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SHIRE OF CHRISTMAS ISLAND

Local Planning Scheme No. 2

Updated to include AMD 1 GG 27/07/2018



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal

17 February 2016

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SHIRE OF CHRISTMAS ISLAND SCHEME NO. 2 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED WHEN		DETAILS
		DATE	BY	
2	16/6/17	21/6/17	AT	<p>Amended clauses 1.4</p> <p>Deleted references to the following terms and replaced them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> • planning application with development application • planning approval with development approval • Council with local government • Residential Planning Codes with R-Codes. <p>Amended sub-clauses: 1.5(e), 1.7.1(b), 1.7.2(b), 5.8.2, 5.9.1, and 5.10</p> <p>Deleted "2005" from sub-clause 1.5(g).</p> <p>Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2:</p> <ul style="list-style-type: none"> • Clauses 2.1 - 2.6, 5.12, 5.13, 7.1, 7.4 - 7.6, 7.8, 7.9, 7.11, 8.1, 8.3, 8.4, 9.1 - 9.4, 10.1 - 10.10 and 11.1 - 11.7. • Sub-clauses 5.2.1, 5.8.1, 5.9.2 - 5.9.4, 5.11.1 - 5.11.3, 5.11.5 - 5.11.9, 7.2.1, 7.2.2(a)-(b), 7.2.3, 7.2.5, 7.2.7, 7.3.1, 7.3.2(a)(i)-(ii), 7.3.2(a)(iv), 7.3.2(a)(vi), 7.3.2(b), 7.3.3(b)-(c), 7.3.4 - 7.3.5, 7.3.7 - 7.3.8, 7.7.1, 7.7.3 - 7.7.5, 7.10.2, 8.2(a)(i)-(ii), 8.2(a)(iv), 8.2(b), 8.2(c)(i)-(ii), 8.2(c)(iv)-(v), 8.2(d)-(e), 8.2(j) and • Schedules 6, 8 and 9. <p>Amended the following clauses by removing the cross references to the clause deleted by the amendment and replaced them with cross references to the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: 3.4.2(a), 4.3.2(a), 4.3 Note 3, 4.4.2(b), 4.8(c), 4.9.2, 5.5.2, 5.6.2(a), 5.6.3(a) and 6.1.3(b).</p> <p>Amending Clause 4.3 Note 1.</p> <p>Amended Table 1 - Zoning Table to make Ancillary Accommodation a P use in the Residential Zone.</p> <p>Inserted new Schedule A - Supplement Provisions.</p> <p>Deleted definitions Advertisement, Amenity, Building Code, Conservation, Cultural Heritage Significance, Development Contribution Plan, Owner, Place, Premises, Region Scheme, Residential Planning Codes, Substantially Commenced, Zone and Plantation from Schedule 1.</p> <p>Amending various definitions in Schedule 1.</p>
1	27/7/18	30/07/18	HB	<p>Amend Schedule 2 – additional uses - by insertion of No.1 - Lots 417, 418, 419, 420 and 422 Kiln Place and Murray Rd.</p> <p>Amend Scheme Map 3 to show additional use.</p> <p>Delete clause 4.5 and replace it with new text.</p>

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PART 1 - PRELIMINARY

1.1 CITATION

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

1.1.2 The following Scheme is revoked –

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

1.2 RESPONSIBLE AUTHORITY

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

1.3 SCHEME AREA

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

1.4 CONTENTS OF SCHEME

The Scheme comprises –

AMD 2 GG 16/6/17

- (a) the Scheme Text
- (b) the deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA) (CI)* (deemed provisions)
- (c) the supplemental provisions contained in Schedule A (supplemental provisions); and
- (d) the Scheme Maps (Sheets 1-3)

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

1.5 PURPOSES OF THE SCHEME

The purposes of the Scheme are to –

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

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are —

- (a) to appropriately plan for the Island's diverse cultural, topographic and climatic characteristics;

