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SHIRE OF ASHBURTON

Local Planning Scheme No. 7

Updated to include AMD 33 GG 06/09/2022



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
24 December 2004

Disclaimer

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Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

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SHIRE OF ASHBURTON LPS 7 – TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				Gazetted 24/12/04 Capture completed by Diane Hepden 8/2/05
3	13/11/09	17/11/09	DH	Zoning Table - identifying use class 'Aged or Dependent Persons Dwelling' as a 'D' use in the 'Community' zone.
5	13/4/10	19/4/10	NM	Modified Clause 6.18 (c). Modified "No. 1" Special Use Zone, Appendix 3.
6	22/6/10	25/6/10	NM	Modified Clause 6.11.4.
9	21/12/10	19/01/10	NM	Modified clauses 6.11.8 & 7.1. Added new clause 7.9. Inserted new Appendix "11 – Ashburton North Strategic Industrial Area (SIA)".
10	22/11/11	29/11/11	NM	Inserted No. 2 Portion of Lot 152, Onslow Road and portion Road No. 8400 into Schedule 3 – Special Use Zones.
11	20/12/11	09/01/12	NM	Deleted reference to 'Onslow Strategic Industrial Buffer' within clause 7.1.1 and renumbered the clauses 7.1.1(d) – 7.1.1 (g).
8	27/01/12	15/02/12	NM	Modified 'Transient Workforce Accommodation' to read as an X use under the 'Strategic Industry' zone within the Zoning Table.
12	27/01/12	15/02/12	NM	Inserted Clause 6.6.2.
13	23/4/13	29/4/13	NM	Inserted Clause 6.6.3.
14	23/4/13	29/4/13	NM	Modified Clause 6.10 by inserting 6.10.4 and Clause 6.10.5. Modifying the Zoning Table identifying the use class 'Transient Workforce Accommodation' as an 'A' use in the Commercial and Civic zone.
18	6/9/13	8/10/13	NM	Inserted a new clause 6.11.8 and renumbered subsequent clauses accordingly.
17	21/03/14	09/04/14	ML	Inserted new clauses 6.11.12 and 6.11.13 and 7.9.4 and renumbered subsequent clauses accordingly.
20	27/06/14	08/07/14	ML	Schedule 3 – insert No. 3 Lot 50 Nameless Valley Drive, Tom Price – special use and special provisions
26	22/12/15	14/01/16	RO	Insert sub-section 7.10 "waste Water Treatment Plant Odour Buffer Special Control Area" Insert new reference of Waste Water Treatment Plant Odour Buffer Special Control Area in the Scheme Map Legend (under 'Other') and defined by a dark blue dotted line. Modify the Scheme Map to insert the Waste Water Treatment Plant Odour Buffer Special Control Area for the Onslow Waste Water Treatment Plant as provided in the Shire Administration Report; Reserve the Onslow Waste Water Treatment Plant on Reserve 47957 under the Scheme from "Conservation, Recreation and Natural Landscapes" reserve to a reserve for "Public Purposes - WD (Water and Drainage) & WDT (Waste Disposal and Treatment)". Amend the Scheme Map accordingly.
21	15/12/15	03/02/16	RO	Amend the Scheme Maps in accordance with the following: 1.1 Reclassifying portions of Lots 712, 713, 350, 500 and 9002, as depicted on the Scheme Amendment Map, from 'Conservation, Recreation and Nature Landscape' reserve to 'Urban Development' zone. 1.2 Reclassifying Lot 448 from 'Conservation, Recreation and Nature Landscape' reserve to 'Urban Development' zone. 1.3 Reclassifying Lots 676, 9004, 79, 78, 75, 74, 73, 80, 71, 70 and 69 from 'Rural Living' zone to 'Urban Development' zone. 1.4 Reclassifying the Eagle Nest Road Reserve from 'Local Road' reserve to 'Urban Development' zone. 1.5 Reclassifying portions of Lots 302 and 203, as depicted on the Scheme Amendment Map, from 'Public Purposes – Waste Disposal and Treatment' reserve to 'Urban Development'

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>zone.</p> <p>1.6 Reclassifying Lot 129 from 'Public Purposes – Waste Disposal and Treatment' reserve to 'Urban Development' zone.</p> <p>1.7 Reclassifying Lot 72 from 'Public Purposes – Water and Drainage' reserve to 'Urban Development' zone.</p>
15	22/12/15	03/02/16	RO	<p>Rezoning part Lot 16 on Deposited Plan 161140, Onslow Road, Onslow (portion of Onslow airport) from 'Public Purposes - Airport' reserve to 'Mixed Business' zone.</p> <p>Amend the Scheme Maps accordingly.</p>
24	01/08/14	13/06/16	RO	<p>To replace and introduce a revised provision Clause 7.3.</p> <p>To replace and introduce a revised provision Clause 6.20.2 and Clause 6.20.3.</p> <p>Introducing a new provision of Appendix 12.</p>
29	19/07/16	20/07/16	MLD	<p>Rezone portion of Lot 500 on Deposited Plan 401881 from 'Rural' to 'Public Purposes - Waste Disposal and Treatment' as shown on the Amendment Map.</p> <p>Amend the Scheme Map Accordingly.</p>
22	19/07/16	28/07/16	MLD	<p>Amend Clause 6.8</p> <p>Amend the Scheme Maps by removing reference to the Residential Design Codes density on the Urban Development zone.</p> <p>Remove the existing use permissibility classifications from the 'Urban Development' zone and insert a "Note 1" within the Urban Development column of the Zoning Table of clause 4.2.</p>
28	30/09/16	24/10/16	AC	<p>Part 4 – Zones of the Shire of Ashburton Town Planning Scheme No. 7 – Inserted Clause 4.5 – Additional Uses.</p> <p>Amended the Scheme map by introducing the legend for 'Additional Use' in accordance with the Schedule 3 – Legends used in Scheme of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Amended the Scheme map by applying the 'Additional Use - 1' annotation to Lot 111, Tom Price – Paraburdoo Road, Tom Price.</p>
30	02/12/16	20/12/16	GM	<p>Rezoning portion of Lot 16 Onslow Road from 'Public Purposes - Airport' reserve to 'Special Use' zone.</p> <p>Inserted provision 5, Portion of Lot 16 Onslow Rd into Appendix 3.</p> <p>Amend Scheme Maps accordingly.</p>
31	02/06/17	08/06/17	MLD	<p>Rezone the following land parcel from 'Parks, Recreation and Drainage' reserve to 'Residential R20' as depicted on the amendment map:</p> <p>a) Lot 26 Killawarra Drive, Tom Price</p> <p>Amend the Shire of Ashburton Town Planning Scheme No. 7 Scheme Map accordingly.</p>
27	16/03/18	19/03/18	MLD	<p>Reclassify the following land parcels from the 'Parks, Recreation and Drainage' reserve to 'Residential R20'.</p> <p>a) Part Lot 277 Killawarra Drive and Amaroo Place, Tom Price</p> <p>b) Part Lot 271 Killawarra Drive and Jabbanup Place, Tom Price</p> <p>Amend the Scheme Maps accordingly.</p>
33	06/09/2022	06/09/22	MLD	<p>Rezoning Lot 558 Beadon Creek Road from 'Tourism' to 'Industry'.</p> <p>Incorporate additional Clause 4.6 – Restricted Use which includes text.</p>

Scheme Details

Shire of Ashburton

Local Planning Scheme No. 7

The Local Government of the Shire of Ashburton, in accordance with the powers conferred upon it by the *Town Planning and Development Act, 1928* (as amended), referred to here as The Act, makes the following Town Planning Scheme for the purposes set out in the Act.

The text of this local planning scheme must be read in conjunction with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Where a provision of this scheme is inconsistent with a deemed provision, the deemed provision shall prevail.

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PART 1 – PRELIMINARY

1.1 COMMENCEMENT

1.1.1 The Shire of Ashburton Town Planning Scheme No. 7 (“the Scheme”) comes into operation on its publication in the Government Gazette.

Note: The Gazettal date is defined in Schedule 1.

1.1.2 The following Schemes are revoked:

Town Planning Scheme No. 3 - Tom Price
Gazetted February 12, 1988

Town Planning Scheme No.4 - Paraburdoo
Gazetted September 14, 1990

Town Planning Scheme No. 5 - Onslow
Gazetted April 7, 1995

1.2 RESPONSIBLE AUTHORITY

The Shire of Ashburton (the “Local Government”) is the responsible authority for implementing the Scheme.

Note: The “Local Government” is defined in Schedule 1.

1.3 SCHEME AREA

The Scheme applies to the Local Government district of the Shire of Ashburton as generally shown by the Scheme area boundary on the Scheme Maps. All offshore islands are included in the Scheme (except Doole, Whitmore, Roberts, North and South Muiron Islands) and including False and Weld in the east and Barrow Island in the North.

1.4 CONTENTS OF THE SCHEME

The Scheme comprises:

- a) This Scheme Text
- b) The Scheme Maps (Sheets 1-12)

1.5 PURPOSE OF THE SCHEME

The general purpose of the scheme is to:

- (a) facilitate community input into planning for the appropriate balance between economic and social development, conservation of the natural environment, heritage structures and places, and improvements in lifestyle and amenity,
- (b) respond to strategic planning directions for the Shire by facilitating development in accordance with the Scheme objectives, strategic statements in the Scheme Report and any other strategic and policy statement adopted by Local Government,
- (c) reserve certain portions of land required for public and other purposes,

- (d) zone the balance of the land within the Scheme Area for purposes described in the Scheme, define the uses and types of development to be permitted on land within the Scheme Area, and
- (e) control and regulate the development of land, erection and demolition of buildings and the carrying out of works,
- (f) make provision for the conservation of areas and places of heritage interest,
- (g) make provisions for development having regard for the long term protection of natural resources, such as clean air, water, soil and biological diversity.
- (h) make provision for the administration and enforcement of the Scheme,
- (i) address other matters contained in Schedule 1 of the Act.

1.6 AIMS OF THE SCHEME

The following Aims of the Scheme provide the strategic basis for decisions made by the Local Government in accordance with the Scheme.

- (a) To facilitate development that responds to the character and amenity, geographical context and environmental constraints of the Shire and its urban and rural areas.
- (b) To provide areas available for urban development where there is a perceived potential for population growth and provide development standards for urban development.
- (c) To locate recreation, commercial and community services in central places within urban centres to maximise access and efficiency of infrastructure provision.
- (d) To respond to potential strategic industry and resource development.
- (e) To provide areas and development standards for local industrial and mixed business development.
- (f) To provide sites and development standards for recreation, community uses and public infrastructure, including infrastructure corridors for transporting multiple types of materials and energy of regional and state significance.
- (g) To identify the location and land requirements of roads within a defined State, regional and local hierarchy.
- (h) To allow the continued use of rural land for pastoral and other associated rural and remote uses, particularly rural settlements.

- (i) To identify areas for conservation, recreation and natural landscapes which are important for ecological, heritage and amenity purposes in addition to the major tourist assets of the Shire.
- (j) To facilitate development that takes account of the heritage value of places, buildings and objects.
- (k) To acknowledge the health risks within the Wittenoom townsite.
- (l) To facilitate development that has regard for the long term protection of natural resources, such as clean air, water, soil and biological diversity.
- (m) To facilitate the orderly development of Onslow Structure Plan.
- (n) To assist in the effective implementation of regional plans and policies, including the State Planning Strategy.

1.7 RELATIONSHIP WITH LOCAL LAWS

Where a provision of this Scheme is inconsistent with a Local Law, the provisions of this Scheme shall prevail.

1.8 DEFINITIONS

- 1.8.1 Words and expressions used in the Scheme, and requiring a specific interpretation for the purpose of the Scheme, shall have the respective meanings given to them in the Act, Appendix 2, elsewhere in the Scheme or the Residential Planning Codes.
- 1.8.2 The definitions in Appendix 2 apply to the Scheme unless State Government Model definitions or other standard definitions in the Residential Planning Codes are modified and subsequently endorsed by the Local Government.
- 1.8.3 Where a word or term is defined in the Residential Planning 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 Codes, unless the word has been specifically redefined by Appendix 2.

Note: Reference to the Residential Planning Codes and their application in respect of the Scheme are contained in clause 6.5.

PART 2 – PLANNING POLICY

2.1 LOCAL PLANNING POLICIES

- 2.1.1 Local Government may adopt policy (Policy Statements), for any matter it considers relevant to land use planning and for all or any part of the Scheme area, and may amend, add to or revoke a Policy Statement.
- 2.1.2 Any Development Plan, prepared in accordance with the Scheme, or other plan or strategy may be adopted by Local Government as a Policy Statement.

2.2 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME

- 2.2.1. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.
- 2.2.2. A Policy Statement is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2.3 PROCEDURE FOR MAKING OR AMENDING A LOCAL PLANNING POLICY

- 2.3.1. If a local government resolves to prepare a Policy Statement, the Local Government
 - (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of ;
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
 - (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.
- 2.3.2. After the expiry of the period within which submissions may be made, the Local Government is to;
 - (a) review the proposed Policy in the light of any submissions made; and
 - (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

Note: Policy Statements are guidelines used to assist the Local Government in making decisions under the Scheme. Although Policy Statements are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Planning Codes. In considering an application for planning approval, the Local Government must have due regard to relevant Policy Statements as required under clause 5.9

- 2.3.3. If the local government resolves to adopt the Policy, the Local Government is to;
- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
 - (b) if, in the opinion of the Local Government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
- 2.3.4. A Policy has effect on publication of a notice under clause 2.3.3(a).
- 2.3.5. A copy of each Policy Statement, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Local Government.
- 2.3.6. Clauses 2.3.1 to 2.3.5, with any necessary changes, apply to the amendment or revoking of a Policy Statement.

2.4 REVOCATION OF LOCAL PLANNING POLICY

A Policy Statement may be revoked by

- (a) the adoption by a Local Government of a new Policy under clause 2.3 that is expressed to supersede the existing Policy Statement; or
- (b) publication of a notice of revocation by the Local Government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

PART 3 - RESERVES

3.1 CATEGORIES

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

Public Purposes

- (a) Open Space
 - i. Parks, Recreation and Drainage
 - ii. Conservation, Recreation and Natural Landscapes
- (b) Roads
 - i. Local
 - ii. State/Regional
- (c) Other Public Purposes
 - i. Port Facilities
 - ii. Telecommunications
 - iii. Energy
 - iv. Waste Disposal and Treatment
 - v. Water and Drainage
 - vi. Cemetery

Other Purposes

- (d) Infrastructure

3.2 USE AND DEVELOPMENT OF RESERVES

- 3.2.1 A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.
- 3.2.2 Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.
- 3.2.3 The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government.

Note: Under Section 32 of the Act, the Crown, statutory authorities and local governments undertaking, constructing or providing public works are exempt from the requirements to obtain planning approval but are required to consult with the Local Government and to have regard to the intent of the scheme and local amenity.

- 3.2.4 The requirement for planning approval in subclause 3.2.3 may be extinguished if development is in accordance with a Local Government endorsed agreement between operators of infrastructure within the reserve.
- 3.2.5 The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.
- 3.2.6 The Local Government may prepare or require to be prepared an assessment of environmental values of the “Conservation, Recreation and Natural Landscapes” reserves prior to considering a planning application on this reserve.
- 3.2.7 In the case of land reserved under the Scheme for the purpose of a public authority, the Local Government is to consult that authority before making its determination.

Note: This requirement for planning approval may also be extinguished by any Act of Parliament which grants any party the exclusive right to develop, operate and maintain infrastructure within an infrastructure reserve.

PART 4 - ZONES

4.1 CATEGORIES

The zones on the Scheme Maps have the following categories and objectives:

- (a) Residential
 - i. Residential - This zone provides for residential development at a range of densities as indicated on the Scheme Maps.
 - ii. Urban Development - This zone is intended for future urban land, encompassing residential, community, commercial or industrial uses, open space and other reserves. Development is to proceed in accordance with a 'Development Plan'.
- (b) Commercial
 - i. Commercial and Civic - This zone allows for a variety of uses and is intended to be developed as the administrative and commercial centre of each town.
 - ii. Tourism - This zone is intended to accommodate development which has a primary focus on providing a tourism service.
- (c) Industrial
 - i. Mixed Business - This zone is intended to provide a range of light and service industrial land uses, showrooms and wholesale businesses which, by reason of their scale, character and operational requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within Commercial or Industrial zones.
 - ii. Industry - This zone is for Industrial and associated land uses, providing for manufacturing, extraction or processing industries, public utilities, storage or wholesaling or any business that can be considered within one of the 'Industrial' definitions in the Scheme
 - iii. Industrial and Mixed Business Development - This zone is intended for new Industrial and Mixed Business Business areas. Development is to proceed in accordance with a 'Development Plan'.
 - iv. Strategic Industry - This zone is intended to accommodate industrial and associated land uses which are consistent with the provisions on the Onslow Structure Plan.

