Act, hereby makes the following Town Planning Scheme for the purposes laid down in The Act.

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PART I - PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the **Shire of Wyndham - East Kimberley Town Planning Scheme No 6 - Wyndham**, hereinafter called 'the Scheme' and shall come into operation on the publication of the Scheme in the Government Gazette.

1.2 RESPONSIBLE AUTHORITY

The Authority responsible for implementing the Scheme is the Council of the **Shire of Wyndham - East Kimberley** hereinafter called '**the Council**'.

1.3 SCHEME AREA

The Scheme applies to part of the **Shire of Wyndham - East Kimberley** as shown on the Scheme Map by the Broken black border and which area is hereinafter called the **Scheme Area**.

1.4 REVOCATION OF PREVIOUS SCHEME

The Shire of Wyndham-East Kimberley Town Planning Scheme No 5 - Wyndham, which was published in the Government Gazette on the Twelfth day of October, 1984 and amended from time to time, is hereby revoked.

1.5 CONTENTS OF SCHEME

The Scheme comprises:

- (a) The Scheme Text
- (b) The Scheme Maps
- (c) The Policy Statements - which form part of the Scheme Review Report.

1.6 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts:-

Part I	Preliminary
Part II	Reserves
Part III	Zones and Policies
Part IV	Non-Conforming Uses
Part V	Development Requirements
Part VI	Amenity Control
Part VII	Car Parking
Part VIII	Control of Advertising
Part IX	Conservation and/or Preservation of Places of Heritage Value
Part X	Planning Consent
Part XI	Administration

1.7 SCHEME OBJECTIVES

The broad objectives of the Scheme are as follows:

- a) to set aside land for the continued development of the town in areas appropriate for urban development.
- b) to limit the development of land considered inappropriate for urban uses because of the adverse effects of inundation and other physical constraints.
- c) to reserve land for public purposes.

- d) to zone the balance of the land within the Scheme Area for various purposes described in the Scheme.
- e) to provide development policies and controls for the purpose of securing land, maintaining an orderly and properly planned use and development of land within the Scheme Area.
- f) to set policies for the preservation of sites and places of historic and heritage value.

1.8 INTERPRETATIONS

- 1.8.1 Except as provided in **Clause 1.8.2** and **1.8.3** the words and expressions of the Scheme have their normal and common meaning.
- 1.8.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in **Appendix 1, Part 1 of the deemed provisions** and the **Residential Planning Design Codes**.
- 1.8.3 Where a word or term is defined in the **Residential Planning Design Codes** then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the **Residential Planning Design Codes**.

PART II - RESERVES

2.1 SCHEME RESERVES

The lands shown as Scheme Reserves on the Scheme Map, hereinafter called '**Reserves**' are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder:-

Major Road
Public Purposes (as marked)
Parks and Recreation

2.2 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for Planning Consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.

~~2.3 COMPENSATION~~

~~2.3.1 Where the Council refuses Planning Consent for the development of a Reserve on the ground that the land is reserved for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.~~

~~2.3.2 Claims for such compensation shall be lodged at the office of the Council not later than **six months** after the date of the decision of the Council refusing Planning Consent or granting it subject to conditions that are unacceptable to the applicant.~~

~~2.3.3 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of Planning Consent or of the grant of consent subject to conditions that are unacceptable to the applicant.~~

PART III - ZONES AND POLICIES

3.1 ZONES AND POLICY STATEMENTS

The Scheme Area is divided into Zones and Policy Areas. Each Policy Area is the subject of a Policy Statement relating to the predominant use and strategy for future development of that Policy Area.

3.2 ZONES

3.2.1 Creation of Zones

There are hereby created the zones set out hereunder:-

Town Centre Zone
Residential Zone
Industrial Zone
Rural/Pastoral Zone
Special Rural Zone
Special Site Zone (as marked)
Settlement Zone *AMD 15 GG 13/6/06*

These **Zones** and the development provisions relating to them shall be read in conjunction with the **Policy Statements** as adopted by the Council pursuant to this Part.

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

3.2.2 Zoning Table

The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of **Use Classes** on the left hand side of the **Table 1** and the list of **Zones** at the top of the Zoning Table.

The symbols used in the cross reference in the **Zoning Table** have the following means:

- 'P'** means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting Planning Consent;
- 'IP'** means a use that is not permitted unless such use is incidental to the predominant use of the land as determined by the Council;
- 'AA'** means that the Council may, at its discretion, permit the use;
- 'SA'** means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with **Clause 10.2**.

3.2.3 Where no symbol appears in the cross reference of a use class against a Zone in the Zoning Table a use of that class is not permitted in that Zone.

3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

TABLE I - ZONING

KEY TO COLUMNS

- | | |
|------------------|-------------------|
| 1. TOWN CENTRE | 5. RURAL/PASTORAL |
| 2. RESIDENTIAL | 6. SPECIAL SITE |
| 3. INDUSTRIAL | 7. SETTLEMENT |
| 4. SPECIAL RURAL | |

AMD 15 GG 13/6/06

USE CLASSES	ZONES						
	1	2	3	4	5	6	7
Commercial							
Amusement Facility	AA						PREDOMINANT USES TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY < THE COUNCIL AND THE WA PLANNING COMMISSION
Car Park	P	AA	P	AA	AA		
Dry Cleaning Premises	AA		P				
Fast Food Outlet	P						
Funeral Parlour	SA		AA				
Health Studio	AA		AA				
Home Occupation	AA	AA	AA	AA	AA		
Hotel	AA						
Laundromat	AA		P				
Motel	AA						
Night Club	AA						
Motor Vehicle or Marine Sales Premises	AA		P				
Motor Vehicle Hire	AA		P				
Office	P	AA	IP	IP	IP		
Office - Professional	P						
Reception Centre	P						
Restricted Premises	AA		AA				
Restaurant	P						
Service Station	SA		AA				
Shop	P	SA	AA				
Showroom	P		P				
Tavern	AA						
Warehouse	AA		P				
Residential							
Single House	AA	P		P	P		
Grouped Dwelling	P	AA					
Multiple Dwelling	P	AA					
Ancillary Dwelling Aged and Dependent Persons Dwelling	AA	P AA					
Caretaker's Dwelling	IP		IP	IP	IP		
Residential Building	AA	AA					

TABLE I - ZONING (Continued)

KEY TO COLUMNS

1. TOWN CENTRE
2. RESIDENTIAL
3. INDUSTRIAL
4. SPECIAL RURAL
5. RURAL/PASTORAL
6. SPECIAL SITE
7. SETTLEMENT

ZONES

USE CLASSES	1	2	3	4	5	6	7
Community							
Civic Building	P	AA					
Club Premises	AA		SA	AA	AA		
Consulting Rooms	P	SA	SA	AA			
Day Care Centre	P	SA		SA			
Educational Establishment	P		AA				
Fire Brigade Depot	P		P	P			
Hospital	SA	SA					
Kennels/Cattery			AA	SA	SA		
Kindergarten	P	SA					
Medical Centre	P	SA					
Public Utility	P	P	P	P	P		
Public Worship	P	SA					
Radio & TV Installation	SA	P	AA	AA	AA		
Veterinary Consulting Rooms or Hospital	SA		AA		AA		
Industrial							
Fuel Depot			P				
Industry - General			P				
Industry - Light	SA		P				
Industry - Service	SA		P				
Industry - Extractive					SA		
Industry - Hazardous			SA				
Industry - Cottage	AA	AA	AA	AA	AA		
Motor Vehicle Repair	SA		P				
Motor Wrecking			AA				
Salvage yard			P				
Transport Depot			P				
Recreation							
Equestrian Centre				P	P		
Private Recreation	AA		SA	AA	AA		

PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP.