- (d) Rural
 - i. Rural - This zone allows for a variety of Rural activities, providing for agriculture, horticulture, viticulture, grazing, dairying or farming generally and may include market gardens, stables, horse training, nurseries and the like. It also provides for extractive industry.
 - ii. Rural Living - This zone is allows for smaller allotments where dwellings are located within a rural setting and other associated uses may occur, which may include agriculture and intensive agriculture.
- (e) Community
 - i. Community - This zone is intended to accommodate organisations involved in activities for community benefit.
 - ii. Education - This zone is intended to accommodate organisations involved in educational activities for community benefit.
 - iii. Airport - This zone allows for the provision of aerodrome facilities.

4.2 ZONING TABLE

AMD 3 GG 13/11/09; AMD 8 GG 27/01/12

ZONING TABLE		Residential	Urban Development	Commercial and Civic	Tourism	Mixed Business	Industry	Industrial & Mixed Business Development	Strategic Industry	Rural	Rural Living	Community	Education	Airport
Residential														
1	Aged or Dependent Persons Dwelling	D		D	D	X	X	X	X	D	D	D	X	X
2	Caretaker's Dwelling	I		I	I	I	D	X	X	I	I	I	I	I
3	Grouped Dwelling	D		D	D	X	X	X	X	A	D	I	X	X
4	Holiday Accommodation	X		D	P	X	X	X	X	I	I	X	X	X
5	Hotel	X		D	D	X	X	X	X	A	X	X	X	I
6	Motel	X		D	D	X	X	X	X	A	A	X	X	I
7	Movable Dwelling	I		X	D	I	X	X	X	D	X	X	X	X
8	Multiple Dwelling	A		A	A	X	X	X	X	X	X	I	I	X
9	Residential Building	D		D	X	X	X	X	X	D	D	I	I	X
10	Rural Settlement	X		X	X	X	X	X	X	A	A	X	X	X
11	Single House	P		X	X	X	X	X	X	P	P	X	X	X
12	Transient Workforce Accommodation <i>AMD 14 GG 23/4/13</i>	D		A	D	I	X	D	X	D	D	I	I	I
Industry														
13	Abattoir	X		X	X	X	D	D	X	D	X	X	X	X
14	Agriculture	X		X	X	X	X	X	X	P	D	I	X	X
15	Arts and Crafts Centre	A		P	P	D	X	X	X	D	A	P	I	I
16	Harbour and Marina Facilities	X		X	X	X	D	D	P	X	X	X	X	X
17	Hire Service (Industrial)	X		X	X	P	P	D	X	X	X	X	X	X
18	Home Business	A		A	A	X	X	X	X	D	A	X	X	X
19	Home Occupation	D		D	D	X	X	X	X	D	D	X	X	X
20	Industry - Extractive	X		X	X	X	D	D	I	D	A	X	X	X
20	Industry - General	X		X	X	X	D	D	A	X	X	X	X	X
22	Industry - Light	X		X	X	P	P	D	X	X	X	X	X	X
23	Industry - Noxious	X		X	X	X	D	D	A	X	X	X	X	X
24	Industry - Resource Processing	X		X	X	X	D	A	P	A	A	X	X	X
25	Industry - Rural	X		X	X	X	D	D	X	D	D	X	X	X
26	Industry - Service	X		X	X	P	P	D	X	X	X	X	X	X
27	Infrastructure	D		D	D	D	D	D	P	D	D	D	D	D
28	Intensive Agriculture	X		X	X	D	D	D	X	D	D	I	I	X
29	Research Laboratory	X		D	X	P	P	D	I	D	X	D	I	X
30	Stockyard	X		X	X	X	D	D	X	P	X	X	X	X
31	Storage facility/depot/laydown area	X		X	X	D	P	D	I	D	X	X	X	I
Commerce														
32	Aerodrome	X		X	X	X	X	X	X	A	X	A	X	P
33	Display Home Centre	D		X	X	X	X	X	X	D	D	X	X	X
34	Exhibition, Display and Outdoor Sales Facilities	X		P	D	P	A	D	X	I	I	I	I	I
35	Market	X		P	D	D	D	D	X	D	X	I	I	X
36	Motor Vehicle and/or Marine Repair	X		I	X	P	P	D	I	I	X	X	I	I
37	Motor Vehicle and/or Marine Sales & Hire	X		D	I	P	P	D	X	I	X	X	X	I
38	Motor Vehicle and/or Marine Service Station	X		D	I	D	D	D	I	A	X	X	X	X
39	Motor Vehicle and/or Marine Wrecking	X		X	X	X	P	D	X	X	X	X	X	X
40	Motor Vehicle Wash	X		D	D	D	P	D	I	X	X	X	X	X
41	Office	A		P	D	D	I	D	I	I	I	I	I	I
42	Outdoor Display	X		D	I	P	P	D	X	D	X	X	X	X
43	Restaurant	X		P	P	X	X	X	X	I	X	I	I	I
44	Shop	A		P	D	D	D	D	X	A	X	I	I	I

ZONING TABLE		Residential	Urban Development	Commercial and Civic	Tourism	Mixed Business	Industry	Industrial & Mixed Business Development	Strategic Industry	Rural	Rural Living	Community	Education	Airport
	Commerce (Cont'd)													
45	Showroom	X		D	X	P	P	D	X	X	X	X	X	I
46	Take-away Food Outlet	X		P	D	D	D	D	X	A	X	I	I	I
47	Warehouse	X		X	X	P	P	P	I	X	X	X	X	I
	Health, Welfare and Community Services													
48	Carpark	X		D	D	D	D	I	I	X	X	I	I	I
49	Childcare Service	A		D	D	X	X	X	X	D	A	P	I	X
50	Community Use	A		D	D	X	X	X	X	X	A	P	P	X
51	Consulting Rooms	A		P	D	X	X	X	X	D	A	D	I	X
52	Education Establishment	A		D	X	X	X	X	X	D	X	I	P	X
53	Emergency Services	X		D	X	D	D	D	D	D	X	D	X	P
54	Funeral Parlour	X		D	X	D	D	D	X	A	X	D	X	X
55	Hospital	X		D	X	X	X	X	X	X	X	X	X	X
56	Detention Centre`	X		X	X	X	X	X	X	A	X	A	X	X
57	Medical Centre	X		P	X	X	X	X	X	X	X	D	X	X
58	Nursing Home	A		D	X	X	X	X	X	D	A	D	X	X
59	Place of Animal Care	X		D	X	D	D	X	X	D	A	X	I	I
60	Place of Public Meeting, Assembly or Worship	A		D	D	X	X	X	X	D	A	P	I	X
61	Public Utility	D		D	D	D	D	D	D	D	D	D	D	D
	Entertainment, Recreation and Culture													
62	Clubrooms	X		D	X	D	X	X	X	D	X	P	I	X
63	Equestrian Centre	X		X	A	X	X	X	X	A	X	X	X	X
64	Entertainment Venue	X		A	A	A	X	X	X	A	X	A	I	I
65	Private Recreation	X		D	D	D	X	X	X	D	X	D	I	X
66	Public Recreation	D		D	D	X	X	X	X	D	D	D	I	I
67	Reception Centre	X		D	D	X	X	X	X	D	X	D	X	X

The symbols used in the zoning table have the following meanings:

- P** means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.
- D** means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
- A** means that the use is not permitted unless the Local Government has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 5.7.
- I** means that the use is not permitted unless the development is incidental to the predominant development on the lot as decided by Local Government.
- X** means a use is not permitted by the Scheme.

Note 1: Where an adopted Structure Plan applies to the land which specifies use permissibility's for that land, all uses shall be considered discretionary uses pursuant to the Scheme. AMD 22 GG 19/7/16

4.3 DEFINITIONS IN THE ZONING TABLE

- 4.3.1 Where a specific use is included in the definition of specific use in Appendix 1 it is deemed to be excluded from the definition of any other development which may include it by more general reference.
- 4.3.2 If the use for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the use categories, the Local Government may determine:
- (a) that the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or
 - (b) that the proposed development may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and an application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4.

4.4 SPECIAL USE ZONES

- 4.4.1 Special use zones are set out in Schedule 3 and are in addition to the zones in the Zoning table.
- 4.4.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purposes set out against that land in Schedule 3 and subject to compliance with any conditions set out in Schedule 3 with respect to that land.

Note:
Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

4.5 ADDITIONAL USES

AMD 28 GG 30/09/2016

- 4.5.1 The Table sets out -
- (a) Classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) The conditions that apply to that additional use.

Table – Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
1	Lot 111, Tom Price – Paraburdoo Road, Tom Price	Holiday Accommodation and associated reception centre, restaurant, training centre; Exhibition, Display and Outdoor Sales (Plant Nursery); and Industry - Rural (Water Extraction and Bottling and associated storage and distribution facilities)	Pursuant to State Planning Policy 3.7 - Planning in Bushfire Prone Areas, applications for development approval must be submitted with a Bushfire Hazard Level Assessment or BAL Contour Map to determine the suitability of the proposal against bushfire attack. Where a significant bushfire threat has been identified, a Bushfire Management Plan shall be prepared and implemented through the development proposal.

- 4.5.2. Despite anything contained in the zoning table, land that is specified in the Table to subclause 4.5.1 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that land.

4.6 RESTRICTED USE

AMD 33 GG 6/9/2022

4.6.1 – The table below sets out –

- a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- b) the conditions that apply to that restricted use.

Table – Restricted uses for land in Scheme area No. Description of land Restricted use Conditions

No.	Description of Land	Restricted Use	Conditions
1	Lot 558 Beadon Creek Road, Onslow	<p>All use classes in the Zoning table for this site are 'X' except as follows:</p> <p>'D' use class</p> <ul style="list-style-type: none"> • Transport Depot <p>Transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including -</p> <ol style="list-style-type: none"> (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another; 	<ol style="list-style-type: none"> 1. Any proposed development of the site for Transport Depot must demonstrate operations on the premises, will not cause any injury to, or will not adversely affect the adjoining property, Lot 100 on Deposited Plan 403216 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. 2. All applications for development approval shall include a traffic impact assessment prepared to the satisfaction of the local government. Details shall include, but not be limited to, the maximum classification of heavy vehicles authorised to access the site from the surrounding road network and demonstration of sufficient internal manoeuvring area so that vehicles can safely enter and exit the site in forward gear. 3. Activities associated with the handling, storage, loading and transportation of bulk ore materials and other basic raw materials are not permitted to be undertaken on the site.

4.6.2. Despite anything contained in the zoning table, land that is specified in the Table to subclause 4.6.1 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

PART 5 – PLANNING APPROVALS

5.1 REQUIREMENT FOR PLANNING APPROVAL

- 5.1.1 Subject to the exemptions in clause 5.3 the planning approval of Local Government is required for all development, including building, works, changes in use and new uses, on zoned and reserved land in the Scheme.
- 5.1.2 Any person proposing to undertake development is required to submit a planning application in accordance with subclause 5.5, unless it is exempted from this requirement by subclause 5.3.1.
- 5.1.3 Any person who proposes development, and is in doubt as to whether planning approval is required, may seek written clarification from the Local Government.
- 5.1.4 Unless otherwise varied by the planning approval of Local Government, and this variation is exercised by the discretion of Local Government in accordance with the Scheme, all development is to be in accordance with the provisions of this Scheme.

5.2 DEFINITION OF DEVELOPMENT

For the purpose of this Scheme “development” means:

- (a) the physical alteration or use of land, including the modification or removal of vegetation
- (b) excavation
- (c) extraction of materials from land
- (d) removal, demolition, erection, construction, alteration, improvement of a building or structure on land
- (e) the erection, placement, display of any advertising device and the development or use of land, buildings or structures for that purpose
- (f) the provision of infrastructure
- (g) In relation to any building, object or place in the Municipal Heritage Inventory, or identified in a development plan as having heritage value, any act or thing that:
 - is likely to change the character of the place, or the external appearance of any buildings, or
 - would constitute an irreversible alteration to the fabric of any building.

5.3 EXEMPTIONS FROM PLANNING APPROVAL

Notes:

5.3.1 The planning approval of Local Government is not required for the following use of land:

- (a) The use of land which is a permitted (P) or incidental (I) use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works or requires the provision of additional car parking as outlined in clause 6.17.
- (b) any extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (c) any change in an incidental (I) use that does not change the predominant use of the land.
- (d) The erection, construction, maintenance, improvement or alteration of a boundary fence or wall, or other means of boundary enclosure except as otherwise required by the Scheme.
- (e) The erection, construction, maintenance, improvement or alterations to a single house, including ancillary accommodation, outbuildings, landscaping and swimming pools, in a zone in which a single house is a permitted (P) use, provided the proposal:
 - (i) does not include variations to the Residential Planning Codes,
 - (ii) is not within a Special Control Area,
 - (iii) does not relate to a building, object or place listed on the Municipal Heritage Inventory,
 - (iv) is not a second dwelling on a lot,
 - (v) does not require planning approval in accordance with (f) below,
 - (vi) does not require the exercise of discretion.
- (f) The carrying out of building or works which involve removal or demolition of buildings, affect only the interior of buildings, or do not affect the external appearance of buildings, provided the buildings
 - (i) are not located in a place that has been entered in the Register of Places under the Heritage of WA Act, 1990
 - (ii) are not subject to an Order under Part 6 of the Heritage of WA Act 1990
 - (iii) are not included in the Municipal Heritage Inventory
- (g) An existing advertising device that was lawfully erected, placed or displayed prior to the approval of this Scheme or may be erected placed or displayed pursuant to a license or other approval granted by the Local Government prior to the approval of this Scheme

Development carried out in accordance with a subdivision approval granted by the Commission is exempt under Section 20D of the Town Planning and Development Act.

(P) permitted and (I) incidental developments require a planning application if they include building, works or the need for additional carparking. Local Government does not have the discretion to refuse the application on the basis that the development category is inappropriate for the location. It may, however, refuse the application, or apply conditions to an approval, on the basis that the characteristics of the proposal do not fully satisfy the requirements of the Scheme

- (h) Any of the exempted classes of advertising devices in Appendix 4 except in respect of a place included in the Municipal Heritage Inventory.
- (i) The carrying out of works undertaken by Local Government, a public authority, or authorised agent of either, for any public utility or works or in connection with the maintenance or improvement of a public street, provided it is not located within an Infrastructure Reservation.
- (j) any works which, provided Local Government has prior notification, are temporary and in existence for less than 48 hours or such longer time as the Local Government agrees.
- (k) The development of land in a reserve, where such land is held by the Local Government or a public authority, for the purpose for which the land:
 - (i) is reserved under the Scheme, or
 - (ii) may be lawfully developed by the Local Government or public authority.
- (l) The carrying out of minor works or the maintenance of infrastructure within the Infrastructure reservation, where in the opinion of Local Government it is not likely to impact on other infrastructure providers or users within the reservation, by either a public authority or other authorised user of the reservation, provided Local Government has prior notification of the works.
- (m) The carrying out of works associated with low impact telecommunications facilities as defined by the Low Impact Facilities Declaration 1997.
- (n) The carrying out of works urgently necessary for public safety, the safety or security of plant or equipment or the maintenance of essential services.
- (o) The development of land in a rural settlement where Local Government has resolved that an endorsed development plan adequately addresses Local Government requirements for planning approval,
- (p) The parking of a movable dwelling where Local Government has previously approved the use of the site for that purpose.
- (q) The development of land which, under State or Commonwealth legislation is exempt from the requirement of planning approval.

Note: Subject to the zoning table Local Government may approve any site for the parking of a movable dwelling. This may be one dwelling on one lot or many dwellings on one lot, for example in conjunction with planning approval for a holiday accommodation development.

5.4 UNAUTHORISED EXISTING DEVELOPMENT

- 5.4.1 The Local Government may require a planning approval for development or use already commenced or carried out if it considers this work is not excluded from this requirement by subclause 5.3.1.
- 5.4.2 The Local Government may grant planning approval to development already commenced or carried out provided it is in accordance with the requirements of the Scheme or Local Government has exercised its discretion in accordance with the Scheme to vary these requirements.
- 5.4.3 Development which was unlawfully commenced shall not be rendered lawful by the occurrence of any subsequent event except the granting of planning approval.
- 5.4.4 In granting planning approval for unlawful development Local Government may require additional works, demolition or modifications to ensure the development complies with the provisions of the Scheme.

5.5 APPLICATIONS FOR PLANNING APPROVAL

- 5.5.1 Every application for planning approval shall be made in the form prescribed by Appendix 5 and, unless Local Government waives a particular requirement, shall be accompanied by such plans and other information outlined in Appendix 5.
- 5.5.2 Where the undertaking of building or works will result in one or more uses these uses are to be specified on the application for planning approval and Local Government shall determine which of these is or is not approved.

5.6 ADDITIONAL HERITAGE INFORMATION

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

- (a) Street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation.
- (b) Side and rear elevations of the proposed development, drawn to a scale of not smaller than 1:100.
- (c) A site plan including existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed, such a plan shall be drawn to the same scale as the site plan.

- (d) Notwithstanding any existing assessment on record, an assessment of the cultural and heritage significance of any existing buildings and the development site to Local Government's satisfaction.
- (e) a detailed schedule of all finishes, including materials and colours of the proposed development and unless the Local Government exempts the applicant from the requirement or any part of it, also the existing developments on the subject lot immediately adjoining the subject lot.
- (f) any other information that Local Government considers relevant.

5.7 ADVERTISING OF APPLICATIONS

- 5.7.1 Where an application is made for planning approval to carry out development which involves an "A" use, the Local Government shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of subclause 5.7.3.
- 5.7.2 Despite clause 5.7.1 where an application is made for planning approval to carry out any other development the Local Government may give notice of the application in accordance with the provisions of subclause 5.7.3.
- 5.7.3 Where the Local Government is required or decides to give notice of an application for planning approval it shall do so in one or more of the following ways:
 - (a) allow for relevant calendar events, determine a submission period no less than 14 days and being appropriate to the potential impact of the development.
 - (b) give notice of the proposed development on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Local Government within the submission period,
 - (c) publish notice of the proposed development in a local newspaper circulating in the Scheme area stating that submissions may be made to the Local Government within the submission period.
 - (d) erect a sign or signs displaying notice of the proposed development in a conspicuous position on the land for the duration of the submission period.
- 5.7.4 The Local Government shall ensure further reports, plans, sketches, scale models, photographs or other similar aids to explain the proposal, are deposited at the offices of the Local Government for viewing, during normal office hours by any persons wishing to tender a submission or objection.
- 5.7.5 All costs associated with the advertising and display of a proposed development shall be borne by the applicant.

5.7.6 After expiration of the submission period the Local Government shall consider and determine the application.

5.8 CONSULTATION WITH OTHER AUTHORITIES

In considering an application for planning approval, the Local Government may consult any other statutory, public or planning authority it considers appropriate.

5.9 MATTERS TO BE CONSIDERED

The Local Government, in considering an application for planning approval, shall have due regard to the following:

- (a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme,
- (b) the requirements of orderly and proper planning including any relevant proposed new Town Planning Scheme of the Local Government or any proposed amendment to an existing Scheme operating within the district,
- (c) any approved Statement of Planning Policy of the Commission,
- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia,
- (e) any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme,
- (f) the conservation of any building, structure, object or place of heritage significance, including:
 - (i) the Management Category and associated recommendations in the Municipal Heritage Inventory
 - (ii) an endorsed development plan containing heritage provisions,
 - (iii) the views of the Heritage Local Government of WA, the National Trust of Australia (WA) or any other relevant bodies.
- (g) the conservation and management of the natural environment including:
 - (i) any approved Environmental Protection Policy under the Environmental Protection Act 1986
 - (ii) likely risk of the land being subject to flooding, tidal inundation, subsidence, landslip, bushfire or other natural phenomena.
 - (iii) impact on soil erosion and land degradation.
 - (iv) landscaping proposals and existing vegetation.

- (h) the capacity of the site and surrounding locality to support the development including:
 - (i) access, egress, unloading, manoeuvring and parking of vehicles
 - (ii) traffic generated from the development
 - (iii) need for public transport services
 - (iv) public and utility infrastructure and community services
 - (v) whether adequate provision has been made for access for pedestrians, cyclists and disabled persons
 - (vi) impact of the development on the amenity of the locality
 - (vii) any relevant submissions or objections received or sought on the application.
 - (viii) any other planning consideration that Local Government considers relevant.
- (i) any local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 6.14, and any other plan or guideline adopted by the Local Government under the Scheme;
- (j) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (k) the conservation of any place that has been entered in the register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage Inventory under clause 6.14, and the effect of the proposal on the character or appearance of a heritage area;
- (l) the compatibility of a use or development with its setting;
- (m) any social issues that have an effect on the amenity of the locality;
- (n) the cultural significance of any place or area affected by the development, including Aboriginal heritage considerations;
- (o) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (p) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (q) whether adequate protection is provided to protect drinking water, as well as ground and surface water bodies from degradation;
- (r) whether adequate provision is made to protect buffer requirements;
- (s) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

- (t) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (u) the potential loss of any community service or benefit resulting from the planning approval;
- (v) any other considerations which the Local Government considers relevant to the Scheme purpose and aims in clauses 1.5 and 1.6, and
- (w) any relevant submissions or objections received or sought on the application;
- (x) any other planning consideration that Local Government considers relevant.

5.10 DETERMINATION OF APPLICATIONS

In determining an application for planning approval the Local Government may:

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

5.11 FORM AND DATE OF DETERMINATION

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

Note: Refer to Clause 5.18 for avenues of appeal available to applicants aggrieved by the decision of Local Government.

5.12 TERM OF PLANNING APPROVAL

5.12.1 Where the Local Government grants planning approval, that approval:

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

5.12.2 An application may be made to the Local Government, in the form prescribed in subclause 5.5.1, for an extension of the term of approval at any time prior to the expiry of the approval period in clause 5.12.1 (a). The length of the extended approval period shall be determined at Local Government's discretion.

5.13 AMENDING OR REVOKING A PLANNING APPROVAL

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

5.14 TEMPORARY PLANNING APPROVAL

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

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

5.15 COMPLIANCE WITH CONDITIONS

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

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

5.15.3 If the Local Government grants its approval subject to conditions, and any of the conditions are not fulfilled or complied within the time stipulated by Local Government, or stipulated subsequently on reasonable notice to the applicant, the Local Government may in addition to any other remedies available to it, revoke its approval.

Note: Notwithstanding this subclause, the requirements of the Local Government Act (1995) apply to the revocation of planning approvals.

5.15.4 Where the Local Government revokes its planning approval, it may also remove buildings or undertake any other necessary works pursuant to section 10 of the Act and recover the cost of doing so from the applicant.

5.16 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

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

5.16.2 When considering an application for planning approval which may require later approval of details, the Local Government may request further details prior to considering the application.

5.16.3 Where the Local Government has granted approval, subject to matters requiring later approval, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval, or other such period as specified in the approval.

5.17 DEEMED REFUSAL

5.17.1 An application for planning approval shall be deemed to have been refused where a decision has not been conveyed to the applicant by the Local Government within 60 days of the receipt of it by the Local Government, or 90 days in the case of a planning approval subject to subclause 5.7.2, or within such time as agreed in writing between the applicant and the Local Government.

5.17.2 Notwithstanding that an application for planning approval may be deemed to be refused, the Local Government may issue a valid decision in respect of the application at any time after the expiration of the 60 or 90 day period referred to in subclause 5.17.1.

5.18 APPEALS

An applicant aggrieved by a decision of the Local Government in respect of the exercise of a discretionary power under the Scheme, including the granting of approval with conditions, may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

Note:

1. The reference to the Act is to the Town Planning and Development Act 1928
2. Applicants may appeal to either the Minister for Planning or the Town Planning Appeals Tribunal.
3. A discretionary power does not extend to a refusal of a planning approval where a use is (x) not permitted in the zoning table.

PART 6 – DEVELOPMENT REQUIREMENTS

6.1 GENERAL REQUIREMENTS

- 6.1.1 Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a development requirement prescribed by the Scheme, the Local Government may, notwithstanding the non-compliance, approve the application unconditionally or subject to such conditions as the Local Government thinks fit.
- 6.1.2 In considering an application for planning approval under this clause, where, in the opinion of the Local Government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Local Government is to;
- (a) consult the affected parties by following one of more of the provisions for advertising uses under clause 5.7 and;
 - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 6.1.3 The power conferred by this clause may only be exercised if the Local Government is satisfied that;
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 5.9 and;
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

6.2 RESTRICTIVE COVENANTS

- 6.2.1 Subject to the provisions of sub-clause 6.2.2, a restrictive covenant affecting any land in the Scheme Area whereby, or the effect of which is that, the restrictive covenant is inconsistent with the provisions of the Scheme or the Residential Planning Codes, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of this Scheme.
- 6.2.2 Where sub-clause 6.2.1 operates to extinguish or vary a restrictive covenant the Local Government shall not grant planning approval to the development of the land which would but for the operation of sub-clause 6.2.1 have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 5.7.3.

6.3 ENVIRONMENTAL CONDITIONS

6.3.1 In accordance with Section 7A4 of the Act, environmental conditions imposed by the Minister for the Environment on the present scheme or amendments to the present scheme are incorporated into the Scheme by Appendix 6 of the Scheme.

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

6.3.2 Where appropriate, the environmental conditions are indicated on the Scheme maps by the symbol EC to indicate that environmental conditions apply to the land together with the amendment number.

6.4 DEVELOPMENT PLANS

6.4.1 Local Government may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for:

- (a) Urban Development zones
- (b) Industrial and Mixed Business Development zones
- (c) Rural Living zones
- (d) Rural Settlement developments

6.4.2 Local Government shall, upon endorsement of development plans, or parts of development plans, ensure they are included in the Shire of Ashburton Land Use Planning Policy Manual as a policy statement.

6.4.3 Notwithstanding the requirements of this scheme, all development is to comply with the requirements of endorsed development plans.

6.4.4 The proponent of a Development Plan, required by this scheme, may appeal in accordance with Part V of the Act against:

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

6.4.5 Development Plans shall address the matters outlined in Appendix 7.

6.4.6 The Local Government shall request the Western Australian Planning Commission to adopt Development Plans as the basis for approval of subdivision applications within the areas covered by the plans.

- 6.4.7 The Local Government shall request Development Plans, or any departure from or alterations it considers substantial, to be advertised seeking public submissions in accordance with subclauses 5.7.3 and 5.7.4, prior to considering endorsement of the plans.
- 6.4.8 Any departure from or alterations to Development Plans may, subject to the approval of the Commission, be permitted if the Local Government considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area.
- 6.4.9 A Development Plan may indicate development categories in the zoning table which should be considered permitted (P) by Local Government in the area of the plan. In the absence of an endorsed Development Plan the symbols in the zoning table apply.
- 6.4.10 Local Government may, when it considers subdivision and development in an area the subject of a development plan has proceeded to an extent where detailed zones and Reserves should be defined, amend the Scheme to indicate these zones and Reserves.
- 6.4.11 Appeals
- 6.4.11.1 The proponent may appeal in accordance with Part V of the Town Planning Act, any:
- a. determination or decision made by the Commission;
 - b. requirement imposed by or modification sought by the Commission; or
 - c. determinations deemed to have been made by the Commission under clauses 6.4.6 or 6.4.8 in the exercise of the Commission's powers under clause 6.4.
- 6.4.11.2 The Proponent may appeal, in accordance with Part V of the Town Planning Act, any decision made by the Local Government under clause 6.4.7 or 6.4.8.

6.5 RESIDENTIAL PLANNING CODES

- 6.5.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Western Australian Planning Commission's Statement of Planning Policy No. 1, together with any amendments to these codes.
- 6.5.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Local Government.

Note: The Residential Planning Codes are the statewide standards for residential development in Western Australia.

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

Note: The Residential Planning Codes include different standards for a range of dwelling densities from R2 (low density) through to R160 (high density). Town Planning Schemes are required to identify the intended density for different residential areas

6.5.4 The appropriate density for residential development on land not subject to the residential zone shall be determined by Development Plans, where required and prepared in accordance with this Scheme, or in the absence of this requirement or a prepared Development Plan, at the discretion of Local Government.

6.6 SPECIAL APPLICATION OF THE RESIDENTIAL PLANNING CODES

AMD 12 GG 27/01/12

6.6.1 Split coding of R12.5/R30 applies to existing and future development areas. The higher density is applied when connection to reticulated sewerage is available.

6.6.2 Notwithstanding any other provision of the Scheme, where reticulated sewerage and water is available to a lot in Tom Price and Paraburdoo -

- (a) the local government may consent to the development for the purposes of the erection of not more than two grouped dwellings on a lot comprising not less than 874m², with a minimum site area of 437m² per grouped dwelling, within any area coded R20 or greater on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;
- (b) subject to Sub-Clause (d), the local government may for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R30 on a lot greater than 1,500m² within any area coded R20 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;
- (c) subject to Sub-Clause (d), the local government may for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R40 on a lot greater than 1,500m² within any area coded R30 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7; and
- (d) in determining any application lodged pursuant to Sub- Clauses (a), (b) and (c) above, the local government shall consider in addition to those matters listed in Clause 5.9 the likely impacts of the proposed development on the identifiable area provision under Part 7, any relevant Local Planning Policy and amenity of the immediate locality in which the proposed development is to be situated.

6.6.3 notwithstanding any other provision of the Scheme, on land in Onslow zoned Residential R20 and where reticulated sewerage and reticulated water is available to a lot and where the Applicant has addressed to the requirements of the local government, matters associated with the floodway and development within it – *AMD 13 GG 23/4/13*

- (a) the local government may consent to the development for the purposes of the erection of not more than two grouped dwellings on a vacant lot comprising not less than 875m², with a minimum site area of 435m² per grouped dwelling subject to formal advertising pursuant to Clause 5.7;
- (b) the local government may for the purposes of urban consolidation, only consent to the development of a vacant lot for the purposes of grouped dwellings at a maximum density of R30 on a lot greater than 1,500m² subject to formal advertising pursuant to Clause 5.7;
- (c) in determining any application lodged pursuant to sub-Clauses (a) and (b) above the local government may reduce front setbacks to reflect R30 as specified under the Residential Design Codes and shall consider in addition to those matters listed in Clause 5.9 the likely impacts of the proposed development on the identifiable area provision under Part 7, any relevant Local Planning Policy and amenity of the immediate locality in which the proposed development is to be situated.

6.7 RESIDENTIAL ZONE

6.7.1 Unless prior planning approval has been granted by Local Government, no person shall, within a residential zone:

- (a) park or allow to remain stationary for more than four hours consecutively:
 - (i) more than one commercial or industrial vehicle on a particular lot,
 - (ii) a commercial or industrial vehicle, boat trailer, boat, movable dwelling, recreational vehicle, freight container or other storage device unless it is parked in a domestic garage or outbuilding, or such vehicle is parked entirely on the lot in a position which is not unduly obtrusive,
 - (iii) any vehicle which, due to size or load, is not capable of being completely parked within a domestic garage or outbuilding having a maximum floor area of 45 square metres in which no horizontal dimension is more than 15 metres,
 - (iv) a vehicle which, together with its load, exceeds three metres in height or longer or wider than permitted on roads without requiring special warning signs, unless the vehicle is being used in connection with building or construction works,

- (b) build, repair, paint, service, or renovate any marine vessel, caravan, commercial or industrial vehicle in front of the building line.
- 6.7.2 Notwithstanding clauses 3.5.1 and 4.7.1 of the Residential Planning Codes every dwelling shall be provided with a store room of not less than four square metres in floor area for the purposes of storing domestic outdoor items during cyclones. The store room shall be fully enclosed and have direct ground level access from outside the building with no direct internal access from the dwelling. It may form part of the main building structure or be a permanent outbuilding.
- 6.7.3 Applications for development under the R Codes for land zoned Residential and which could be potentially contaminated through previous land uses shall not be determined by the Local Government unless issues relating to possible soil and groundwater contamination are first resolved to the satisfaction of the Department of Environmental Water and Catchment Protection.