PREDOMINANT USES TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY & THE COUNCIL AND THE WA PLANNING COMMISSION

TABLE I – ZONING (Continued)

KEY TO COLUMNS

- | | |
|------------------|-------------------|
| 1. TOWN CENTRE | 5. RURAL/PASTORAL |
| 2. RESIDENTIAL | 6. SPECIAL SITE |
| 3. INDUSTRIAL | 7. SETTLEMENT |
| 4. SPECIAL RURAL | |

USE CLASSES	ZONES						
	1	2	3	4	5	6	7
Recreation (Cont'd)							
Public Amusement	AA						PREDOMINANT USES TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COUNCIL AND THE WA PLANNING COMMISSION
Public Recreation	P	P	P	P	P		
Rural							
Rural Pursuit				P	P		
Stables				P	AA		

- 3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes the Council may:
- (a) determine that the use is not consistent with the objectives and purpose of the Policy Statement and particular zone and is therefore not permitted,
 - or**
 - (b) determine by absolute majority that the proposed use may be consistent with the objectives and purposes of the Policy Statement and Zones and thereafter follow the advertising procedures of ~~Clause 10.2 Part 8 of the deemed provisions~~ in considering an Application for Planning Consent.

~~3.3 — POLICIES~~

~~3.3.1 — Power to Make Policies~~

~~In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.~~

~~The Policy Statements in the Scheme Review Report shall be deemed to be the Policy Statements prepared pursuant to this section.~~

~~3.3.2 — Procedure of Policy Making~~

~~A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:~~

- ~~a) The Council having prepared and resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft Policy may be inspected, in what form, and during what period (being not less than 21 days) representations may be made to the Council;~~
- ~~b) The Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft Policy with or without amendment, or not proceed with the draft Policy;~~
- ~~c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.~~

~~3.3.3 — Policy Amendment~~

~~A Town Planning Scheme Policy may only be altered or rescinded by:~~

- ~~a) preparation and final adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy.~~
- ~~b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.~~

~~3.3.4 — The Scheme Shall Prevail~~

~~A Town Planning Scheme Policy shall not bind the Council in the respect of any Application for Planning Consent but the Council shall take into account the provisions of the Policy and Objectives which the Policy was designed to achieve before making its decision.~~

~~3.3.5 — Policy Statements Shall be Consistent with the Scheme~~

~~The Policy Statements prepared pursuant to this Part shall be consistent with the intent of the Objectives, Zones and general provisions of the Scheme.~~

PART IV - NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme;
- or**
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a non-conforming use or erect alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the Planning Consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 CHANGE OF NON-CONFORMING USE

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

4.4 DISCONTINUANCE OF NON-CONFORMING USE

- 4.4.1 When a non-conforming use of any land or building has been discontinued for a period of **six months** or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.
- 4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.5 DESTRUCTION OF BUILDINGS

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of **75 percent** or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

PART V - DEVELOPMENT REQUIREMENTS

5.1 — ~~DEVELOPMENT OF LAND~~

~~5.1.1 — Subject to **Clause 5.12** a person shall not commence or carry out development of land zoned or reserved under the Scheme without first having applied for and obtained the Planning Consent of the Council under the Scheme.~~

~~5.1.2 — The Planning Consent of the Council is not required for the following development of land:~~

~~a) — the use of land in a Reserve, where such land is held by the Council or vested in a public authority;~~

~~(i) — for the purpose for which the land is reserved under the Scheme;~~

~~or~~

~~(ii) — in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.~~

~~b) — 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;~~

~~c) — the carrying out of any works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;~~

~~d) — the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services;~~

~~e) — the erection of a boundary fence as otherwise required by the Scheme;~~

~~f) — the erection on a lot of a single dwelling house, including the ancillary outbuildings, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the zoning table;~~

~~g) — the erection of an outbuilding of an area less than 60m².~~

5.2 LAND SUBJECT TO INUNDATION

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

On approving any building within the Scheme Area, the Council may set minimum levels for any floor or appurtenant area of the building.

5.3 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

If a development, other than a residential development, the subject of an application for Planning Consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

The power conferred by this Clause may only be exercised if the Council is satisfied that:

a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and preservation of the amenities of the locality;

b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality;

and

- c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

5.4 RESIDENTIAL DEVELOPMENT : **RESIDENTIAL PLANNING DESIGN CODES**

~~5.4.1 For the purpose of this Scheme 'Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.~~

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

~~5.4.3 In the event of their being any inconsistency between the Residential Planning Codes identified by Clauses 5.4.1 and 5.4.2, the provisions in the document identified in Clause 5.4.1 shall prevail.~~

5.4.4 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the **Residential Planning Design Codes** shall conform to the provisions of those codes and the schedules to those codes.

5.4.5 The Residential Coding of the land shall be in accordance with that shown on the Scheme Map (as bordered).

5.4.6 Any Application for Planning Consent of any residential building other than a single dwelling shall be accompanied by a plan showing the proposed landscaping on site.

The landscape plan shall show:

- a) the location and general nature of planted areas;
- b) the location and nature of materials to be used on non-planted areas;
- c) the location and size of any outbuildings or other minor proposed structures.

The applicant shall commence the implementation of the approved landscape plan within **six calendar months** of the completion of all other approved works and shall complete the works no later than **six calendar months** following approval to occupy any building.

5.5 RESIDENTIAL ZONE

5.5.1 Objectives

The Council's objectives are:

- a) for the allocation and density coding of the Residential zone throughout the Scheme Area to be designed to provide for the development of the Scheme Area in such a way as will:-
 - i) provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and population without unduly restricting the choice sites;
 - ii) promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas.
- b) Notwithstanding that a proposed development conforms in all other respects with the requirements of the Scheme, Council may at its discretion refuse to grant approval if in its opinion such development would by its siting or construction result in significant deterioration of the amenity or landscape quality of the town.

5.5.2 Structure Plan

It is the intention of the Council to ensure that the subdivision and development of land within the future residential areas as shown on the Policy Map takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing.

~~In this regard the Council, before supporting or approving any proposal for rezoning, subdivision or development of any land within the future residential areas, shall require the preparation of a Structure Plan for the whole of the area or for any particular part or parts as considered appropriate by the Council.~~

For residential zoned land, subdivision ~~of the land and development~~ shall have due regard to ~~be approved in accordance with the adopted~~ a Structure Plan approved by the Western Australian Planning Commission ~~providing the land is zoned Residential~~ in accordance with part 5 of the deemed provisions.

~~5.5.3 The Structure Plan shall show:~~

- ~~i) the topography of the area,~~
- ~~ii) existing road system,~~
- ~~iii) location and standards of any future roads,~~
- ~~iv) location of shopping, community amenities and recreation areas,~~
- ~~v) proposed population and residential densities,~~
- ~~vi) existing and proposed services,~~
- ~~vii) staging of the development,~~
- ~~viii) any other information as shall be requested by the Council.~~

5.6 TOWN CENTRE ZONE

5.6.1 Objectives

The Council's objectives for controlling development within the Town Centre Zone are:

- a) to zone adequate land for the continued development of a main commercial and community facility centre for the town;
- b) to prepare an overall Town Centre Strategy Policy to guide and promote development;
- c) to apply appropriate development and land use controls to ensure the development is to a satisfactory standard.

5.6.2 Upper Floors

Where the ground floor of a two-storey building is used for the purposes of commerce, the upper floors of such building may be used for such purposes as may be permitted by Council and may include shops, offices or residential development.

Residential uses in such circumstances are to be confined to upper storey only.

5.6.3 Site Coverage

The site coverage of up to 200% may be permitted subject to the satisfaction of the Council on matters relating to access, car parking, rear access and loading docks and any other matters the Council shall consider relevant.

5.6.4 Conditions and Standards

The development conditions and standards shall be in accordance with **Table 2**.

TABLE 2 TOWN CENTRE ZONE - SITE REQUIREMENTS

Land Use	Min. Lot Area	Min. Frontage	Min. Setbacks	
	(m ²)	(metres)	Front	Rear
Church	1500	30	9	6
Clinic	850	20	9	6
Consulting Rooms	250	6	0	6
Hall	2000	30	9	6
Hotel	5000	50	10	10
Motel	2500	40	10	10
Residential Building	1000	25	6	6
Office	250	6	0	6
Service Industry	1000	25	0	9
Service Station	1500	40	10	10
Petrol Filling Station	1500	40	10	10
Shop	250	6	0	6
Showroom	250	6	0	0
Tavern	2000	25	0	9
Warehouse	250	10	6	9

**On a corner lot frontage may comprise that length facing either street.*

**Side setbacks shall be in accordance with the provisions of the Building Code ~~of Australia~~*

5.6.5 Loading and Unloading

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

5.6.6 Residential Development in the Town Centre Zone

Residential development within the Town Centre Zone may be permitted in accordance with the provisions of the R50 code.

5.7 INDUSTRIAL ZONE

5.7.1 Objective

The Council's objective is to contain industrial uses and development in specific areas.

The port area is specifically set aside for the use and development of activities related to bulk storage, cargo handling, and any other industry applicable to the area.

The industry zone shall be designated to accommodate smaller industries such as localised general, light industry and service trades uses where there is the maximum benefit and access by the public and the minimum detrimental effect to the residential area and the town centre precinct.

5.7.2 Development Standards

Development and site requirements shall be in accordance with the following provisions:

TABLE 3 - INDUSTRIAL ZONE						
Zone	Min. Lot Area	Effective Frontage	Building Setbacks			Maximum Site Coverage
			Front	Side	Rear	
Port Industry	-	-	-	-	-	-
Industry	1000m ²	15m	9m ¹	5m ²	7.5m	75%

¹ Front Setbacks

In the case of a service trade or industry in the Town Centre Zone, where there is proposed a shop front, the Council may approve a front setback of zero.

² Side Setbacks

- a) 5 metres on any one side to permit access to the rear of the lot.
- b) a minimum of 1.2 metres on any other side,
- or**
- c) depending upon the building height and material as prescribed in the Building Code of Australia
- or**
- d) zero in the case of a parapet wall with a satisfactory fire rating in accordance with the Building Code of Australia.

5.7.3 Factory Unit Development

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

- i) no factory unit shall have a floor area of less than 100m²;
- ii) each factory unit shall have a service yard appurtenant to it which shall be a minimum of 50% of the unit floor area;
- iii) access to the office attached to the factory unit and the major access to the unit itself shall not be through the service yard;
- iv) off street parking may be provided as an overall area on site and shall provide for all employees with a minimum staff parking requirement of four bays per unit;
- v) Customer parking shall be provided as an additional figure of one bay per unit.

5.7.4 Residential Uses in the Industrial Zone

Council may permit the development and occupancy of a single house upon a lot for the purposes of caretaker's dwelling for security and management providing the occupants of that residential unit are directly related to the operations of the predominant permitted use.

5.7.5 Landscape Treatment

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

Such landscape treatment may include a car parking area. Implementation of an

approved landscape plan shall occur within six calendar months of;

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

5.7.6 Storage of Materials

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

5.7.7 Loading and Unloading

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

5.7.8 Vehicle Wrecking

The wrecking or storage of wrecked vehicles or parts thereof shall not be permitted in front of the building setback.

5.7.9 Carports/Pergolas

Council may approve the construction of a carport or pergola or like structure between the building line and the front boundary providing:

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

5.7.10 Transient Accommodation

Council may permit the construction and occupation of a Residential Building on an Industrial Zoned lot providing:

- (i) that any occupant is directly related to the business or industrial activity carried out on the lot;
- (ii) that there shall be a limit of seven days of occupation by any such transient worker.

5.8 RURAL/PASTORAL ZONE

5.8.1 Objectives

The Council's objectives for this Zone are:

- a) to maintain the rural character of the land:
- b) to prohibit the use of any land which may be incompatible to the existing uses or which may adversely affect the expansion of the urban area;
- c) to prohibit the erection of any structure other than a fence on the land subject to inundation.

5.8.2 Building Setbacks

Setbacks of buildings shall be in accordance with **Table 4**.

ZONE	TABLE 4 - RURAL ZONES		
	BUILDING SETBACKS (m)		
	Front	Side	Rear
Rural/Pastoral Zone	30	10	10
Special Rural Zone	10	10	10

5.8.3 Transient Accommodation

Council may permit the construction and occupation of a Residential Building on a lot zoned Rural/Pastoral Zone providing:

- (i) that any occupant is directly related to the business or activity carried out on the lot;
- (ii) that in the case of seasonal activity the duration of occupation shall be limited to not more than thirty days without consent of Council.

5.9 SPECIAL RURAL ZONE

5.9.1 Objectives

The Council's objectives for this Zone are:

- a) to provide for the provision of land for people wishing to reside on a small rural holding;
- b) to prohibit the use of any land which may be incompatible to or adversely affect the amenity of the surrounding land uses;
- c) to maintain the rural/residential character of the land.

5.9.2 Building Setbacks

Setbacks of any building shall be in accordance with **Table 4**.

5.9.3 Permitted Uses

Council shall permit development and land uses as specified in **Appendix 2**.

5.10 SPECIAL SITE ZONE

5.10.1 Special Sites Schedule

The Special sites Schedule in **Appendix No 3** shall be in accordance with the Scheme Maps.

5.10.2 Application of Development Standards

Land within the **Special Sites Zone** may be used for the purposes specified on the Scheme Map and the schedule in **Appendix No 3** as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use.

Council may apply such development standards to a proposal as it thinks fit providing such standards are not less than pertaining to similar uses permitted under the Scheme.

5.11 SETTLEMENT ZONE
AMD 15 GG 13/6/06

5.11.1 Objective

The Council's objective for this Zone is to improve the general health, safety and amenity of Aboriginal communities by supporting the preparation, endorsement and implementation of Community Layout Plans.

5.11.2 Preparation and Endorsement of Community Layout Plan
AMD 15 GG 13/6/06

- (a) Council's dealings in regard to communities in the Settlement zone shall be in accordance with Statement of Planning Policy No. 3.2 – Planning for Aboriginal Communities.
- (b) Community Layout Plans may be prepared for either the whole or part of any land within the Settlement Zone. The plans should be prepared in accordance with the Guidelines for the Preparation of Community Layout Plans for Western Australian Aboriginal Communities and with any other relevant State or Commonwealth Government policy.
- (c) A Community Layout Plan may provide for a mix of land uses which may include residential, community, administration, rural, and health, and small business activities for the support and benefit of the community, where these are consistent with improving the residential amenity in the locality;
- (d) The Council shall not consider a layout plan, or any modification to an approved layout plan, unless the affected community has had an opportunity to comment on the contents of the plan or amendments to an approved plan.
- (e) Council shall assess the planning merits of the plan and then resolve to either approve, refuse or approve with any modification(s) that Council considers necessary.

4.11.3 Development Requirements

- (a) Development in the zone is to be consistent with a Community Layout Plan endorsed by the Community, Council and Western Australian Planning Commission;
- (b) Where an endorsed Community Layout Plan is not in place, development is to be assessed using the best information available, which may include draft Community Layout Plans, 'as constructed' drawings or advice from relevant servicing agencies or organisations;
- (c) Essential services and community infrastructure provided in conjunction with development of land within the zone should be consistent with the adopted Community Layout Plan.

PART VI - AMENITY CONTROL

6.1 UNTIDY SITES

To maintain an acceptable standard of amenity the Council may, by written notice as provided for in **Clause 11.3** require the owner, occupier, or lessee of any land to undertake such works as may be necessary to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.

6.2 VEHICLES, CARAVANS, BOATS AND TRAILERS IN RESIDENTIAL AREAS

Except as hereinafter provided, no person within any lot zoned Residential Zone may without the written approval of the Council:

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

6.3 TRANSPORTABLE HOMES

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

6.4 TEMPORARY ACCOMMODATION

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

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

Occupancy of such temporary accommodation shall only be permitted to persons directly engaged in the development or industry or development of that lot upon which the accommodation standards or in employment related to the industry specified on an Application for Planning Consent as approved by Council ~~in accordance with Part 9 of the deemed provisions in accordance with Clause 10.3.~~

6.5 DERELICT VEHICLES

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

6.6 HOME OCCUPATION/COTTAGE INDUSTRIES

6.6.1 Council shall not permit any Home Occupation or Cottage Industry unless:

- a) Planning consent is granted in accordance with **Part X** of the Scheme. The Council may limit the period of validity of a permitted Cottage Industry and shall review the register from time to time as the Council deems fit;
- b) the applicant provides the following information;
 - i) location of the home occupation/industry;

- ii) the area of the floor space to be devoted to the activity;
- iii) the times and conditions of the operation;

iv) demonstrate that there is a demand for the goods and services.