6.8 URBAN DEVELOPMENT ZONE

- 6.8.1 Applications for development for land zoned Urban Development and which could be potentially contaminated through previous land uses shall not be determined by the Local Government unless issues relating to possible soil and groundwater contamination are first resolved to the satisfaction of responsible public authorities. *AMD 22 GG 19/7/16*
- 6.8.2 In considering any proposal for subdivision or development of land within the Urban Development Zone, the Local Government shall have regard to any existing or proposed extractive industry operations within the zone, and may require or recommend to the WAPC staging of development or subdivision to minimise land use conflict during the life of the extractive industry operation. *AMD 22 GG 19/7/16*

6.9 TRANSIENT WORKFORCE ACCOMMODATION

- 6.9.1 All transient workforce accommodation, whether intended as permanent or temporary structures, shall be regarded as residential development and is subject to the requirements of the Residential Planning Codes and clause 6.5 of this Scheme.
- 6.9.2 Except in the residential zone and notwithstanding subclause 6.9.1, the requirements of the Residential Planning Codes and clause 6.5 of the Scheme may be varied for transient workforce accommodation by Local Government provided adequate justification for the variation is submitted by the proponents of the accommodation and provided Local Government considers the variation appropriate.
- 6.9.3 Planning applications for temporary structures to provide transient workforce accommodation shall, to Local Government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitated or developed for a different use intended for the site.

- 6.9.4 Local Government may require, by signed agreement, a commitment to the date and details of rehabilitation and conversion the subject of subclause 6.9.3.

6.10 COMMERCIAL ZONES

- 6.10.1 Development in the Commercial and Civic and Tourism Zones should be generally in accordance with the strategic statements contained in the Scheme Report, or strategic statements contained in the Scheme Report, or policy in the policy manual.
- 6.10.2 In the absence of strategic or policy statements for land within the zones referred to in subclause 6.10.1 Local Government, when considering a planning application, shall take into account other matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures.
- 6.10.3 The density of residential development in the Commercial and Civic and Tourism zones shall not exceed R50, with the exception of land located within the Onslow Hazard Special Control Areas, where residential development shall not exceed R30.
- 6.10.4 Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following – *AMD 14 GG 23/4/13*
- (a) the proposed transient workforce accommodation development is of a very high quality;
 - (b) the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;
 - (c) a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;
 - (d) connection to reticulated sewer, water, and power is available;
 - (e) what time limit on the transient workforce accommodation use should be imposed; and
 - (f) where the development is of a permanent nature and where dongers, or transportable buildings or structures of any description are not proposed.
- 6.10.5 Where in the opinion of the Local Government any of the provisions of Clause 6.10.4 are not met, transient workforce accommodation is prohibited.

6.11 INDUSTRY

General Provisions

- 6.11.1 Development in the Mixed Business, Industry and Industrial/Mixed Business Development Zones should generally be in accordance with the strategic statements contained in the Scheme Report or a policy statement in the Policy Manual.
- 6.11.2 In considering planning applications within the industrial zones, community zones, public purpose Reserves, infrastructure reservation or the industry buffers identified in the Policy Manual, Local Government shall have regard for the:
- (a) compatibility of the proposed uses with other surrounding uses,
 - (b) potential impact of the proposal on the efficient and effective operations of existing and planned industry, infrastructure or public purposes, and
 - (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.
 - (d) restricting unsewered industrial developments to low wastewater producing type of industries, that is industries predicted to produce a daily wastewater volume of less than 540 litres per 200m² of lot area intended for disposal on site.
 - (e) the capacity for infrastructure to accommodate additional loads (particularly where development involves the expansion of existing operations);
 - (f) measures to prevent soil and groundwater contamination; and
 - (g) separation of stormwater and process liquids and the onsite containment of process liquids.

Note: The WAPC Industrial Buffer Policy requires buffers to be identified where land uses have a potential off-site impacts relating to air and noise emissions, safety risks, etc. It indicates residential development should not be permitted within buffers where this is incompatible with these off-site impacts. Other development should be permitted having regard for these impacts and the effect of the development on existing industry.

Note: Industrial buffers applicable to the Shire of Ashburton shall be identified in the Shire's Land Use Planning Policy Manual.

Industry Zones

- 6.11.3 When considering applications for planning approval in the Mixed Business, Industry or Industrial/Mixed Business Development zones Local Government shall not permit development to be set back less than five metres from the front boundary or buildings to cover more than fifty percent of the lot and should be generally in accordance with any other minimum development standard contained in the Policy Manual.

6.11.4 Local Government, in considering applications for subdivision/amalgamation of land shall not recommend approval of lots in the mixed Business, industry or Industrial/Mixed Business Development Zones which are below 2000m² or include battleaxe access legs unless the subdivision/amalgamation proposes connection to reticulated sewer, water power and drainage and is land included in an approved Development Plan pursuant to Clause 6.4 of the Scheme. *AMD 6 GG 22/6/10*

Note: Local Government has a preference for mixed business and industrial zones to have a range of lot sizes to accommodate diversity in industrial activity.

6.11.5 Development of factory unit buildings shall include:

- (a) a minimum floor area of 100 m² for each unit,
- (b) a service yard screened from view of the street, which is appurtenant to the unit, located separate from the principal access to the unit and to the rear or side of the building, with a minimum size of fifty percent of the unit floor area,
- (c) off-street carparking in accordance with the carparking requirements of Appendix 6 and which may include a reduction to one visitor bay per unit and may be accommodated in one area of the overall site.

Industrial and Mixed Business Development Zone

6.11.6 All development requirements related to the Mixed Business and Industry Zones also apply to the Industrial and Mixed Business Development Zone.

6.11.7 Before considering any proposal for subdivision or development of land within the Industrial and Mixed Business Development Zone, the Local Government may require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by Local Government.

Strategic Industry Zone

6.11.8 Within the Ashburton North Strategic Industry Special Control Area, the Local government shall not recommend approval of subdivision of lots in the 'Industry zone unless it generally reflects the lot design, layout and lot minimums as provided for in an endorsed development plan'. *AMD 18 GG 6/9/13*

6.11.9 When considering applications for planning approval in the strategic industry zone Local Government shall ensure that the proposal:

AMD 09 GG 21/12/10

- (a) optimises the effectiveness of the zone as a strategic industrial area and utilises major infrastructure, creates symbiosis with other industries or includes resource processing industry;
- (b) reflects any endorsed Structure Plan;
- (c) is significant to the regional and/or state economies;
or

- (d) provides goods and services which directly support or compliment industries described in (a) and (b) of this subclause; and
- (e) minimises or offsets impacts on local infrastructure, economic and community development.

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

6.11.11 Local Government shall consult with the relevant State Government or other relevant organisations, when assessing planning applications in the strategic industry zone, to ensure the proposal does not conflict with the strategic intentions for industry and infrastructure development in the zone.

6.11.12 For Lot 152 and portions of Lot 153 Onslow Road and portion of Lots 350, 505, 508, 509, 518 and 519 and Lots 500, 506, 507, 520 540 and 541 zoned 'Strategic Industry' within the Ashburton North Strategic Industrial Area, all development shall be in accordance with the LandCorp ANSIA Industrial Development Plan. Works associated with the development of land shall only be undertaken with the written approval of the Local Government in accordance with Part 5 of this Scheme and following the referral of development proposals within the Strategic Industry zone to the Environmental Protection Authority in accordance with s38 of the *Environmental Protection Act 1986*. AMD 17 GG 21/03/14

6.11.13 All use and development shall be in accordance with the LandCorp ANSIA Industrial Development Plan.

AMD 17 GG 21/03/14

6.12 RURAL ZONES

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

6.13 COMMUNITY ZONES

In considering applications for planning approval in the community, health, education or airport zones Local Government shall have regard for the:

- (a) aims relating to the entire Scheme in clause 1.6,
- (b) Strategic statements contained in the Scheme Report or policy statements in the Policy Manual.

- (c) broad intentions for the particular zone and any existing development within the zone, and
- (d) potential impact of the proposal on the surrounding locality.

6.14 HERITAGE MATTERS

Purpose and Intent

6.14.1 The purpose and intent of the heritage provisions is to:

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

Inventory of Heritage Places and Buildings

6.14.2 The Local Government shall establish and maintain an Inventory of buildings, objects, structures and places considered by the Local Government to be of heritage significance and worthy of conservation.

6.14.3 For the purposes of this Part, Inventory means the Municipal Heritage Inventory prepared and amended by the Local Government pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended).

6.14.4 The Local Government shall keep copies of the Inventory with the Scheme documents for public inspection during normal office hours.

6.14.5 The Local Government may amend, add to or delete entries of buildings, objects, structures or places in the Inventory in accordance with the procedures for adoption in subclause 6.14.6.

6.14.6 The Local Government, before adopting a proposal to establish or amend the Inventory, shall:

- (a) notify in writing the owner(s) and the occupier(s) of the land and any other persons whose names appear on the Certificate of Title of the land as having an interest in the land,

- (b) advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign or signs displaying notice of the proposal, adequately describing and illustrating the proposal, to be erected in a conspicuous position on the land for a period of twenty-eight days from the date of publication of the notice in the newspaper, and use such other methods as the Local Government considers appropriate to ensure widespread notice of the proposal,
- (c) invite submissions on the proposal within a period of not less than 28 days of the date specified on the notice under (b) of this clause,
- (d) carry out such other consultations as it thinks fit,
- (e) consider any submissions made and resolve to adopt the proposal with or without modification or reject the proposal, and
- (f) forward notice of its decision to the Heritage Local Government of WA and Western Australian Planning Commission.

Development Plans

6.14.7 Where the Local Government requires a Development Plan to be prepared for any zone in the Scheme, that plan shall document the heritage values and character of the development area, including any buildings, objects, structures and places included in the inventory, and include measures to conserve or enhance these to the satisfaction of Local Government.

6.14.8 Where heritage matters are a significant component of a Development Plan, Local Government shall:

- (a) undertake the advertising procedures in subclause 5.7.3 and
- (b) advise the Commission and the Heritage Local Government of Western Australia of Local Government's decision in relation to endorsement of the Development Plan.

Variations to Scheme Provisions and Conservation Incentives

6.14.9 Where desirable to facilitate the conservation of a heritage place or to enhance or conserve heritage values, the Local Government may vary any provision of the Scheme provided that, where in the Local Governments opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the subject site, the Local Government shall:

- (a) consult the affected parties by following one or more of the provisions in subclause 5.7.3, and

- (b) have regard to any expressed views prior to granting the variation.

6.14.10 The Local Government may permit, on a lot zoned residential and listed in the Inventory, an increase up to fifty percent of permitted dwelling density which otherwise would not apply on that lot. The density bonus shall only be granted where the increased development would not adversely affect the cultural or heritage significance and character of the place, street or precinct, and if one or more of the following circumstances apply:

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

6.14.11 In a case where the Local Government has permitted an increase in density in accordance with subclause 6.14.10, the standards and provisions of the higher density code shall apply.

6.14.12 The Local Government may enter into a heritage agreement in accordance with the Heritage of Western Australia Act 1990 with an owner who would benefit from the incentive. The agreement may specify the owner's obligations and contain covenants noted on relevant Certificates of Title.

6.15 TRANSPORTABLE STRUCTURES

6.15.1 When considering planning applications which include transportable buildings and structures Local Government shall have regard for:

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

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

6.15.3 Local Government may require modifications, additions or landscaping to be undertaken as part of the placement of transportable structures.

6.16 ADVERTISING DEVICES

6.16.1 Where the Council can demonstrate exceptional circumstances which cause an existing advertising device to seriously conflict with the objectives of this Scheme, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement.

6.17 VEHICLE PARKING AND ACCESS

Carparking Requirements

6.17.1 Unless otherwise provided by the Scheme, no development is permitted without providing onsite carparking in accordance with the requirements in Appendices 8 and 9 and subclause 6.17.2.

6.17.2 Where a development is not specified in Appendix 8 the Local Government shall determine carparking requirements having regard to the nature of development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety standards.

6.17.3 As an alternative to subclause 6.17.1, and subject to Local Government approval, a cash-in-lieu payment, to the equivalent cost of providing the required carparking plus the value of the area of land which would have been occupied by the spaces, shall be paid to the Local Government. This payment is to contribute to a fund set aside by Local Government for the purposes of providing public carparking areas.

Note: Calculations of the equivalent cost of providing the required carbays shall include all requirements of clause 6.17 including sealing, kerbing, marking and drainage of carbays and associated accessways and areas for turning.

6.17.4 Where the amount of cash-in-lieu payable under clause 6.17.3 cannot be agreed it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985 or some other method agreed upon by Local Government and the developer.

Variations to Carparking Requirements

6.17.5 Where the Local Government is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of carparking spaces required by subclause 6.17.1.

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

- 6.17.7 Where there are two separate and different developments with different hours of peak operation, but being located on the same or adjoining lots, the Local Government may permit some discounting of the required number of carparking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety standards and there is agreement between the parties and Local Government to the reciprocal rights of access to all carparking bays.
- 6.17.8 Where a proposed development is located adjacent to a constructed public carpark, the Local Government may, where it is satisfied there would be no lowering of safety standards, reduce the amount of required onsite carparking for that development by the amount it considers the public carpark serves the development. Local Government may also require a cash-in-lieu payment to the value referred to in subclause 6.17.3.

Design and Maintenance of Carparking

- 6.17.9 When considering any application for planning approval the Local Government shall have regard to and may impose conditions concerning:
- (a) the proportion of carparking bays to be roofed or covered and the design criteria of this covering,
 - (b) the proportion of carparking bays to be below natural ground level or on the roof of buildings and the design criteria of these structures,
 - (c) the means of access to each carparking bay and the adequacy of any vehicular manoeuvring area,
 - (d) the location of the carparking bays and the impact the aesthetic character of adjoining development, including the potential effect if those spaces should later be roofed or covered,
 - (e) the extent to which carparking bays are located within required building setbacks,
 - (f) the location of proposed public footpaths, vehicular crossings, and private footpaths within the lot, and the effect of both pedestrian and vehicular traffic movement and safety,
 - (g) materials for the sealing, paving and kerbing of carpark surfaces, associated islands and pedestrian spaces and the landscaping of these areas.
- 6.17.10 The owner and occupier of premises on which carparking bays are provided shall ensure that the carpark, its markings, associated structures, landscaping and drainage are provided and maintained to the satisfaction of Local Government.

Carparking Bays for People with Disabilities

6.17.11 Local Government shall ensure the provision and location of carparking bays designed to accommodate persons with disabilities and vehicles designed for use by persons with disabilities as required by the Building Code of Australia and relevant Australian Standards.

Dimensions of Carparking

6.17.12 The dimensions of carparking bays, parking angles and carriageway widths specified in Appendix 8 shall be used by Local Government in determining the layout of carparking areas.

Sealed Areas

6.17.13 All areas to be used for carparking, accessways, loading bays and for turning or manoeuvring of vehicles shall be sealed, kerbed, marked and drained to the specification and satisfaction of the Local Government.

6.17.14 Where Local Government considers it appropriate, it may permit an alternative method of surface treatment/dust suppression where, by reason of the development characteristics or the area of bitumen required, the Local Government considers the seal required in subclause 6.17.13 would be either impractical or unduly expensive and the alternative would serve the same function without lessening the standards of health and safety.

6.17.15 All carparking surfaces shall be permanently maintained to the satisfaction of the Local Government and the Local Government may order an owner to effect repairs where it considers that the sealed area has unduly deteriorated.

6.17.16 Outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed, paved or grassed to the satisfaction of Local Government and maintained in good condition.

6.18 CARETAKER'S DWELLING

6.18.1 The provisions of this clause are to apply for all caretakers' dwellings in the industrial zone.

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used accordance with the Scheme;
- (b) only one caretaker's dwelling is permitted on a lot, for the purposes of this clause "lot" excluded a strata lot or survey-strata lot created under the Strata Titles Act 1985;
- (c) A moveable dwelling, sea container and the like is not permitted as a caretaker's dwelling for either permanent or temporary occupation.
AMD 5 GG 13/4/10

- (d) A caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot.
- (e) A caretaker's dwelling is to contain 1 bedroom only within a total floor area that does not exceed 80 square metres measured from the external face of walls;
- (f) Open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 80 square metres referred to in paragraph (e).