6.6.2 Nothing in the Scheme shall prevent the Council from implementing any by-law which it may amend from time to time to control any home occupation or cottage industry and where any conflict between those by-laws and this Scheme the by-laws shall prevail.

6.7 OUTBUILDINGS

No outbuilding exceeding 60m² in area shall be erected on any lot without the consent of the Council in accordance with part 7 of the deemed provisions', and:

a) no part of any outbuilding shall be within 0.75 metres of any side or rear boundary;

or

b) as required under the Residential **Planning Design** Codes (as amended), and;

c) any additional setback as required by any servicing authority and;

d) as otherwise stated in any other part of the Scheme.

6.8 REAR ACCESS AND LOADING DOCKS

When considering any application for Planning Consent the Council shall have regard to and may require the provision of loading docks and/or rear access. In particular, the Council may impose conditions concerning:

a) the size of loading docks;

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

PART VII - CAR PARKING

7.1 CAR PARKING REQUIREMENTS

Any person shall not develop or use land or erect, use or adapt any building for any purpose unless car parking spaces of the number specified in **Appendix 4** are constructed and maintained in accordance with the provisions of the Scheme.

Where an application is made for Planning Consent and the purposes for which the land or building is to be used is not specified in **Appendix 4** the Council shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities.

7.2 CONDITIONS OF PLANNING CONSENT

When considering an application for Planning Consent the Council shall have regard to, and may impose conditions on the number and location of the car parking spaces to be provided.

In particular the Council shall have regard to:-

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

7.3 OFF STREET PARKING

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

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

7.4 SHARED OR COMBINED PARKING

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

7.5 STANDARDS

The dimensions of car parking spaces, parking angles, driveway widths and landscaping details shall be in accordance with **Appendix 4**.

The Council may vary the dimensions specified:

- (a) by up to 10% where obstructions, site dimensions or topography result in the loss of a car parking space in any run of car parking spaces.
- (b) when the provisions of a car parking space dimensions are enlarged to accommodate wider vehicles. In such cases the area set aside shall not be less than if the standards specified in **Appendix 4** where applied.

7.6 LANDSCAPING, CONSTRUCTION AND MAINTENANCE

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

7.7 TOWN CENTRE ZONE

In the Town Centre Zone, if the Council is satisfied that adequate constructed car parking is to be provided in close proximity to a proposed development, notwithstanding the provisions of **Appendix 4** it may accept a cash payment in lieu of the provision of car parking spaces but subject to the following requirements:-

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

PART VIII - CONTROL OF ADVERTISING

8.1 — POWER TO CONTROL ADVERTISEMENTS

~~8.1.1. 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 Act requiring, except as otherwise provided, the prior approval of the Council. Such Planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Bylaws.~~

~~8.1.2 Applications for Council's Consent to this Part shall be submitted in accordance with the provisions of **Part X** of the Scheme and shall be accompanied by a completed **Additional Information Sheet** in the form set out at **Appendix 5** giving details of the advertisement(s) to be erected, placed or displayed on the land.~~

8.2 — 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 license or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this Part referred to as existing advertisements;~~

~~May, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the license or approval as appropriate.~~

8.3 — CONSIDERATION OF APPLICATIONS

~~Without limiting the generality of the matters which may be taken into account when making a decision upon an application for 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.~~

8.4 EXEMPTIONS FROM THE REQUIREMENT TO OBTAIN CONSENT

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of **Clause 8.1.1**, the Council's prior consent is not required in respect of those advertisements listed in **Table 5** which for the purpose of this Part are referred to as 'exempted advertisements'.

The exemptions listed in **Table 5** do not apply to buildings, conservation areas or landscape protection zones which are either:

- i) listed by the Heritage Council;
- ii) listed on the register of the National Estate;
- iii) included in the local authority town planning scheme because of their heritage or landscape value.

8.5 — DISCONTINUANCE

~~Notwithstanding the Scheme objectives and **Clause 8.4**, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may by notice in writing (giving clear reasons) require the~~

~~advertiser to remove, relocate, adapt or otherwise modify the advertisement with in a period of time specified in the notice.~~

~~8.6 — 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.~~

~~8.7 — NOTICES~~

~~8.7.1 — ‘The advertiser’ shall be interpreted as any one or any group comprised of the owner, occupier, licensee.~~

~~8.7.2 — Any notice served in exceptional circumstances pursuant to **Clause 8.5** or pursuant to **Clause 8.6** shall be served upon the advertiser and shall specify:~~

~~(i) — the advertisement(s) the subject of the notice,~~

~~(ii) — full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice,~~

~~iii) — the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.~~

~~8.7.3 — Any person upon whom a notice is served pursuant to this Part may, within a period of 60 days from the date of the notice, appeal to the Hon. Minister for Planning or the **Town Planning Appeal Tribunal** in accordance with **Part V** of the **Act**, 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.~~

~~8.8 — SCHEME TO PREVAIL~~

~~Where the provisions of this **Part** are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.~~

~~8.9 — ENFORCEMENT AND PENALTIES~~

~~The offences and penalties provisions specified in Clause 11.2 apply to the advertiser in this **Part**.~~

TABLE 5 - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres.	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
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.	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15m²</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m².</p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves.	<p>a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a municipality, and</p> <p>c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Railway Property and Reserves.	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within Buildings.	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A

**TABLE 5 - EXEMPTED ADVERTISEMENTS PURSUANT TO
CLAUSE 8.4 (Continued)**

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:		
i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
ii) Multiple Dwellings, Shops Commercial & Industrial projects.	One sign as for (i) above.	5m ²
iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above.. One additional sign showing the name of the project builder	10m ² 5m ²
Sales of Goods or Livestock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions. Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
b) Multiple dwellings, shops Commercial & Industrial Properties.	One sign as for (a) above.	Each sign shall not exceed an area of 5m ² .
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m ² .
Display Homes. Advertising signs displayed for the period over which homes are on display for public inspection.	i) One sign for each dwelling on display. ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

~~PART IX – CONSERVATION AND/OR PRESERVATION OF PLACES OF HERITAGE VALUE~~

~~9.1 – PLACES OF HERITAGE VALUE~~

~~The places described in the Schedule of Places of Heritage Value (**Appendix 9**) and shown on the Scheme Map are considered by Council to be components of the natural and cultural environment of the Town of Wyndham, which have aesthetic, historic, scientific or social value for future generations as well as for the present community and therefore are worthy of conservation and/or preservation.~~

~~9.2 – AMENDMENT TO SCHEDULE OF PLACES OF HERITAGE VALUE~~

~~The Council may by amendment to the Scheme in accordance with the Act and Regulations made thereunder:-~~

- ~~(a) — delete from **Appendix 9** a place of heritage value described therein;~~
- ~~(b) — insert, subject to the provisions of the following clauses in **Appendix 9** a place of heritage value as described in the Amendment.~~

~~9.3 – NOTICE OF AMENDMENT TO SCHEDULE OF PLACES OF HERITAGE VALUE~~

~~If the Council resolves to amend the Scheme by inserting in **Appendix 9** a place of heritage value, it shall forthwith give written notice of that resolution to:-~~

- ~~(a) — the owner of the land on which the plan is situated;~~
- ~~(b) — the occupier of the land, if such person is not the owner;~~
- ~~(c) — all other persons whose names appear on the Certificate of Title to the land as having an interest therein.~~

~~In addition to these notices the Council may give notice of a resolution to one or more of the following bodies:-~~

- ~~(a) — Department of Planning and Urban Development;~~
- ~~(b) — Heritage Council of Western Australia;~~
- ~~(c) — National Trust of Australia (WA);~~
- ~~(d) — Registrar of Aboriginal Sites;~~

~~or~~

- ~~(e) — any other person or body who in the opinion of the Council has an interest in the object, place or thing or could give to Council information to assist in arriving at a decision whether or not to proceed with the proposed amendment.~~

~~9.4 – DEVELOPMENT CONTROL~~

~~Notwithstanding the provisions of any part of this Scheme Text expressing a contrary intent, no development at or on a place of heritage value or within a lot or lots upon which such a place exists may be commenced without the Planning Consent of the Council.~~