6.19 LANDSCAPING, SCREENING AND FENCING

6.19.1 All applications for Planning Approval, except those for residential development involving two dwellings or less shall indicate the landscaping elements of the proposal and in particular a plan showing:

- (a) the percentage of the site devoted to landscaping,
- (b) the areas subject to landscaping works,
- (c) the percentage and condition of remnant vegetation to be retained,
- (d) location and species of plants, including shade trees planted within and adjacent to carparking areas at the rate of one tree per two car bays,
- (e) other materials imported, arranged and/or constructed on the site,
- (f) areas to be irrigated and the systems to be used, and
- (g) the proposed staging, if any, and timing of works.

6.19.2 Local Government may require modifications or additions to the landscaping work proposed by any planning application.

6.19.3 Implementation of the landscaping component of a proposal shall occur within six calendar months of the completion of any other approved works or the date of occupancy if occupancy commences prior to the completion of the development.

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

6.19.5 Within the Commercial and Civic and Tourism zones any outside area, which Local Government considers detrimental to the amenity of the locality or adjoining lots, shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of Local Government.

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

6.20 FLOOD AND STORM SURGE PRONE LAND

6.20.1 When considering applications for planning approval Council shall have regard to the requirements for the Onslow Coastal Hazard Special Control Area in clause 7.3.

6.20.2 In areas not subject to Onslow Coastal Hazard Area provisions contained in Clause 7.3 of the Scheme but where the Local Government considers development to be potentially incompatible with land prone to flood and storm surge events, it must be satisfied that approval of such planning applications has regard to flood and storm surge events and may approve, with or without conditions, or refuse proposals at its discretion.

AMD 24 GG 1/8/14

Note: Flood and Storm Surge advice is available for some areas from the Bureau of Meteorology and the Water and Rivers Commission.

6.20.3 Prior to considering planning applications under Clause 6.20.2 the Local Government shall consult with the relevant agencies regarding the most up-to-date information available about potential flood and storm surge events as relevant to the land subject to the planning application.

AMD 24 GG 1/8/14

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

PART 7 – SPECIAL CONTROL AREAS

7.1 OPERATION OF SPECIAL CONTROL AREAS

7.1.1 The following special control areas are shown on the Scheme map:

AMD 09 GG 21/12/10; AMD 11 GG 20/12/11

- (a) Tidal Inundation Areas
- (b) Onslow Coastal Hazard Area
- (c) Onslow Airport Height Restrictions Area
- (d) Cane River Water Reserve Area
- (e) Turee Creek, Mt Lionel and Mt Stevenson Borefields
- (f) Wittenoom
- (g) Ashburton North Strategic Industrial Area

7.1.2 Where a special control area is shown on the Scheme map, the provisions of the special control area apply in addition to the provisions of the zone or reserve and any general provisions of the Scheme.

7.2 TIDAL INUNDATION AREAS

7.2.1 When considering planning applications relating to land within the Tidal Inundation Area, Local Government for:

- (a) the potential impact of the development on the natural environment, in particular the mangrove ecosystem, and
- (b) the potential impact of storm surge events on the desirability, location and construction standards of development.

7.2.2 Local Government may require additional information or investigation from applicants outlining the potential environmental impacts and the likelihood and nature of storm surge events.

7.3 ONSLOW COASTAL HAZARD AREA

7.3.1 Applications for planning approval within the Special Control Area shall be assessed under Appendix 12 and all development shall conform to the requirements of Appendix 12. *AMD 24 GG 01/08/14*

7.3.2 Applications for planning approval not in conformity with Appendix 12 shall not be supported. *AMD 24 GG 01/08/14*

7.4 ONSLOW STRATEGIC INDUSTRIAL BUFFER

7.4.1 When considering application for planning approval within the industrial Buffer Local Government shall have regard to:

- (a) The existing, propose or likely risks, hazards and nuisance (odour, noise, light) associated with the adjoining Strategic Industrial Area.
- (b) Compatibility of uses,
- (c) The impact of the proposal on the efficient development of the strategic industrial area; and
- (d) The requirements of the State Industrial Buffer Policy.

7.4.2 Caretakers dwelling shall not be permitted within the Onslow Strategic Industrial Buffer Area.

7.5 ONSLOW AIRPORT HEIGHT RESTRICTIONS AREA

7.5.1 In assessing applications for planning approval for land within the Special Control Area, Local Government shall ensure appropriate clearance between proposed Structures and the current obstacle limitation surfaces for the Onslow Aerodrome.

7.6 CANE RIVER WATER RESERVE AREA

7.6.1 The land within the Cane River Water Supply Reserve Special Control Area is for Priority 1 water source protection. The aquifer is unconfined and susceptible to contamination from intensification of development.

7.6.2 The purpose of the Cane River Reserve Area is to:

- (a) identify the proclaimed Public Drinking Water Source Protection Areas; and
- (b) ensure that land use and development within PDWSPA's ins compatible with the protection and long term management of water resources for public water supply.

7.6.3 Applications for planning approval for land within the Special Control Area shall be referred to the Water and Rivers Commission for advice regarding the compatibility of the proposal with water source protection and any conditions which may be appropriate to apply to planning approvals.

7.7 TUREE CREEK, MT LIONEL AND MT STEVENS BOREHELDS

- 7.7.1 The land within the Turee Creek Control Area is for Priority 1 water source protection. The aquifer is unconfined and susceptible to contamination from intensification of development.
- 7.7.2 The purpose of the Turee Creek Reserve Area is to:
- (a) identify the proclaimed Public Drinking Water Source Protection Areas; and
 - (b) ensure that land use and development within PDWSPA's ins compatible with the protection and long term management of water resources for public water supply.
- 7.7.3 Applications for planning approval for land within the Special Control Area shall be referred to the Water and Rivers Commission for advice regarding the compatibility of the proposal with water source protection and any conditions which may be appropriate to apply to planning approvals.

7.8 WITTENOOM

- 7.8.1 Notwithstanding any other provision in the Scheme, development within the Wittenoom Special Control Area shall not be permitted where it is considered by Local Government that this would perpetuate or increase exposure to asbestos fibre and its health risks.

7.9 ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA

AMD 09 GG 21/12/10

- 7.9.1 In addition to such other provisions of the Scheme as may affect it, land included in the *Ashburton North Strategic Industrial Area* shall be subject to those provisions set out in Appendix 11. No subdivision or development may occur within the ANSIA unless the land is zoned in accordance with the Ashburton North Strategic Industrial Area Structure Plan (ANSIA Structure Plan).
- 7.9.2 The Local Government may consider a domestic gas processing plant within the ANSIA prior to preparation of the ANSIA Structure Plan and subsequent rezoning where the local government is satisfied that such a proposal complied with the Policy Statement and purpose for the ANSIA.
- 7.9.3 Caretaker dwellings shall not be permitted in the ANSIA.

7.9.4 Notwithstanding Transient Workforce Accommodation is an 'X' use in the Strategic Industry Zone, Transient Workforce Accommodation is an additional use which may be approved in relation to the existing Transient Workforce Accommodation facility located on Lot 500, conditional upon that use ceasing on 31 December 2016.
AMD 17 GG 21/03/14

7.9.5 Reference in this Scheme to an ANSIA Structure Plan is a structure plan prepared and adopted in accordance with Clause 6.4 of this Scheme

7.10 WASTE WATER TREATMENT PLANT ODOUR BUFFER SPECIAL CONTROL AREA

AMD 26 GG 22/12/15

7.10.1 The purpose of identifying the Waste Water Treatment Plant Odour Buffer is to avoid sensitive land uses being established within the odour buffer, and to protect the long term operation of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's waste water.

7.10.2 Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, Planning Approval is required for any proposed use or development within the Waste Water Treatment Plant Buffer Special Control Area as depicted on the Scheme Map.

7.10.3 The Waste Water Treatment Plant and its associated infrastructure may create odour and/or noise nuisance to surrounding land uses. Therefore, when determining applications for planning approval for development or land use within the Special Control Area, the Council shall:

- a) Consider the compatibility of the use or development with wastewater treatment plant infrastructure having regard to potential odour and noise emissions from the waste water treatment plant;
- b) Consider whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant;
- c) Obtain and have regard to the advice and recommendations of the wastewater treatment operator and the Department of Environment Regulation and any relevant policies of the Department of Environment Regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy);
- d) Impose conditions as appropriate on any planning approval to attenuate odour and noise impacts; and
- e) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant.

PART 8 – NON CONFORMING USES

8.1 NON-CONFORMING USE RIGHTS

Except as otherwise provided in this Part, no provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was lawfully used at the time of coming into force of the Scheme, or
- (b) the carrying out of any development for which, immediately prior to that time, a permit/s required to authorise the development to be carried out were obtained and are current.
- (c) Subject to clause 9.2, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date

8.2 EXTENSION OF NON-CONFORMING USE

A non-conforming use or development, on a zone or reservation, shall not be extended, altered or supplemented with an additional development or use without first receiving planning approval in accordance with the procedures contained in clause 5.1 and unless in conformity with any other provisions and requirements of the Scheme.

Note: An application to alter or extend a non-conforming use is made by way of an application for planning approval under Part 5 of the Scheme.

8.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table, the Local Government may grant planning approval 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 Local Government, closer to the intended purpose of the zone or reserve.

8.4 DISCONTINUANCE OF NON-CONFORMING USE

8.4.1 When a non-conforming use has been discontinued for a period of six months or more such land or building ceases to have the right for this to be a valid non-conforming use.

8.4.2 The Local Government may cause the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

Note: Section 13 of the Town Planning and Development Act enables the Local Government to purchase, or, with the consent of the Governor, compulsorily acquire land on which there is a non-conforming use subject to the Public Works Act and this Scheme.

8.5 DESTRUCTION OF BUILDINGS

When a building used for a non-conforming use is destroyed or damaged to an extent of 75% or more of its value as determined by Local Government, the land on which the building is built shall not subsequently be used otherwise than in conformity with the Scheme. The building shall not be repaired, altered or added to for the purpose of being used for a non-conforming use.

PART 9 - ADMINISTRATION

9.1 POWERS OF THE SCHEME

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

- (a) The Local Government may enter into an agreement with any owner or occupier of land or other person in respect of any matters pertaining to the Scheme.
- (b) The Local Government may acquire any land or buildings within the Scheme Area pursuant to the provisions of the Scheme or the Act. The Local Government may deal with or dispose of this land or buildings in accordance with the law and for this purpose may make such agreements with other owners as it considers fit.
- (c) An officer of the Local Government, authorised by Local Government for the purpose, may at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

9.2 REMOVAL AND REPAIR OF EXISTING ADVERTISEMENTS

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

9.2.2 Where, in the opinion of the Local Government, an advertisement has deteriorated to a point where it is in conflict with the aims of the scheme or it ceases to be effective for the purpose for which it was erected or displayed, the Local Government may by written notice require the advertiser to -

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

9.2.3 For the purpose of clauses 9.2.1 and 9.2.2 and notice is to be served on the advertiser and is to specify –

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and

- (c) the period, being not less than 60 days for the date of the Local Governments determination, within which the action specified is to be completed by the advertise.

9.2.4 A person on whom notice is served under this clause may appeal under Part V of the Town Planning Act against the determination of the Local Government.

9.3 DELEGATION OF FUNCTIONS

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

9.3.2 The CEO may delegate to any employee of the Local Government the exercise of any of the CEO's powers of the discharge of any of the CEO's duties under clause 9.3.1.

9.3.3 The exercise of the power of delegation under clause 9.3.1 requires a decision of an absolute majority as if the power had been exercised und the Local Government Act 1995.

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

9.4 PENALTIES

A person must not –

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

Note: Section 10(4) of the Town Planning Act provides that a person who –

- (a) contravenes or fails to comply with the provisions of a town planning scheme; or
- (b) commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme, is guilty of an offence.
Penalty: \$50,000, and a daily penalty of \$5,000.

9.5 COMPENSATION

9.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 11(1) of the Town Planning Act –

- (a) in any case, within 6 months of the date of publication of
- (b) where the land has been reserved for a public purpose and –
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose, not later than 6 months after the application is refused or the permission granted.

9.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 9.5.1.

9.6 ELECTION TO PURCHASE AND VALUATION

9.6.1 Where compensation for injurious affection is claimed pursuant to clause 9.5 the Local Government may, at its option elect to acquire the land so affected instead of paying compensation.

9.6.2 Where the Local Government elects to acquire land, the subject of a claim for compensation for injurious affection, the Local Government shall give notice of this to the claimant in writing within three (3) months of the claim for compensation being made.

9.6.3 Where the Local Government and a landowner are unable to agree on a price to be paid for land to be acquired pursuant to subclause 9.6.1, the price shall be the value of the land on the date that the Local Government elects to acquire the land and shall be determined by:

- (a) arbitration in accordance with the Commercial Arbitration Act 1985, or
- (b) some other method agreed upon by the Local Government and the owner of the land,

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

Note:

1. A claim for compensation in respect of the refusal of planning approval or the imposition of conditions on land reserved under the Region Scheme should be made under the *(Metropolitan Region Town Planning Scheme Act 1959/Western Australian Planning Commission Act 1985)*.
2. A claim for compensation under section 11(1) of the Town Planning Act may be made in the Form of the *Town Planning Regulations 1967*.

9.7 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

- 9.7.1 Twenty eight (28) days written notice, to be given to the owners and occupiers of land where buildings are to be removed or other works undertaken, in accordance with section 10 of the Act.

9.8 REVIEW AND AMENDMENT

- 9.8.1 The Local Government shall keep the Scheme under constant monitor and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.
- 9.8.2 The Local Government may initiate amendments to the Scheme in accordance with the Act and Regulations and shall give consideration to any request to have the Scheme amended.
- 9.8.3 In the case of a proposed amendment to the zoning or reservation of land, other than requested by the owner(s), the Local Government shall, before initiating any amendment to the Scheme, invite comment from the owner(s) of the land concerned.
- 9.8.4 Amendments which have been made to the Scheme are listed in Appendix 9 of the Scheme.

APPENDIX 1– ADOPTION

Adopted by resolution of the Local Government of the Shire of Ashburton at the meeting of the Local Government held on the 18th day of August 1998

Chief Executive Officer

Shire President

FINAL APPROVAL

Adopted by resolution of the Local Government of the Shire of Ashburton at the meeting of the Local Government held on the 20th day of March 2001

and the seal of the Municipality was pursuant to that resolution affixed here in the presence of

Shire President

Chief Executive Officer

This Scheme Text is to be read in conjunction with the approved Scheme Maps to which approval was given by the Hon. Minister for Planning and Infrastructure on the date shown below.

Recommended for final approval by the Western Australian Planning Commission

Dated:

Delegated under S.20 of WAPC Act 1985

Final approval granted

Dated:

Hon. Minister for Planning & Infrastructure

APPENDIX 2 – DEFINITIONS

These definitions apply unless State Government model definitions or other standard definitions in the Residential Planning Codes are modified and subsequently endorsed by the Local Government.

abattoir	any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.
Act	the Town Planning and Development Act 1928 (as amended).
advertising device	any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, used entirely or partly for advertisement, announcement or direction and includes any hoarding, structure or building used, or adapted for use, for the display of advertisement, any airborne device anchored to land or buildings and any vehicle or trailer placed or located for advertising purposes.
aerodrome	land, buildings and facilities provided for the purpose of landing, takeoff, refuelling, maintenance, loading and unloading aircraft.
aged or dependent person	a person who is aged 55 years or over or is a person with a recognised form of handicap requiring special accommodation provisions for independent living or special care.
aged or dependent persons dwelling	a dwelling designed for the accommodation of aged or dependent persons.
agriculture	<p>the use of land and associated buildings for the:</p> <ul style="list-style-type: none">a) rearing or agistment of livestockb) the stabling, agistment or training of horses,c) the broadacre growing of crops, trees, plants, shrubs or flowers for harvest or replanting, andd) the sale of produce grown solely on the lot, <p>but does not include intensive agriculture.</p>
amenity	natural and people made qualities of the environment from which people derive pleasure, enrichment and satisfaction and includes the conditions such as environmental quality, health and safety, or the facilities and features that make a place more pleasant and attractive
ancillary accommodation	self contained living accommodation, on the same site as a single house, where the lot is not large enough to accommodate grouped dwellings, and may be attached or detached from the single house existing on the lot
appendix	an appendix to the scheme

aquaculture	the farming of aquatic organisms, including fish, molluscs, crustaceans and aquatic plants. It includes the breeding, hatching, rearing and cultivation for sale of all aquatic organisms.
arts and craft centre	land or buildings used to create, display and/or sell works of art and craft.
battleaxe access lot	a lot having access to a public road by means of an access strip included in the Certificate of Title for that lot.
Buffer area	is the area within which sensitive uses are either restricted or prohibited.
building	any structure or associated appurtenance, whether fixed or moveable, temporary or permanent, placed or erected upon the land, and the term includes dwellings and buildings appurtenant to dwellings such as carports, garages, verandahs, permanently covered patios and retaining walls, but shall exclude a boundary fence, cloth covered pergolas, garden sheds and the like and swimming pools where no part is more than 600mm above surrounding ground level.
Building Code of Australia	the Building Code of Australia 1990 (as amended).
caretaker's dwelling	a dwelling on the same site as a building, operations or plant, and occupied by a supervisor of that building, operation or plant.
carpark	land or buildings used primarily for parking vehicles, whether open to the public or not, but does not include any part of a public road used for parking or a taxi rank, or any land or building in which cars are displayed for sale, and does not include approved carparking areas provided as incidental to a predominant use.
childcare service	land or buildings used for the daily or occasional care of five or more unrelated children in either a centre or a private dwelling.
club rooms	buildings, structures and associated land used for the meeting of sports clubs and organisations.
commercial or industrial vehicle	a vehicle which is used and designed for use for business, trade, industrial or commercial purposes and includes any trailer or other attachment to them and includes earthmoving machines, whether self propelled or not.
Commission	the Western Australian Planning Commission established by section 4 of the Western Australian Planning Commission Act 1985.
community use	land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.

consulting rooms	a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners, dentists, physiotherapists, podiatrists or any other person ordinarily associated with a practitioner in the prevention, investigation or treatment of the physical or mental injuries or ailments.
detention centre	land or buildings used for the confinement or detention in custody of young offenders against the law with a view to their rehabilitation.
developer	a person or group of people undertaking development.
development plan	plans which are required to be prepared prior to the consideration of planning or subdivision applications which address the schematic layout of proposed development and lot boundaries in addition to various other matters as may be required by the Scheme and includes local structure plans, outline or comprehensive development plans.
display home centre	dwelling/s intended to be open for public inspection as an example of the dwelling design.
district	the municipality of the Shire of Ashburton
dwelling	<p>a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:</p> <ul style="list-style-type: none"> ▪ a single person, ▪ a single family, ▪ no more than six (6) persons who do not comprise a single family.
education establishment	a pre-school, kindergarten, school, college, university, technical institute, academy or other education centre including a residential school, but not including a detention centre.
emergency services	land or buildings used to store and maintain emergency vehicles and equipment, coordinate response to emergency events and may include training facilities and caretakers dwellings.
entertainment venue	any land, buildings or structures used for the teaching, practice and performance of music, dance or theatre, the amusement or entertainment of the public with or without charge, with or without the serving of food or liquor and includes cinemas, theatres, drive-in theatres, amusement parlours, nightclubs, taverns, bars or concert auditoriums.
equestrian centre	land and buildings used for sport and recreation associated with horses including, harness and turf racing, rodeo, polocrosse, gymkhana, dressage and may or may not incorporate facilities for stabling, agistment or training of horses.

exhibition, display and outdoor sales facilities	any land, and where required, buildings including incidental structures, which may or may not be permanent, for the sale and/or display of goods, equipment, services and materials and includes museums or interpretive centres.
factory unit building	a building or structure where provision is made for two or more separate industries or storage areas, not owned or managed by the same person, are contained.
Fish shop	a shop where the goods kept exposed or offered for sale include wet fish or fish fried on the premises for consumption off the premises
floor area	as defined by the Building Code of Australia 1990
funeral parlour	land or buildings used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.
grouped dwelling	a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate.
harbour or marina facilities	any land or buildings used for and incidental to the purposes of loading, unloading and maintaining cargo and defence ships, or the mooring/berthing of passenger and/or recreational vessels, including premises at which berths or pens, and fuelling, servicing, storage (including storage on land) areas, sales facilities for boating gear and equipment, providores, other offices, storerooms, jetties, piers, embankments, quays and moorings associated with these facilities.
Heritage Local Government	the Heritage Local Government of Western Australia established pursuant to the Heritage of Western Australia Act 1990.
hire service (industrial)	any land or buildings used for the offering for hire or rent of bulky items including machines and mechanical equipment.
holiday accommodation	any land and/or buildings used predominantly by travellers and holiday-makers and designed to take advantage of a tourist attraction or other locational consideration for tourism reasons including camping areas, areas for two or more movable dwellings, chalet parks and serviced apartments or any combination thereof but excluding Bed/Breakfast facilities (which are within the definition of home business), hotel and motel.

home business

a business, service or profession carried out in a dwelling or on land around a dwelling which:

- (a) does not employ more than two people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50m²;
- (d) does not retail the retail sale, display or hire of goods of any nature,
- (e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

Home occupation

means an occupation carried out in a dwelling or on land around a dwelling by a resident of the dwelling which:

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20m²;
- (d) does not display a sign exceeding 0.2m² in area;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not involve provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone.

hospital

land and buildings where people are admitted for short term medical treatment or care and includes a maternity hospital.

hotel

any land or buildings providing overnight accommodation, or lodging facilities for short stays (but not including bed/breakfast facilities - which are within the definition of home business) and may or may not incorporate an entertainment venue, shop, restaurant or sell liquor.

incidental use

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

industry

the carrying out of any process for and incidental to one or more of the following:

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

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

- a) the carrying out of agriculture,
- b) on-site work on buildings or land, and
- c) in the case of edible goods the preparation of food for retail sale from the premises.

industry – extractive

an industry which involves:

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

industry – general

an industry other than a home business, extractive, light, noxious, rural, resource processing or service industry.

industry - light

an industry:

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

industry – noxious	an industry which is subject to licensing as “Prescribed Premises” under the environmental Protection Regulations 1987 (as amended).
industry - resource processing	major industry which would normally involve: <ul style="list-style-type: none"> a) the processing of natural resources (including chemical industries), b) substantial capital investment, c) significant employment in either the construction or operational phase, and d) a need for substantial separation or buffer distance to sensitive uses.
industry – rural	an industry handling, treating, processing or packing primary goods grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.
industry – service	a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.
infrastructure	physical equipment or systems, such as cables, pipelines, roads, railways, conveyors and pumps constructed, operated and maintained by a public authority or private sector body for the purposes of conveying, transmitting, receiving or processing water, sewerage, electricity, gas, drainage, communications, raw materials or other goods and services , but does not include domestic infrastructure less than one metre in width or height and does not include industry.
intensive agriculture	the use and development of land, whether for profit or pleasure, including such buildings and earthworks normally associated with: <ul style="list-style-type: none"> (a) intensive production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts, (b) establishment and operation of plant and fruit nurseries, (c) irrigated fodder production and pasture (including turf farms), (d) keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots, (e) dairy milking sheds (f) keeping, rearing or fattening of other livestock above those stocking rates recommended by Agriculture Western Australia in consultation with surrounding farmers for the applicable pasture type, or (g) aquaculture.

landscape, landscaping or landscaped	land developed with or by the planting of vegetation, the recontouring or cut and fill of land, irrigation, placement of rocks, paving or laying of pathways and hard surfaces, creation of streams, wetlands and water features, including swimming pools and may include other fixtures such as shelters or sculpture and art installation.
Local Government	the elected Local Government of the Shire of Ashburton as recognised by the Local Government Act 1995.
lot	a defined portion of land: <ul style="list-style-type: none"> ▪ depicted on a plan or diagram publicly exhibited in the public office of the Department of Land Administration or deposited in the Office of Titles or Registry of Deeds and for which a separate Crown Grant or Certificate of Title has been or can be issued, or ▪ depicted on a subdivisional plan or diagram, whether so exhibited or deposited or not, but which is, whether before or after the coming into operation of the Town Planning and Development Act 1928, approved by the Commission.
market	any land or buildings used for the sale by auction, wholesale or retail of fresh food, fruit or vegetables, domestic items and services, arts and craft and includes a fair, farmer's or producer's mart, swap-meet or weekend market and undertaken by more than one operator.
medical centre	a building (other than a hospital) that contains or is designed to contain ancillary medical services and facilities such as chemists, pathologist and radiologists, health consultants and may or may not include consulting rooms.
motel	any land or buildings providing accommodation in a manner similar to a hotel but in which special design provision is made for easy access to rooms by patrons with motor vehicles and may or may not include an entertainment venue, restaurant or sell liquor.
motor vehicle and/or marine repair	land or buildings used for the mechanical or body repair and overhaul of motor vehicles, motor cycles, caravans and marine vessels, including tyre repair, retreading, panel beating, spray painting, chassis reshaping or hull scouring.
motor vehicle and/or marine sales and hire	land and buildings used for the display, sale and/or hire of motor vehicles, motor cycles, caravans and marine vessels, including storage, cleaning and minor repairs.
motor vehicle and/or marine service station	land or buildings used for the retail sale of petroleum products and motor vehicle, motor cycle or marine vessel accessories and may or may not include minor repairs, motor vehicle wash facilities, cafe/restaurant or sale of convenience items with a nett lettable retail floorspace not exceeding 300m ² .

motor vehicle and/or marine wrecking	land or buildings used for the storage, breaking up or dismantling of motor vehicles, motor cycles, caravans and marine vessels and includes the sale of second hand motor vehicle and marine accessories and spare parts.
motor vehicle wash	land or buildings where vehicles are washed and cleaned.
movable dwelling	a caravan defined under the Caravan Parks and Camping Grounds Act 1995, park home or other dwelling constructed and maintained on its own chassis and wheels and capable of mobility at all times, although it may be stabilised by jacks, provided with skirtings or designed and constructed to permit independent occupancy for dwelling purposes.
multiple dwelling	a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other.
non-conforming use	any use of land or buildings which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme.
nursing home	a building used for the long term medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms.
office	a building or part of a building used for the conduct of administration, the practice of a profession, research, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, but does not include administration facilities required in association with a predominant use on site.
outdoor display	means the use of land as a site for the display and/or sale of goods and equipment.
owner	in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity: <ul style="list-style-type: none"> 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

place	<p>an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:</p> <ul style="list-style-type: none"> a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary; b) any works or buildings situated therein, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and c) as much of the land beneath the place as is required for the purposes of its conservation.
place of animal care	<p>any land or buildings used for the keeping, boarding, breeding, display, veterinary treatment of injuries or ailments of animals and may or may not include zoological gardens, enclosures or accommodation of animals.</p>
place of public meetings, assembly or worship	<p>any land or buildings used or designed for use by a body of persons united by a common interest such as private clubs or religions, organisations and may or may not include the serving of liquor, but does not include club rooms for sports organisations.</p>
policy manual	<p>the Shire of Ashburton Land Use Planning Policy Manual being the collection of policy statements adopted by Local Government in accordance with clause 2.3.1 of the Scheme.</p>
prison	<p>any land or buildings designed and used permanently for the confinement or detention in custody of adult offenders against the law with a view to their rehabilitation and does not include places proclaimed temporarily under section 5 of the Prisons Act for the same purposes.</p>
public authority	<p>a Minister of the Crown acting in his official capacity , a State Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.</p>
public purpose, development or use for	<p>development or use of land which is required to be permanently located on publicly owned land as it offers a public service, operates in the public interest or requires coordination and supervision by a public authority. Development may be owned and/or operated by either a public or private interest and may be the subject of a lease or other agreements as necessary. Development requiring co-ordination or supervision may or may not offer a service, or be of direct benefit, to the public.</p>
public utility	<p>any work or undertaking constructed or maintained by a public authority or the Local Government to provide water, sewerage, gas, drainage, communications or other similar services.</p>

publicly owned land	land held by an authority with statutory responsibilities and this land may be owned as freehold land or be a Crown Reserve and vested with the authority.
reception centre	land or buildings used by parties for functions on formal, business, social or ceremonial occasions, but not for unhosted use or general entertainment purposes.
recreation – private	land or buildings used for parks, gardens, playgrounds, sports arenas, or other grounds which are not usually open to the public without charge and includes health clubs squash courts and other indoor sports facilities.
recreation – public	land or buildings used for public parks, gardens, playgrounds or other grounds for recreation and includes facilities for the enjoyment of natural features such as rivers and the coast.
research laboratory	land or buildings used to undertake research in a laboratory.
residential building	<p>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:</p> <p>a) temporarily by two or more persons, or</p> <p>b) permanently by seven or more persons,</p> <p>who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation.</p>
restaurant	a building and any associated outbuildings and grounds where food is prepared for sale and consumption on the premises and includes cafes and coffee houses and may or may not be licensed to sell liquor.
rural living	subdivision and development of land where lots are no less than 2.0 ha, dwellings are located in a rural setting and other associated uses occur which may include agriculture and intensive agriculture.
rural settlement	a collection of two or more dwellings in proximity and located in a rural zone and may include other commercial or community development as approved by Local Government.
Scheme	the Shire of Ashburton Scheme No. 7.
shop	any building where goods are displayed or offered indoors for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency, laundromat, libraries and loan outlets, but excluding a showroom, take-away food outlet and garage sale.

showroom	any building or part of a building used or intended for use for displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature.
single house	an independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act. The dwelling may or may not include ancillary accommodation.
stockyard	any land, building or other structure used for holding and/or sale of livestock
storage facility/depot/laydown area	any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk, transport and fuel depots, salvage yards and landscape suppliers.
subdivision	the amalgamation and/or subdivision of land to create new lots in addition to other activity requiring the approval of the Commission under Part III of the Act or a strata plan, strata plan of consolidation required to be accompanied by a certificate of approval given under Section 25 of the Strata Titles Act.
take-away food outlet	any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten, without further preparation, primarily off the premises.
transient workforce accommodation	dwelling intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas.
transportable structure	a building or structure which has been prefabricated at another location and transported either whole or in parts to the intended location.
urban development	development which is undertaken by multiple land owners of lots in an area set aside for the range of uses associated with urban areas such as residential, commercial, community, roads and open spaces.
use	the occupation by people and objects of a building, structure or place and the carrying out of activity for a particular purpose. The use of buildings and places shall be regarded as a form of development.
vehicle	any motor vehicle, motor cycle or trailer, whether designed or used for domestic, commercial or industrial purposes, including boat trailers (and boats) but not including moveable dwellings.
warehouse	a building where goods are stored and may be offered for sale by wholesale.
wholesale	the sale of goods to any person or persons other than the ultimate consumer of those goods.

APPENDIX 3 – SPECIAL USE ZONES

No.	Description of land	Special Use	Conditions
1	<p>Lots 3010 to 3015 (inclusive) and Lot 3017 Central Avenue and Jacaranda Drive, Tom Price.</p> <p><i>AMD 5 GG 13/4/10</i></p>	<p>Residential, Transient Workers Accommodation, Tourist Accommodation, Tourist related uses and ancillary uses.</p>	<p>The use of the land shall be in accordance with a Local Government approved management plan which shall address, but not be limited to urban design, carparking, landscaping and environmental issues.</p>
2	<p>Portion of Lot 152, Onslow Road and portion Road No. 8400.</p> <p><i>AMD 10 GG 22/11/11</i></p>	<p>Transient Workforce Accommodation</p>	<ol style="list-style-type: none"> 1. Land use and development shall generally be in accordance with a Structure Plan and Development Plan approved by the local government and the Western Australian Planning Commission which addresses those matters defined in Clause 7.9 and Appendix 11 as it relates to the Ashburton North Strategic Industrial Area and specifically, provides details on the layout, staging, operational period of the use, accommodation of operational workforce, transport, access, landscaping, management and environmental issues associated with the development and the use of the land. 2. All transient workforce accommodation shall be considered a 'D' use under the Scheme. 3. Transient workforce accommodation shall only be used for accommodation of a workforce directly involved in the construction or maintenance of those uses and developments approved in writing by the local government. 4. Transient workforce accommodation for operational purposes of any use or development is prohibited. 5. The local government may require the preparation of a legal agreement in relation to the use and operation of the transient workforce accommodation and to ensure that only those persons involved in the construction or maintenance of those uses and developments approved in writing by the local government.