~~Without limiting the generality of the foregoing, development in this context includes the following:~~

- ~~(a) — alteration (whether internal or external), the demolition, the adaption or modification of any building or structure;~~

- ~~(b) works resulting in a change in the external appearance of a building or structure, including the treatment of the external surfaces thereof;~~
- ~~(c) erection of any new building or structure;~~
- ~~(d) removal of vegetation whether indigenous or exotic or the felling, lopping or topping of trees other than the normal maintenance of lawns or gardens of where the building or place is under threat of damage by such vegetation or classified noxious weed;~~
- ~~(e) erection or display of any advertisement sign.~~

~~9.5 POLICIES~~

~~The Council~~

~~The Council may in accordance with the provisions of the Scheme make and adopt a policy or policy plan or code with respect to the places of heritage value described in **Appendix 9** generally or with special reference to any one or more of them. No such policy or code or any part thereof shall conflict with the provisions of the Scheme.~~

~~9.6 WAIVER OF SCHEME PROVISIONS AND BUILDING CODE OF AUSTRALIA~~

~~9.6.1 In the interests of conserving places of heritage value, the Council may, subject to the provisions of **Part X** of the Scheme, grant approval to proposals for the maintenance and repair, reconstruction or restoration of any building or place notwithstanding that the proposal may not comply with either the other provisions of the Scheme or with the Building Code of Australia.~~

~~9.6.2 Where, in the interests of conserving or preserving places of heritage value, it is not appropriate, in the opinion of the Council to grant Planning Consent to a particular development proposal but that alternative arrangements can be made to accommodate the required development in a better form and/or at a different location, the Council may, notwithstanding non-compliance with the Building Code of Australia, the Residential Codes or any other provision of the Scheme, approve the alternative development or may permit the transfer of part or all of the development potential from the lot concerned to one or more of the nearby lots provided that the overall general objectives of the Scheme will not be jeopardised thereby.~~

~~9.6.3 Where in the interests of conserving a place of heritage value, it is appropriate in the opinion of the Council to grant Planning Consent to the use of a building so classified for a purpose for which it may be suited, the Council may approve any such use notwithstanding that it may not comply with the zoning and/or development provisions of the Scheme.~~

~~9.7 ARBITRATION~~

~~If the parties cannot agree upon the amount of compensation which may become payable pursuant to the Scheme it shall be determined by arbitration in accordance with the Arbitration Act, 1895.~~

~~9.8 PURCHASE OF LAND~~

~~The Council may purchase or, subject to the Act, resume the land on which a place of heritage value described in **Appendix 9** is situated or so much thereof as is in the opinion of the Council necessary for the conservation of that place. The Council may, in lieu of paying compensation pursuant to **Clause 9.7** above, elect to purchase or resume the property concerned.~~

~~9.9 AGREEMENTS~~

~~The Council may enter into agreements:-~~

- ~~(a) — with the owners or occupiers of land on which the places described in **Appendix 9** are situated or the subject of a proposed amendment to the Scheme for the inclusion thereof in that Appendix for the conservation of the place of heritage value.~~
- ~~(b) — with any person or organisation for the conservation of a place of heritage value described in **Appendix 9** or, if the owner therefore agrees, for the conservation of an object, place or thing which in the opinion of the Council is worthy of conservation even though it is not described in that Appendix.~~
- ~~(c) — relating to the determination and setting of compensation.~~

~~PART X - PLANNING CONSENT~~

~~10.1 - APPLICATION FOR PLANNING CONSENT~~

- ~~10.1.1 - Every application for Planning consent shall be made in the form prescribed in Appendix 6 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.~~
- ~~10.1.2 - Unless Council waives any particular requirement every application for Planning Consent shall be accompanied by:-~~
- ~~(a) - A plan or plans to a scale of not less than 1:500 showing:~~
 - ~~(i) - street names, lot number(s), north point and the dimensions of the site;~~
 - ~~(ii) - the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;~~
 - ~~(iii) - the existing and proposed means of access for pedestrians and vehicles to and from the site;~~
 - ~~(iv) - the location, number, dimensions and layout of all car parking spaces intended to be provided;~~
 - ~~(v) - 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;~~
 - ~~(vi) - the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same;~~
 - ~~(vii) - the location of any underground services.~~
 - ~~(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 other plan or information that the Council may reasonably require to enable the application to be determined.~~

~~10.2 - ADVERTISING OF APPLICATIONS~~

- ~~10.2.1 - Where an application is made for Planning Consent to commence or carry out development which involves an 'SA' use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this Clause.~~
- ~~10.2.2 - Where an application is made for Planning Consent to commence or carry out development which involves an 'AA' use, or for any other development which requires the Planning Consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.~~
- ~~10.2.3 - Where the Council is required or decides to give notice of an application for Planning Consent which involves an 'SA' use the Council shall cause one or more of the following to be carried out:-~~
- ~~(a) - notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty one days of the service of such notice;~~

~~(b) — notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within **twenty one days** from the publication thereof;~~

~~(c) — a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph **(b)** of this clause.~~

~~10.2.4 — The notice referred to in **Clause 10.2.3(a)** and **(b)** shall be in the form contained in **Appendix 7** with such modifications as circumstances require.~~

~~10.2.5 — After expiration of **twenty-one days** from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.~~

~~10.3 — DETERMINATION OF APPLICATIONS~~

~~10.3.1 — In determining an application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.~~

~~10.3.2 — The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.~~

~~10.3.3 — The Council shall issue its decision in respect of an application for Planning Consent in the form prescribed in **Appendix 8** to the Scheme.~~

~~10.3.4 — Where the Council approves an application for Planning Consent under this Scheme the Council may limit the time for which that consent remains valid.~~

~~10.4 — DEEMED REFUSAL~~

~~10.4.1 — Where the Council has not within **sixty days** of the receipt by it of an application for Planning Consent either conveyed its decision to the applicant or given notice of the application in accordance with **Clause 10.2** the application may be deemed to have been refused.~~

~~10.4.2 — Where the Council has given notice of an application for Planning Consent in accordance with **Clause 10.2** and where the Council has not within **ninety days** of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.~~

~~10.4.3 — Notwithstanding that an application for Planning Consent may be deemed to have been refused under **Clauses 10.4.1** or **10.4.2** the Council may issue a decision in respect of the application at any time after the expiry of the **sixty day** or **ninety day period** specified in those clauses, as the case may be.~~

PART XI – ADMINISTRATION

11.1 — POWERS OF THE SCHEME

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

- ~~(a) — the Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;~~
- ~~(b) — the Council may acquire any land or buildings in the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit;~~
- ~~(c) — an officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being served;~~

11.2 — OFFENCES

~~11.2.1 — A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:~~

- ~~(a) — otherwise than in accordance with the provisions of the Scheme;~~
- ~~(b) — unless all consents required by the Scheme have been granted and issued;~~
- ~~(c) — unless all conditions imposed upon the granting and issue of any consent required by the Scheme have been and continue to be complied with;~~
- ~~(d) — unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building of that part have been and continue to be complied with.~~

~~11.2.2 — A person who fails to comply with any of the provisions of the **Scheme** is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the **Act**.~~

11.3 — NOTICES

~~11.3.1 — **Twenty eight (28) days** written notice is hereby prescribed as the notice to be given pursuant to **Section 10** of the **Act**.~~

~~11.3.2 — The Council may recover expenses under **Section 10(2)** of the **Act** in a court of competent jurisdiction.~~

11.4 — CLAIMS FOR COMPENSATION

~~Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to **Section 11(1)** of the **Act** is **six (6) months** after the date of publication of the Scheme in the Government Gazette.~~

11.5 — APPEALS

~~An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with **Part V** of the **Act** and the rules and regulations made pursuant to the **Act**.~~

APPENDIX I - INTERPRETATIONS

Abattoir: - means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

~~**Absolute Majority:** - shall have the same meaning as is given to it in and for the purposes of the Local Government Act 1960 (as amended).~~

~~**Act:** - means the Town Planning and Development Act, 1928 (as amended).~~

~~**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 and Advertising sign shall be construed accordingly but does not include:~~

- ~~a) - an advertising sign of less than 2m² in area relating to the carrying out of building or similar work on land on which it is displayed, not being land which is normally used for those purposes;~~
- ~~b) - an advertising sign of less than 2m² in area announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes;~~
- ~~c) - an advertising sign of less than 2m² in area relating to the prospective sale or letting of the land or building on which it is displayed;~~
- ~~d) - an advertising sign exhibited upon any land vested in or owned by the Minister for Railways which is directed only to persons upon or entering a railway station or platform or bus station, and~~
- ~~e) - directional signs, street signs and other like signs erected by a public authority.~~

Airfield: - means land and buildings used in connection with the operation of aeroplanes, including a passenger terminal, offices, parking and servicing of aircraft, and car parking, but not including occasional or seasonal use of temporary facilities for purposes associated with agriculture.

Amenity Building: - means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment or leisure as distinct from the work of the industry or business.

Amusement Facility: - means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

Amusement Machine: - means a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with electronic screen(s) operated by one or more players for amusement or recreation.

Amusement Parlour: - means land and buildings, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

Battle-axe lot: - means a lot having access to a public road by means of an access trip included in the Certificate of Title of that lot.

Betting Agency: - means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).

Builder's Storage Yard: - means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

Building: - shall have the same meaning as is given to it in and for the purposes of the Residential Planning-Design Codes.

Building Envelope: - means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

Building Line: - means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.

Building Setback: - means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.

Camping Area: - means land used for the lodging of persons in tents or other temporary shelter.

Caravan Park: - means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

Caretaker's Dwelling: - means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

Car Park: - means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

Cattery: - means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One - General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.

Civic Building: - means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council for administrative, recreational or other purpose.

Civic Use: - means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

Club Premises: - means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act, 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Commission: - means the State Planning Commission constituted under the State Planning Act 1985.

Community Service Depot: - means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like.

Consulting Rooms: - means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.

Convenience Store: - means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m² gross leasable area.

Day Care Centre: - means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).

Development: - shall have the same meaning given it in and for the purposes of the Act.

Display Home Centre: - means a group of two or more dwellings which are intended to be open for public inspection.

District: - means the Municipal District of the **Shire of Wyndham-East Kimberley**.

Dog Kennels: - means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

Drive-In Theatre: - means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

Dry Cleaning Agency - means a building at which the public may lodge and receive articles for dry cleaning and where in some instances subject to the provisions of the Health Act a limited amount of dry cleaning may be carried out on the premises.

Dry cleaning Premises: - means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

Eating House: - means any house, building or structure or any part thereof in which meals are served to the public for gain or reward and the expression includes a restaurant or cafe. The term does not include:

- a) any premises in respect of which an hotel licence, tavern licence, a restaurant licence or winehouse licence has been granted under the Liquor Act;
- b) any residential building;
- c) any building or structure used temporarily for serving meals to the public at any fair, show, military encampment, races or other sports, games or amusements.

Educational Establishment: - means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.

Effective Frontage: - means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows:

- a) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
- c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

Equestrian Centre: - means land and buildings used for the stabling and exercise of horses and includes facilities for events of a competitive nature.

Factory Unit Building: - means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

Family Care Centre: - means land and buildings used for the purpose of a Family Care Centre as defined in Child Welfare (Care Centres) Regulations, 1968 (as amended).

Fast Food Outlet: - means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

Fish Shop: - means a building where wet fish and similar foods are displayed and offered for sale.

Floor Area: - shall have the same meaning given to it for the purposes of the Building Code of Australia.

Frontage: - means the boundary line or lines between a site and the street or streets upon which the site abuts.

Fuel Depot: - means land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.

Funeral Parlour: - means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

Garden Centre: - means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.

Gazetted Date: - means the date on which this Scheme is published in the Government Gazette.

Gross Leasable Area: - means in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

Harbour Installations: - means land and buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

Health Centre: - means a maternal or X-ray centre, a district clinic, a masseur's establishment, or a medical clinic.

Health Studio: - means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

Hire Service: - means land and buildings used for the storage and hire of machinery and other bulky equipment.

Home Occupation: - means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interferences, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding or the land on which the business is conducted.
- b) does not entail employment of any person not a member of the occupier's family;
- c) does not occupy an area greater than twenty square metres;
- e) does not display a sign exceeding 0.2m² in area;
- f) in the opinion of the Council it is compatible with the principal uses to which land in the zone in which it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;
- g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;
- h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic outbuilding.

- i) does not entail the offering for sale or display of motor vehicles machinery or goods (other than goods manufactured or serviced on the premises); and
- j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5 h.p.).

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

Hospital Special Purposes: - means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

Hotel: - means land and buildings providing accommodation for the public the subject of a Hotel Licence granted under the provisions of the Liquor Act, 1970 (as amended).

Industry: - means the carrying out of any process in the course of trade or business for gain, for and incidental to the one or more of the following:

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

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods, and the use of land for the amenity of but does not include:

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

Industry - Cottage: - means an industry which produces arts and crafts goods which cannot be carried out under the provisions relating to a "home occupation" and that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products,
- b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land.
- c) is conducted and an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m².
- d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located, and;
- e) does not display a sign exceeding 0.2m² in area.

Industry Extractive: - means an industry which involves:

- a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment or manufacture of products from those materials is extracted or on land adjacent thereto; or

- b) the production of salt by the evaporation of sea water.

Industry General: - means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

Industry Hazardous: - means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

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 will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products, and
- b) the establishment of which will not or the conduct of which does not impose an undue load on any exiting or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

Industry Noxious: - means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 - 1979 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

Industry Rural: - means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

Industry Service: - means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

Kindergarten: - means land and buildings used as a school for developing the intelligence of young children by object-lessons, toys, games, singing and similar methods.

Land: - shall have the same meaning given to it in and for the purposes of, the Act.

Laundromat: - means a building, open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.

Liquor Store: - means a building the subject of a Store Licence granted under the provisions of the Liquor Act, 1970 (as amended).

Lot: - shall have the same meaning given to it in and for the purposes of, the Act and "allotment" has the same meaning.

Marine Collector's Yard: - means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act, 1902 (as amended) and Marine Dealer's Yard and Marine Store have the same meaning.

Marine Filling Station: - means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

Market: - means land and buildings used for a fair, a farmers' or producers' market, or a swapmeet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

Medical Centre: - means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

Milk Depot: - means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

Mobile Home: - means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.

Mobile Home Park: - means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation.

Motel: - means land and buildings used or intended to be used to accommodate patron in a manner similar to a Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.

Motor Vehicle and Marine Sales Premises: - means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site.

Motor Vehicle Hire Station: - means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

Motor Vehicle Repair Station: - means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

Motor Vehicle Wash Station: - means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.

Motor Vehicle Wrecking Premises: - means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

Multiple Occupancy: means the use and occupation of a rural holding at a residential density higher than normally associated with traditional rural living and which may be characterised by the following:

- a) an approved agreement for management of and responsibility for the whole or parts of the holding;
- b) more than one separate dwelling unit for use by families or unrelated groups of persons;
- c) a defined area for separate occupation for residential and ancillary uses.

Museum: - means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

Non-conforming Use: - means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

Nursery: - means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

Office: - means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.

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; or~~

~~b) — is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or~~

~~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 thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.~~

Park Home: - means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974 - 1982 but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and so designed and constructed as to permit independent occupancy for dwelling purposes.

Park Home Park: - means an area of land set aside exclusively for the parking of park homes occupied for residential purposes whether for short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land, including ablution blocks, recreation areas, office and storage space, and as approved by Council, a shop or kiosk and refuelling facilities, but the term shall be interpreted to exclude the parking of caravans, camper trailer and the erection of tents.

Petrol Filling Station: - means land and buildings used for the supply of petroleum products and motor vehicle accessories.

Piggery: - shall have the same meaning given to it in and for the purposes of the Health Act, 1911 - 1979 (as amended).

Plot Ratio: - except for a single house, attached house, grouped dwelling or multiple dwelling where it shall have the same meaning given to it in the Residential Planning Codes, plot ratio means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries, and in calculating the gross total of the areas of all floors the areas shall be measured over any walls provided that lift shafts, stairs, toilets and amenities, external wall thicknesses, plant rooms and the gross floor area of any floor space used for the parking of wheeled vehicles including access to and from that space within the building shall not be included.