No.	Description of land	Special Use	Conditions
3	Lot 50 Nameless Valley Drive, Tom Price <i>AMD 20 GG 27/06/14</i>	Storage facility/depot/laydown area	<ol style="list-style-type: none"> 1. Land use and development shall generally be in accordance with a Detailed Area Plan approved by the local government and which addresses the layout, staging, access, landscaping, management and environmental issues associated with the development and the use of the land. 2. Storage facility/depot/laydown area shall be considered as "D" use under the Scheme. 3. All development will be in accordance with the definition of 'storage facility/depot/laydown area' as in Appendix 2 of the Scheme.
5	Portion of Lot 16 Onslow Road <i>AMD 23 GG 02/12/16</i>	Transient Workforce Accommodation	<ol style="list-style-type: none"> 1. Accommodation on the land shall be limited to: <ol style="list-style-type: none"> a. Elected Members and persons directly employed by the Shire of Ashburton who are required to temporarily reside in Onslow on official Shire business; and b. Workers that are contracted by the Shire of Ashburton to undertake Shire projects and other public works.

APPENDIX 4 – EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN ¹	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Business	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Public Meeting, assembly or Worship.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Entertainment Venue	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 commercial development.	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 compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws. A maximum of one free-standing advertisement signs not exceeding 5m in height above ground level.	N/A Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m. Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or Local Government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Local Government of a local government, and c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A N/A N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single houses.	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

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

APPENDIX 4 – EXEMPTED ADVERTISEMENTS (Cont'd)

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:		
a) Dwellings.	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
b) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (i) above	5m ²
c) Large Development or redevelopment projects involving commercial centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above	10m ²
	One additional sign showing the name of the project builder.	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 the 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, leading 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 and Industrial Properties.	One sign as for (a) above	Each sign shall not exceed an area of 5m ² .
	One sign as for (a) above	Each sign shall not exceed an area of 10m ² .
c) Large properties comprised of commercial centres, buildings in excess of four storeys and rural properties in excess of 5ha.		
Display Home Centres		
Advertisement signs displayed for the period over which homes are on display for public inspection.	i) One sign for each dwelling on display	2m ² .
	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.	5m ²

APPENDIX 5 – FORM OF APPLICATION FOR PLANNING APPROVAL

APPLICATION FOR APPROVAL

Please tick which approval is being sought and fill out the appropriate sections of this form.

- | | | | |
|--------------------------|---------------------------|--------------------------|-------------------------|
| <input type="checkbox"/> | PLANNING APPROVAL | <input type="checkbox"/> | BUILDING LICENCE |
| <input type="checkbox"/> | DEMOLITION LICENCE | <input type="checkbox"/> | SIGN APPROVAL |

PROPERTY DETAILS:

Lot No. House/Street No. Lot Area (m²)

Title Encumbrances (eg, easements, restrictive covenants)

Street Name..... Suburb.

Nearest Street Intersection

OWNER DETAILS:

Name

Address Post Code

Phone (work)(home) Fax

Contact Person

Signature Date

Signature Date

Signature Date

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

APPLICANT DETAILS:

Name

Address..... Post Code

Phone (work)(home) Fax

Contact Person

Signature Date

PLANNING APPROVAL

Existing Building/Land Use

Approx. Cost of Development Est Date of Completion

Description of Development of Proposed Use

.....

OFFICE USE ONLY	
DATE RECEIVED:	FEES PAID:
FILE REFERENCE:	ASSESSMENT NUMBER:
LICENCE NO:	DATE ISSUED:

**BUILDING LICENCE****BUILDING DETAILS:****Type Of Work:****New Buildings Additions**

- New Building
- Display Home
- Preliminary Application
- Other (specify)

Alterations/Internal

- Habitable
- Internal Additions
- Garage
- Carport
- Verandah
- Other (specify)

Outbuildings

- Habitable
- Workshop
- Carport
- Above Ground Pool
- Below Ground Pool
- Garage
- Garden Shed
- Other (specify)

Type Of Building:**House**

- New Building
- Display Home
- Preliminary Application

Multi-Residential

- Single Storey
- 2 or more Storeys
- 1 or 2 storey units
- Other (specify)

Other

- Other (specify)

Type Of Building:**Walls**

- Double Brick
- Brick veneer
- Thermalite Interior
- 'Colourbond'
- 'Zincalume'
- Steel Columns
- Timber Posts
- Fibreglass (pools)
- Other (specify)

Floor

- Concrete
- Timber
- Other (specify)

Roof

- Tiles
- 'Colourbond'
- 'Zincalume'
- Other (specify)

Building Area (m ²):..... Approx. Cost of Development..... Est. Date of Completion:.....
--

BUILDER'S DETAILS:

Name

Address Post Code

Registration No. Phone Fax.

Signature

**DEMOLITION LICENCE**

Type of Structure:

Type/Date Laid:

Whole or Part Demolition - Details:

.....

**SIGN APPROVAL**

Type of Sign:

Position:

Dimensions: Area:

Materials: Illumination - Internal/External:

Wording/Illustration (Plan/Design attached):

THIS FORM REPLACES THE METROPOLITAN REGION SCHEME FORM 1 AND BUILDING REGULATION FORMS

APPENDIX 5 – FORM OF APPLICATION FOR PLANNING APPROVAL

INFORMATION TO ACCOMPANY APPLICATIONS FOR PLANNING APPROVAL OR A BUILDING LICENCE

In accordance with Part 5.5 of this Scheme, unless Local Government waives any particular requirement, applications for planning approval shall be accompanied by the following reports, information, plans, diagrams or other material to the satisfaction of Local Government:

Site Plans (3 Copies)

- Title Block, name and date
- Suitable scale to allow assessment of detailed site characteristics and north arrow
- Lot boundaries, dimensions
- Contours
- Existing and proposed uses of land and buildings using, where possible, the definitions in the Scheme. Where more than one use exists or is proposed these should be listed and indicated on the site or building plans. The minimum requirements of each, including multiple carparking requirements, should be addressed by the application.
- Existing and proposed buildings including size and location on the lot
- Streets, location and names
- Lot number and other information including easements or restrictive covenants
- Existing and proposed means of access for pedestrians and vehicles to and from the site
- Location and dimensions of areas to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site
- Location, dimensions, design and construction of open storage or trade display areas
- Parking areas and dimensions
- Fencing - type, location and height
- Areas of open space, landscaping and screen planting, including materials, plant species and irrigation
- Existing structures on abutting properties, location height and uses
- Vegetation to be removed
- Excavation, cut and fill
- Buildings and structures to be demolished
- Plans, elevations and sections of structures, including exterior materials and finishes
- Existing and proposed arrangement of uses within the buildings on the lot
- Drainage information

Advertisements

- Location on the lot and position on the building or structure
- Freestanding or attached to other structures
- Height, width and depth
- Colours
- Illumination, flashing, alternating, digital, animated, scintillating, degree of intensity of light source
- Period of time of display
- Existing signs being removed
- Photographs

APPENDIX 6 – ENVIRONMENTAL CONDITIONS

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

APPENDIX 7 – MATTERS TO BE ADDRESSED BY DEVELOPMENT PLANS

APPENDIX 7 - All development plans shall address the following matters:

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

Development plans in specific zones should also address the following additional matters:

Urban Development Zone

- (i) residential density and detailed subdivision standards relating to solar access, efficient use of water resources, design features and density rationale,
- (ii) indicate demand for commercial and community facilities, including schools, generated by the proposal and implications for the provision of these within the development area or elsewhere
- (iii) whether adequate provision is made to protect buffer requirements

Industrial and Mixed Business Development Zone

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

Rural

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

Rural Living Zone

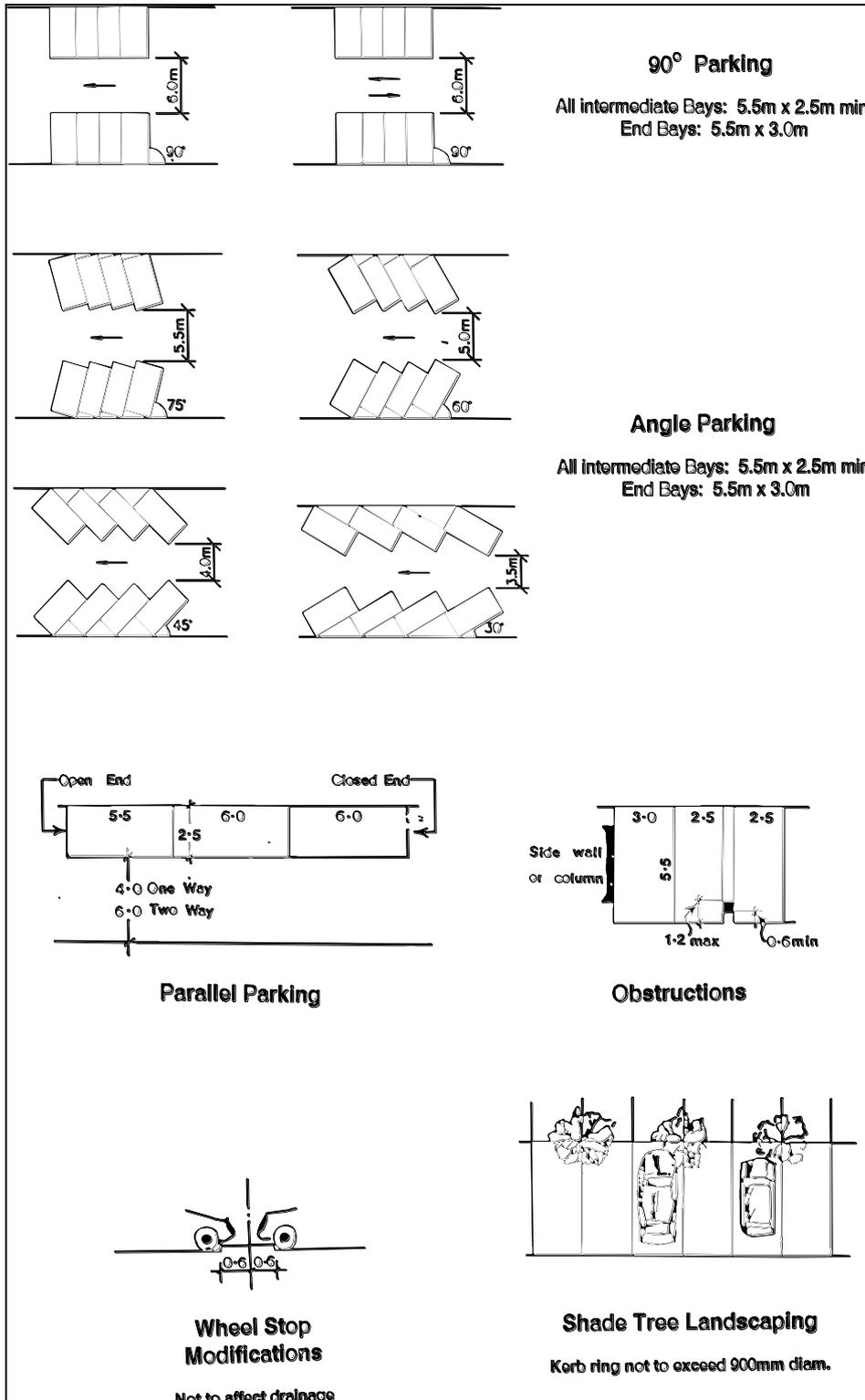
- (i) the impact of the proposal on the local settlement
- (ii) the demand for commercial and community facilities, including school, generated by the proposal and implications for the provision of these within the development area or elsewhere
- (iii) the intended range of land uses and development for the site
- (iv) stocking rates
- (v) land capacity
- (vi) water supply
- (vii) landscaping and setbacks

APPENDIX 8 – MINIMUM CARPARKING DIMENSIONS

NO.	DEVELOPMENT	CARPARKING REQUIREMENTS
RESIDENTIAL		
1	Aged and Dependent Persons Dwelling	As per Residential Planning Codes
2	Caretaker's Dwelling	One per dwelling
3	Grouped Dwelling	As per Residential Planning Codes and a minimum of one covered carbay per dwelling
4	Holiday Accommodation	One per accommodation unit, plus one per every three units for visitors
5/6	Hotel/Motel	One per accommodation unit, plus one per every five units for visitors and staff
7	Movable Dwelling	At Local Government's discretion
8	Multiple Dwelling	As per Residential Planning Codes
9	Residential Building	One per every two sleeping units, plus two per every seven units for visitors and staff
10	Rural Settlement	At Local Government's discretion
11	Single House	as per Residential Planning Codes and a minimum of one covered carbay per dwelling
12	Transient Workforce Accommodation	Two per every three sleeping units, plus one oversized vehicle parking bay per every 10 sleeping units (minimum two bays), plus at Local Government's discretion the provision of oversized vehicle bays.
INDUSTRY		
13	Abattoir	As per Light and General Industry
14	Agriculture	At Local Government's discretion
15	Arts and Crafts Centre	At Local Government's discretion
16	Harbour and Marina Facilities	At Local Government's discretion
17	Hire Service (Industrial)	One per 100 square metres of display area and one per employee, plus at Local Government's discretion the provision of oversized vehicle bays.
18	Home Business	One per employee plus up to three additional bays at Local Government's discretion.
19	Industry - Extractive	At Local Government's discretion
20	Industry - General	One per employee plus three visitors bays
21	Industry - Light	One per employee plus three visitors bays
22	Industry - Noxious	At Local Government's discretion
23	Industry - Resource Processing	At Local Government's discretion
24	Industry - Rural	One per employee plus three visitors bays
25	Industry - Service	One per employee plus three visitors bays
26	Infrastructure	At Local Government's discretion
27	Intensive Agriculture	At Local Government's discretion
28	Research laboratory	One per employee plus three visitors bays
29	Stockyard	At Local Government's discretion
30	Storage facility/depot/laydown area	At Local Government's discretion
COMMERCE		
31	Aerodrome	At Local Government's discretion
32	Display Home Centre	One per dwelling, in addition to those provided to each dwelling in accordance with the Residential Planning Codes
33	Exhibition, Display & Outdoor Sales Facilities	At Local Government's discretion
34	Market	As per Shop
35	Motor Vehicle and/or Marine Repair	Two per motor vehicle repair bay, one per employee and at Local Government's discretion in the case of marine repair.
36	Motor Vehicle and/or Marine Sales and Hire	One per 300 metres of sales area and one per employee
37	Motor Vehicle and/or Marine Service Station	One per motor vehicle repair bay, one per 20 square metres of nett lettable sales area, one per six square metres of dining space, one per employee and in the case of marine service station at Local Government's discretion
38	Motor Vehicle and/or Marine Wrecking	One per employee
39	Motor Vehicle Wash	One additional bay per wash bay and one per employee
40	Office	One per 30 square metres of nett lettable area
41	Outdoor Display	One per 100 square metres of display area plus one per employee
42	Restaurant	One per six square metres of dining space
43	Shop	One per 20 square metres of nett lettable area
44	Showroom	One per 50 square metres of nett lettable area
45	Take-away Food Outlet	One per two square metres of public floorspace and one per employee

NO.	DEVELOPMENT	CARPARKING REQUIREMENTS
46	Warehouse	One per employee and where goods are offered for wholesale one per 200 square metres of nett lettable area
HEALTH, WELFARE AND COMMUNITY SERVICES		
47	Carpark	At Local Government's discretion
48	Child Care Service	One per every 10 children plus one per employee
49	Community Use	At Local Government's discretion
50	Consulting Rooms	Four per consulting room for the first two rooms, one per additional consulting room plus one per employee at the time of peak operation
51	Education Establishment	At Local Government's discretion
52	Emergency Services	At Local Government's discretion
53	Funeral Parlour	Five bays plus one per employee at the time of peak operation
54	Hospital	One per three beds plus one per employee plus additional bays at Local Government's discretion for outpatient services
55	Detention Centre	At Local Government's discretion
56	Medical Centre	As per consulting rooms for consulting rooms within the centre, one bay per 20 square metres of nett lettable sales area within a pharmacy, two bays per every other premises within the centre and one per employee at the time of peak operation of each premises
57	Nursing Home	One per five beds plus one per employee at the time of peak operation
58	Place of Animal Care	Six per practitioner where practice is limited to domestic pets, all other places at Local Government's discretion
59	Place of Public Meeting, Assembly or Worship	One per four persons designed for the meeting, assembly or worship area
60	Prison	At Local Government's discretion
61	Public Utility	At Local Government's discretion
ENTERTAINMENT, RECREATION AND CULTURE		
62	Clubrooms	One per four square metres of meeting area.
63	Equestrian Centre	At Local Government's discretion
64	Entertainment Venue	At Local Government's discretion and in relation to areas designed to serve food and/or beverages on per four persons to be accommodated by the design of these areas.
65	Private Recreation	At Local Government's discretion
66	Public Recreation	At Local Government's discretion
67	Reception Centre	One per four square metres of function area

APPENDIX 9 – CARPARKING REQUIREMENTS



APPENDIX 10 – LIST OF AMENDMENTS

NO.	DESCRIPTION OF LAND	PURPOSE	GAZETTAL DATE

APPENDIX 11 – ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA (SIA)

AMD 09 GG 21/12/10

Policy Statement

The State Government has announced that it intends to create a strategic industrial area at Ashburton North to cater for proposed Liquid Natural Gas (LNG) and domestic gas processing as well as promoting related downstream opportunities.