Potable Water: - means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water - Third Edition, World Health Organisation - 1971'.

Poultry Farm: - means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended).

Prison: - shall have the same meaning given to it in and for the purposes of the Prisons Act, 1981 (as amended).

Private Hotel: - means land and buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended).

Private Recreation: - means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

Produce Store: - means land and buildings wherein fertilisers and grain are displayed and offered for sale.

Professional Office: - means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and professional Person has a corresponding interpretation.

Public Amusement: - means land and buildings used for the amusement or entertainment of the public, with or without charge.

Public Authority: - shall have the same meaning given to it in and for the purposes of the Act.

Public Mall: - means any public street or right-of-way designed especially for pedestrians who shall have the right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.

Public Recreation: - means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.

Public Utility: - means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

Public Worship - Place Of: - means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education or a residential training institution.

Radio and T.V. Installation: - means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

Reception Centre: - means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

Reformatory: - means land and buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.

Residential Building: - means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation.

- temporarily by two or more persons, or
- permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

~~**Residential Planning Codes:**— means the Residential Planning Codes, set out in appendix 2 to the Statement of Planning Policy No 1 together with any amendments thereto as published in the Government Gazette on December 13, 1991.~~

Restaurant: - means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

Restoration: - means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

Restricted Premises: - means any premises, part or parts thereof, used or designed to be used primarily 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 publications pursuant to the Indecent Publications and a Articles Act 1902 (s amended); or
- 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 the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- a) the growing of vegetables, fruit, cereals or food crops;
- b) the rearing or agistment of goats, sheep, cattle or beasts of burden;
- c) the stabling, agistment or training of horses;
- d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- e) the sale of produce grown solely on the lot;

but does not include the following except as approved by the Council:

- i) the keeping of pigs;
- ii) poultry farming;
- iii) the processing, treatment or packing of produce;
- iv) the breeding, rearing or boarding of domestic pets.

Salvage Yard: - means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

Sawmill: - means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.

Schedule: - means a schedule to the Scheme.

Service Station: - means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use, but does not include transport depot, panel beating, spray painting, major repairs or wrecking.

Shared Dwelling: - means a building used primarily for living purposes by not more than five persons residing therein as a single household; the term also includes such outbuildings and recreational uses and gardens as are ordinarily used therewith, but does not include a private hotel, motel or boarding house.

Shop: - means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yards or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

Showroom: - means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

Special Rural Use: - means used carried out under the interpretation of Rural Pursuit, but does not include:

- a) any commercial production;
- b) any use which involves ground water consumption greater than the allowance determined by the ~~Western Australian Water Authority~~ Department of Water;
- c) piggeries or other intensive animal husbandry;
- d) except with the consent of the Council, the stabling, agistment, or training of horses;
- e) other uses considered by Council to be detrimental to the public health or amenity of the area.

Sports Ground: - means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.

Stables: - means land and buildings used for the housing and keeping of horses.

Storey: - means for other than residential development, that portion of a building which is situated between the top of the floor next above it: and if there is no floor above it, that portion between the top of the floor and the ceiling above it.

Tavern: - means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).

Temporary Accommodation: - means any habitable building not permanently affixed to the ground and includes any caravan, transportable dwelling, or any structure used for habitation for the purposes of accommodation for a period not exceeding six months.

Trade Display: - means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

Transport Depot: - means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

Transportable Home: - means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.

Veterinary Consulting Rooms: - means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.

Veterinary Hospital: - means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.

Video Sales and/or Hire: - means premises used for the sale or hire of video equipment or tapes used in video recorders.

Warehouse: - means a building wherein goods are stored and may be offered for sale by wholesale.

Waterway: - means an artificial channel, lake, harbour or embayment, for the navigational, irrigation, ornamental, and recreation purposes, or for any of those purposes; and includes any addition to or alteration of a waterway as so defined.

Wayside Stall: - means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.

Wholesale: - means the sale of any goods 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, (as amended).

Wine House: - means land and buildings the subject of a Wine House Licence granted under the provisions of the Liquor Act 1970, (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 erection and use of buildings or for the use of land, but does not include reserved land.~~

Zoological Gardens: - means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

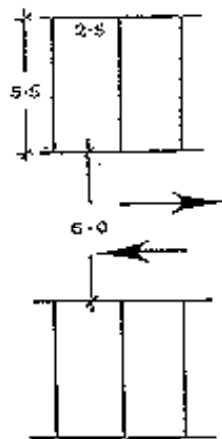
APPENDIX II - SPECIAL RURAL ZONE

Specified Area of Locality	Special Provisions Referring to
<p><i>SR1</i> Six Mile Wedge Drive Lots 1278 - 1280 Lots 1298 - 1231</p> <p>Cole Avenue Lots 439 and 588</p> <p>Gt. Northern Highway Lots 1268, 1294, 1297, 1288 - 1293, 467, 1271, 1364, 1365, 1371 and 1368.</p> <p>Bastion Boulevard Lots 1281 - 1287, 1295 and 1296</p>	<p>1) Subdivision of lots to be in accordance with the a plan approved by the Commission.</p> <p>2) Permitted Uses Agriculture, horticulture and other intensive agriculture, agistment of horses, cattle sheep and goats, but excluding pigs and kennels. Recreational uses. Equestrian Centre. A dwelling and ancillary buildings for the development and maintenance of the predominant use.</p> <p>3) Uses Not Permitted Any industrial use, including the wrecking of motor vehicles and the storage of derelict machinery. Any extractive industry.</p> <p>4) Uses Not Permitted unless Special Approval is Granted by Council (AA). Home Occupation or Home Industry not related to the predominant use.</p> <p>5) Uses Incidental to the Predominant Use (IP)</p> <p>6) Building Setbacks No structure other than a fence shall be permitted within: 10 metres from the front boundary 10 metres from a side boundary 10 metres from a rear boundary</p> <p>7) Caravans/Temporary Accommodation Occupation of temporary accommodation shall be in accordance with Clause 6.4 of the Scheme.</p>

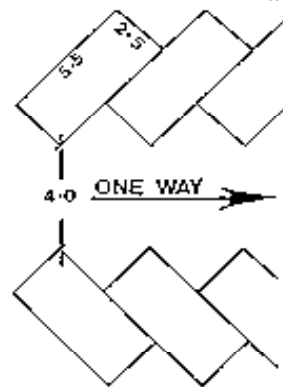
APPENDIX III - SPECIAL SITES SCHEDULE

Lot No	Location	Purpose	Development Provisions
1	Great Northern Highway	Service Station/ Roadhouse	As determined by Council
472	Great Northern Highway	Club	As determined by Council
475	Great Northern Highway	Service Station	As determined by Council
728, 722, 1300, 721	Great Northern Highway	Motel	As determined by Council
Res. 22538 55, 412	Cable Street	Caravan Park	As determined by Council
1372	Great Northern Highway	Service Station	As determined by Council
1370	Great Northern Highway	Alcohol & Drug Rehabilitation Centre	As determined by Council
3	Barytes Road, West Side	Zoological Gardens and Ancillary Purposes	As determined by Council.
1005, 1006	Koolama Street	Health Centre (Alcohol Drying Out Centre)	As determined by Council

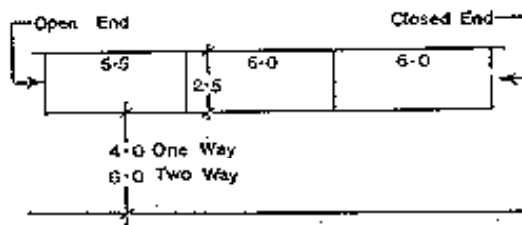
APPENDIX NO. 3 - CARPARKING LAYOUTS



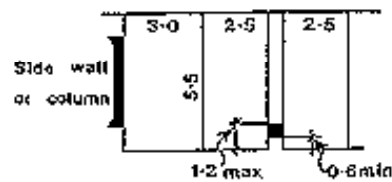
90° Parking



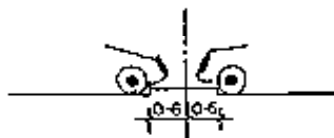
45° Parking



Parallel Parking

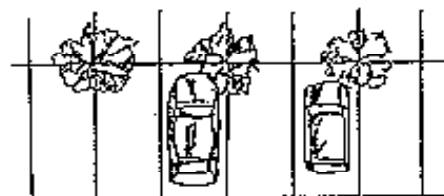


Obstructions



Wheel Stop
Modifications

Not to affect drainage



Shade Tree Landscaping

Kerb ring not to exceed 900mm diam

- 90° & 45° Parking - 5.5m x 2.5m
- Parallel Parking - 6.0m x 2.5m
- OR - 5.5m x 2.5m where Open Ended
- Driveway Widths 90° - 6.0m access
- 45° - 4.0m one way access
- Parallel - 4.0m one way "
- 6.0m two way "

CARPARKING LAYOUTS

APPENDIX IV - CAR PARKING REQUIREMENTS

Use	No Car Parking Spaces
Single House Attached House Grouped Dwelling	As prescribed within the provisions of the Residential Planning Codes
Shop	1 for every 15m ² floor area
Office	1 for every 40m ² floor area
Warehouse/Showroom	1 for every 100m ² floor area
Industry - Service	1 for every 20m ² floor area & 1 for every 50m ² service area
Industry - Light	1 for every 50m ² floor area
Industry - General	1 for every 50m ² floor area
Factoryette	4 for every unit & 1 for customer parking
Licensed Hotel	1 for every bedroom & 1 for every 4m ² of public bar/lounge floor area
Motel	1 for every bedroom & 1 for every 25m ² gross floor area of service building
Tavern	1 for every 4m ² public floor area
Residential Building	1 for every bedroom & 1 for every staff member
Eating House/Restaurant	1 for every 4 seats
Private Club	1 for every 4 persons accommodated
Church	1 for every 4 persons accommodated
Hospital	1 for every 4 beds provided & 1 for every person employed
Medical Centre	3 for every consulting room
Motor Repair Station/Service Station	2 for every working bay & 1 for each employee
Library/Museum	1 for every 35m ² floor area
Take-Away Food Outlet	1 for every 10m ² floor area
T.A.B.	1 for every 10m ² floor area

~~APPENDIX V – INFORMATION SHEET FOR ADVERTISEMENT APPROVAL~~

~~SHIRE OF WYNDHAM – EAST KIMBERLEY~~

~~CONTROL OF ADVERTISEMENTS~~

~~ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL~~

~~(to be completed in addition to Application for Approval to Commence Development)~~

~~1. Name of Advertiser (if different from owner):~~

.....

~~2. Address in Full:~~

.....

~~3. Description of Property~~ upon which advertisement is to be displayed, including full details of its proposed position within that property:

.....

.....

.....

~~4. Details of Proposed Sign:~~

Height: Width: Depth:

Colours to be used:

.....

.....

Height above ground (top level of Advertisement:

(to underside).....

Materials to be used:

Illuminated: Yes/No

If Yes, state whether steady, moving, flashing alternating, digital, animated or scintillating, etc.

If Yes, 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:~~

.....

~~N.B.~~ 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:~~

~~APPENDIX VI – APPLICATION FORM FOR PLANNING CONSENT~~

~~SHIRE OF WYNDHAM – EAST KIMBERLEY~~

~~APPLICATION FORM FOR PLANNING CONSENT~~

1. ~~Surname of Applicant..... Given Names.....~~
~~Full Address~~

2. ~~Surname of Landowner~~
~~(If different from above..... Given Names.....~~
~~Address~~

3. ~~Submitted by~~

4. ~~Address for Correspondence~~

5. ~~Locality of Development.....~~

6. ~~Title Details of Land.....~~

7. ~~Name of Road Serving Property~~

8. ~~State Type of Development.....~~
~~Nature and size of all buildings proposed~~
~~.....~~
~~Materials to be used on External Surface of Buildings.....~~
~~.....~~
~~General Treatment of Open Portions of the Site.....~~
~~Details of Car Parking and Landscaping Proposals~~
~~.....~~
~~Approximate Cost of Proposed Development.....~~
~~Estimated Time for Construction.....~~
~~.....~~
~~Signature of Owner..... Signature of Applicant or Agent~~
~~(Both signatures are required if applicant is not the owner)~~

~~Date..... Date~~

NOTE: ~~This form should be completed and forwarded to the Wyndham – East Kimberley Shire Council together with 2 COPIES of plans showing complete details of the development, including a site plan showing the relationship of the land to the area generally.~~

~~In areas where close development exist, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.~~

~~All applications shall be accompanied by:~~

~~(a) a location plan showing the land and the subject of the application and its relationship to surrounding lots and streets;~~

~~and in the case of an application for the erection of new buildings:~~

~~(b) a site plan or plans showing:~~

~~(i) the position, type and use of any new buildings and improvements proposed on the land;~~

~~(ii) the position, type and use of any new buildings and improvements proposed on the land;~~

~~(iii) the position of any trees on the site showing those to be removed and those to be retained;~~

~~(iv) areas to be landscaped, surfaced for parking or developed for any other purpose within the site;~~

~~(v) contours and any earthworks to be undertaken as a part of the development;~~

~~(vi) the location and description of any buildings, places or objects (see Section 2.4);~~

~~(vii) the method by which stormwater run-off is to be contained on the site or discharged from the site;~~

~~or in the case of an application for a change in the use of land and/or buildings;~~

~~(c) a site plan and, where applicable, floor plan(s) of the existing buildings(s) indicating the uses to be made of the land and the respective buildings or portions of the building(s).~~

~~APPENDIX VII – NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL~~

~~SHIRE OF WYNDHAM – EAST KIMBERLEY~~

~~NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL~~

~~It is HEREBY NOTIFIED for public information and comment that the Council 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 Council Office.~~

~~Comments on the proposal may be submitted to the Council in writing on or before the~~
~~.....day of.....19.....~~

~~.....~~
~~SHIRE CLERK~~

~~.....~~
~~DATE~~

~~APPENDIX VIII – DECISION ON APPLICATION FOR PLANNING CONSENT~~

~~SHIRE OF WYNDHAM – EAST KIMBERLEY~~

~~DECISION ON APPLICATION FOR PLANNING CONSENT~~

~~The Council or its delegated officer having considered the application~~

~~dated~~

~~submitted by~~

~~on behalf of~~

~~hereby advise that it has decided to:~~

~~REFUSE/GRANT APPROVAL: _____ TO COMMENCE DEVELOPMENT~~

~~TO DISPLAY AN ADVERTISEMENT~~

~~subject to the conditions for the following reasons:-~~

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

~~SHIRE CLERK~~

~~DATE~~

APPENDIX IX - SCHEDULE OF PLACES OF HERITAGE VALUE

Lot No	Location	Land Use
Reserve 34340	Barytes Road (Port area)	Protection of Ruins (The Residency)
Multiple	Port Town Centre Precinct O'Donnell Street	Multiple uses incl. shops, residential, public purposes,
Reserve 17291	Great Northern Highway One Mile	Pioneer Cemetery (1886 - 1922)
Reserve 20359	Reginald Street (Gully)	Cemetery (1922 - 1968)
Reserve 19746	Three Mile	Old Cemetery (Afghan)
Reserve 33684	Great Northern Highway Nine Mile	Preservation of Historic Relics Round Stone Storeroom
Lot 58	Connor Street	Ruins of Three Mile Hotel

ADOPTION

Adopted by Resolution of the Council of the Shire of WYNDHAM-EAST KIMBERLEY at the Ordinary Meeting of the Council held on the 19th day of March 1992.

.....
PRESIDENT

Dated 26 March 1992

.....
SHIRE CLERK

Dated 26 March 1992

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the 18th day of February 1993 and the Seal of the Municipality was pursuant to that Resolution hereunder affixed in the presence of:

.....
PRESIDENT
(DEPUTY)

.....
SHIRE CLERK

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.5 of this Scheme and to which formal approval was given by the Hon Minister for Planning on the date shown below.

2. Recommended/Submitted for final approval by the State Planning Commission:

.....
for Chairman,
State Planning Commission

3. Final approval granted:

.....
SARAH ARTHUR
for Hon Minister for Planning

Dated 3 December 1993