The creation of the ANSIA will promote regional development; provide a gas precinct to monetise small sub-economical gas fields in the Carnarvon Basin; and promote more diverse sources of domestic gas.

The ANSIA will facilitate investment in LNG processing facilities and, via gas aggregation, provide opportunities to commercialise many of the relatively small gas fields in the southern Carnarvon Basin. Both Chevron and BHPB Petroleum/ExxonMobil are proposing domestic gas plants at Ashburton North, so the ANSIA will assist the development of more diverse sources of domestic gas. It will also provide land and new port facilities to service other potential gas processing development at Onslow and in the western Pilbara.

The ANSIA is to include a port precinct, common use facilities on the coastal strip, land allocations for specific proponents as well as land for users that are yet to be determined, and multi-user infrastructure corridors. In total, the area is approximately 8,000ha. It is intended that the creation of the ANSIA is to be proponent driven and it does not imply a commitment from either State or local government assemble land or provide the necessary transport and other infrastructure required to make the area function. The ANSIA must be accessible by multiple users.

As part of determining whether the site is suitable for industrial purposes, proponents have been given access to the site for a period of three years to undertake detailed site investigations. The site investigations will consist of numerous environmental heritage and technical studies and related works. Data is being supplied to both State and local government to facilitate analysis of proposals. An adequate level of environmental information must be provided prior to undertaking structure planning for the ANSIA. It is appropriate that the environmental issues addressed are included in the rezoning and/or structure planning for the SIA as follows:

- Flora and vegetation
- Terrestrial fauna
- Groundwater
- Soils and landform
- Aboriginal cultural heritage

In order to provide strategic direction for the establishment of the ANSIA, a structure plan will need to be prepared and endorsed.

The structure plan will set the context for specific projects development within the ANSIA and is to be prepared either prior to or in association with, the rezoning of land for any particular proponent to “Strategic Industry” or other zone or reservation.

Known as the ANSIA Structure Plan, the local government will need to adopt the ANSIA Structure Plan prior to resolving to support any rezoning for final approval. A development plan may be submitted concurrent with any proposed ANSIA Structure Plan or independent of an adopted ANSIA Structure Plan.

The ANSIA Structure Plan will need to address State Planning Policies, (in particular *SPP 2.6 State Coastal Planning Policy*), clearly define common user infrastructure corridor/s, road infrastructure, environment, social and cultural matters, development staging, along with assessing the cumulative impacts of development on the whole ANSIA and under what criteria they can be established.

The ANSIA is an indicative area and covers a smaller portion of the overall Notification of Intention To Take (Taking Order). Any extension sought for the ANSIA (as part of a further scheme amendment or structure plan) within the area defined under the Taking order can be considered as part of a structure plan.

However, any expansion of the Taking Order area would require a further amendment to the ANSIA provisions.

The development of the ANSIA will have a significant impact on the demographic and population growth profile for Onslow. The ANSIA Structure Plan is to address the methodology to identify community needs and infrastructure for Onslow. The plan must also specify the key trigger points for the provision of facilities for and contribution from proponents within the ANSIA.

The Council of the Shire of Ashburton does not support “fly-in, fly-out” as it considers that it leads to a loss of economic and social value to the Shire and the regional area as a whole. The local government acknowledges that there will be circumstances such as remoteness and limited life of a particular mining or industrial activity that result in a need for Transient Workforce Accommodation camps. Any such camps are to be identified in the ANSIA Structure Plan.

The intent of local government is for all transient workforce accommodation within the ANSIA to be construction purposes associated with development of the ANSIA. Permanent or operational staff will be housed in Onslow. In accordance with the adopted Onslow Townsite Strategy, such accommodation in Onslow is expected to be of a very high quality motel style development, with significant landscaping, quality design and materials for the benefit of occupiers, as well as the community.

The development of Onslow will depend upon government commitment for significantly improved infrastructure and land release. The local government acknowledges that housing of permanent or operational staff in Onslow will largely depend upon the availability of land and improved infrastructure.

Consequently, where a proponent can demonstrate a lack of available land and infrastructure for the establishment of a permanent or operational staff accommodation in Onslow, the local government may consider permanent or operational staff accommodation with the ANSIA for a temporary period. In this regard, any such proposals will need to be consistent with the ANSIA Structure Plan and under terms and conditions agreed to by local government.

The local government does not support two strategic industrial areas associated with Onslow. The local government believes that existing Onslow strategic industrial area is not required and its removal will allow opportunities for further town expansion and a mix of other uses. The establishment of the ANSIA allows state and local government to review the need for retaining the existing Onslow strategic industrial area. When a scheme amendment is sought for the ANSIA, the scheme report will review the need or otherwise for retaining the existing Onslow strategic industrial area and this information will be used by the local government to prepare an amendment concurrent with the proponent's amendment.

In additional, local government understands that the Onslow community expects to retain the current level of coastal access (including road access) to Hooleys Creek. In this regard, either community access to Hooleys Creek should be retained or an alternative acceptable to the community be provided. This will need to be negotiated with the community, respective companies, leaseholders and the government as part of the Structure Plan process.

Planning Requirements

1. An ANSIA Structure Plan shall be prepared either prior to or in association with the rezoning of land, within the ANSIA, to “Strategic Industry” or other zone or reservation identified within the Structure Plan. The ANSIA Structure Plan is to address (but is not to be limited to) following matters:
 - Multi-user infrastructure corridor/s;
 - Road infrastructure;
 - Development staging;
 - Cumulative impacts;
 - Environmental, social and cultural matters
 - Detailed hydrological assessment of any proposed development designed to ensure there is no detrimental effect on Onslow Road or on existing salt production areas; and
 - Relevant State Planning Policies, in particular SPP 2.6 State Coastal Planning Policy.
2. With the consent of the local government, the ANSIA Structure Plan may extend outside the ANSIA, provided it does not extend beyond the Taking Order as approved by the Minister for Lands.
3. Unless otherwise provided for in the ANSIA Structure Plan, land which is the subject of any proposed subdivision or development within the ANSIA shall be zoned Strategic Industry or other zone or reservation identified within the Structure Plan.
4. All subdivision and development within the ANSIA shall be in accordance with the ANSIA Structure Plan.
5. The predominant use and development within the ANSIA shall be LNG and hydrocarbon related processing industry and compatible industries.
6. The environmental impact of any industrial development shall be subject to environmental assessment and approved by the Minister for Environment in accordance with the Environment Protection Act 1986. In the preparation of any rezoning or preparation of a structure plan, the following environmental issues shall be addressed to the requirements of the Environmental Protection Authority:
 - Flora and vegetation
 - Terrestrial fauna
 - Groundwater
 - Soils and landform
 - Aboriginal cultural heritage
7. Developer(s)/Proponent(s) shall be required to identify social impacts of their proposals including assessment of potential pressures on community facilities and services on Onslow prior to development occurring or rezoning being considered. Where necessary, these assessments must include strategic to mitigate identified issues.
8. Transient workforce accommodation associated with any use or development within the ANSIA will not be permitted other than as provided for in the ANSIA Structure Plan.
9. When considering a request to initiate rezoning of land within the ANSIA to “Strategic Industry” or other zone or reservation identified within the ANSIA Structure Plan, the local government shall only initiate an Amendment when it is satisfied that the proponent has prepared a structure plan dealing with the following matters:
 - a) *The area to which the Amendment applies;*
 - b) *The need to extend outside the area of the ANSIA;*

- c) *Key opportunities and constraints of the site including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and services;*
- d) *State Planning Policies (in particular, SPP 2.6 State Coastal Planning Policy);*
- e) *The planning context for the site including relevant strategies, Scheme provisions and policies, indicating how the Amendment is to be integrated into the surrounding area;*
- f) *Proposed major land use/s;*
- g) *Planning of the multi-user infrastructure corridor/s in its totality and reflecting the needs defined in the Policy Statement and representing the known needs of all users;*
- h) *Industrial buffers both within and outside the site (where buffers are proposed outside the boundary of the site, the method of control and ownership of land affected by the buffer will be required to be addressed);*
- i) *The proposed indicative lot pattern (if appropriate) and general location of any major buildings;*
- j) *Estimates of future employment numbers;*
- k) *The provision of suitable short and long term workers accommodation;*
- l) *The provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;*
- m) *The proposed road networks;*
- n) *Preparation of a District Water Management Strategy that should include, but not be limited to:*
- *Site constraints;*
 - *Description of existing storm water management infrastructure;*
 - *Flood risks;*
 - *Water management;*
 - *Fit-for-purpose water source planning;*
 - *Design and management objectives; and*
 - *A commitment to prepare a Local Water Management Strategy in conjunction with a development applications for any works; and*
- all in consultation with the Department of Water.*
- o) *Undertaking an archaeological and ethnographic survey reflecting Aboriginal heritage issues and obligations of developers all in consultation with the Department of Indigenous Affairs.*
- p) *The timeframe and staging of development along with an anticipated schedule for decommissioning;*
- q) *Undertaking a social impact assessment identifying pressures on community facilities and services within Onslow, along with the method of implementing funding by developer contributions identified in the ANSIA;*
- r) *Should Hooley's Creek be unavailable for the community to freely access, suitable alternative arrangements providing unlimited community access to the coast shall be determined; and*
- s) *Such other information as may be required by the Scheme, local government or any relevant referral agency.*

APPENDIX 12 – REQUIREMENTS FOR ONSLOW COASTAL HAZARD AREA

AMD 24 GG 1/8/14

Purpose –

- To ensure that all development within the Onslow Coastal Hazard Area is designed and developed with finished floor levels to reflect the direction of State Planning Policy 2.6 and State Planning Policy 3.4.
- 1. To ensure that all development within the Onslow Coastal Hazard Area is designed and developed with finished floor levels to reflect the direction of State Planning Policy 2.6 and State Planning Policy 3.4.
- 2. For the purpose of Appendix 12, the following land use descriptions apply -
 - i. 'Entertainment, recreation and Culture' use means –
 - Clubrooms
 - Equestrian Centre
 - Private Recreation
 - Public Recreation
 - ii. 'Commercial-Strategic' use means -
 - Shop (greater than 150m2 GLA)
 - iii. 'Commercial-non Strategic' use means -
 - Caretaker's Dwelling
 - Display Home Centre
 - Entertainment Venue
 - Exhibition, Display and Outdoor Sales Facilities
 - Holiday Accommodation
 - Hotel
 - Market
 - Motel
 - Movable Dwelling
 - Motor Vehicle and/or Marine Repair
 - Motor Vehicle and/or Marine Sales & Hire
 - Motor Vehicle and/or Marine Service Station
 - Motor Vehicle and/or Marine Wrecking
 - Motor Vehicle Wash
 - Office
 - Outdoor Display
 - Reception Centre
 - Restaurant
 - Shop (less than 150m2 GLFA)
 - Showroom
 - Commerce continued
 - Take-away Food Outlet
 - Warehouse
 - Transient Workforce Accommodation

- iv. 'Health, Welfare and Community Services - non Strategic' use means -
 - Carpark
 - Childcare Service
 - Community Use
 - Consulting Rooms
 - Education Establishment
 - Funeral Parlour
 - Place of Animal Care
 - Place of Public Meeting, Assembly or Worship

- v. 'Health, Welfare and Community Services - Strategic' use means -
 - Emergency Services
 - Hospital
 - Medical Centre
 - Nursing Home
 - Public Utility

- vi. 'Industry' use means -
 - Abattoir
 - Agriculture
 - Arts and Crafts Centre
 - Harbour and Marina Facilities
 - Hire Service (Industrial)
 - Home Business
 - Home Occupation
 - Industry - Extractive
 - Industry - General
 - Industry - Light
 - Industry - Resource Processing
 - Industry - Rural
 - Industry - Service
 - Infrastructure
 - Intensive Agriculture
 - Research Laboratory
 - Stockyard
 - Storage facility/depot/laydown area

- vii. 'Residential' use means -
 - Aged or Dependent Persons Dwelling
 - Grouped Dwelling
 - Multiple Dwelling
 - Residential Building
 - Single House

- viii. 'Temporary and/or Transient' use means use and development that have a limited tenure and operation on land and

may include -

- caravan Park;
- transient workforce accommodation that is only required on a temporary basis;
- car Park;
- ablutions;
- any other use and development that is temporary in nature and where the local government resolves that is consistent with the Purposes of Appendix 12.

3. Within the Onslow Coastal Hazard Area the following land use and development shall achieve the following minimum finished floor levels to the satisfaction of the local government -
 - i. Health, Welfare and Community Services - Strategic use and development shall be at a minimum finished floor level of 6.4m AHD.
 - ii. Commercial - Strategic use and development shall have a minimum finished floor level of 5.9m AHD.
 - iii. Commercial - Strategic use and development shall have a minimum finished floor level of 5.9m AHD.
 - iv. Residential use and development shall have a minimum finished floor level of 5.9m AHD.
 - v. Industry use and development shall be at a minimum finished floor level of 4.9m AHD.
 - vi. Commercial - non Strategic use and development shall have a minimum finished floor level of 4.9m AHD.
 - vii. Health, Welfare and Community Services - non Strategic use and development shall have a minimum finished floor level of 4.9m AHD.
 - viii. Temporary and/or Transient use and development may be approved at a minimum finished floor level of 4m AHD. Where planning approval is issued, the use and development shall not remain beyond 31 December 2040. All such approved uses shall be removed from the land by 31 December 2040.
 - ix. Entertainment, Recreation and Culture use and development may have a minimum finished floor level of 2.5m AHD.
4. All land subject of a planning approval within the Onslow Coastal Hazard Area shall have minimum finished ground level of 2.5m AHD.
5. Any filling of land within the Onslow Coastal Hazard Area shall require the approval

of the local government. Filling to achieve a finished ground level higher than 2.5m AHD will generally not be supported.

6. A planning approval issued for land located within the Onslow Coastal Hazard Area shall include a condition requiring that a notification be placed on the certificate of title stating: VULNERABLE COASTAL AREA - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.
7. Notwithstanding any provision of Appendix 12, where land is specifically included in an adopted Municipal Inventory of Heritage Places or State Heritage Register, the local government may approve an application for planning approval on land at a finished floor level less than that prescribed in Appendix 12 provided -
 - i. such approval is in keeping with the historic nature of the existing buildings; and
 - ii. planning approval includes a notification on title as required in by Part 6.
8. Notwithstanding Part 3 of Appendix 12, any application for use and development of the following kinds:
 - i. Commercial - non Strategic;
 - ii. Industry; or
 - iii. Health, Welfare and Community Services - non Strategic;

may be considered by the local government at the minimum finished floor level prescribed in Part 3 where -

- i. the application includes a strategy and management measures to -
 - (a) ensure that any storage, warehousing, electrical fittings/switchboards (but not including electrical power-points) are provided above 5.9m AHD;
 - (b) address how an approved use can be removed or adapted as the case may be by the date referred to in ii. below;
 - ii. an approved use is removed or adapted as the case may be from the land as follows -
 - (a) where the finished floor level is between 4.0m - 4.8m AHD, the development shall be removed by 31 December 2040; and
 - (b) where the finished floor level is between 4.9m - 5.8m AHD, the development shall be removed or adapted by 31 December 2060.
9. Where a planning approval is issued under Part 7 or Appendix 12 or where a Temporary and/or Transient use and development is approved, the local government shall not support subdivision unless it is an amalgamation of land.