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

1.7 DEFINITIONS

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

- (a) in the Planning and Development Act; or
- (b) if they are not defined in that Act — *AMD 2 GG 16/6/17*
 - (i) In the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) In the R-Codes; or
 - (iii) In Part 1 of the deemed provisions.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the R-Codes –

- (a) in the case of a residential development, the definition in the R-Codes prevails; and
- (b) in any other case the definition Schedule 1 prevails. *AMD 2 GG 16/6/17*

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

1.8 RELATIONSHIP WITH LOCAL LAWS

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

1.9 RELATIONSHIP WITH OTHER SCHEMES

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

PART 2 - RESERVES

3.1 RESERVES

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

3.2 REGIONAL RESERVES

There are no regional reserves in the Scheme area.

3.3 LOCAL RESERVES

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

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

3.4 USE AND DEVELOPMENT OF LOCAL RESERVES

3.4.1 A person must not —

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve, without first having obtained development approval of the local government.

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

- (a) Part 9 of the deemed provisions; and *AMD 2 GG 16/6/17*
- (b) the ultimate purpose intended for the Reserve.

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

PART 4 – ZONES AND THE USE OF LAND

4.1 ZONES

- 4.1.1 The Scheme area is classified into the zones shown on the Scheme Map.
- 4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

4.2 OBJECTIVES OF THE ZONES

The objectives of the zones are —

- 4.2.1 Residential
 - To provide for a range of housing densities and dwelling types to meet the diverse needs and climatic conditions associated with Christmas Island.
- 4.2.2 Commercial Zone
 - To provide for a range of commercial, retail, entertainment and community functions that will serve as a focal centre for the surrounding area.
- 4.2.3 Industrial Zone
 - To provide for a range of industrial uses, the storage and distribution of goods, and sustainable management of material and waste which, by the nature of their operations, should be separated from sensitive land uses.
- 4.2.4 Tourism Zone
 - To provide for quality tourism accommodation and associated facilities in suitable areas that compliment surrounding land uses and that are designed in such a way as to take advantage of the natural attributes of the site.
- 4.2.5 Mixed Use Zone
 - To provide for a range of compatible residential, commercial and tourism development within a specific area to compliment the overall development of the precinct.
- 4.2.6 Rural Zone
 - To facilitate the development of productive land through agriculture, horticulture, aquaculture or other similar activities for the benefit of the Christmas Island economy.
- 4.2.7 Urban Development Zone
 - To provide for the orderly planning of appropriate areas of land for residential and other associated urban land uses through the preparation of a detailed Structure Plan which responds to the constraints and opportunities of the area to provide for the sustainable development of new communities.

4.3 ZONING TABLE

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

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

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions;

AMD 2 GG 16/6/17

'X' means a use that is not permitted by the Scheme.

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

(a) the local government has exercised its discretion by granting development approval;

(b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

(c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or

(d) the change is to an incidental use that does not change the predominant use of the land.

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.
AMD 2 GG 16/6/17

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

3. *In considering a 'D' or 'A' use, the local government will have regard to the matters set out in Part 9 of the deemed provisions.*
AMD 2 GG 16/6/17

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

TABLE 1 – ZONING TABLE

USE CLASSES	Zones						Urban Development
	Residential	Commercial	Industrial	Tourism	Mixed Use	Rural	
1 Ancillary Accommodation <i>AMD 2 GG 16/6/17</i>	P	X	X	D	D	P	Refer to Clause 5.8
2 Aged & Dependent Persons Dwelling	D	X	X	X	A	X	
3 Agriculture - Intensive	X	X	X	X	X	A	
4 Amusement Parlour	X	P	X	D	P	X	
5 Animal Husbandry - Intensive	X	X	X	X	X	A	
6 Caretaker's Dwelling	P	D	A	D	D	D	
7 Car Park	D	D	D	D	D	A	
8 Civic Use	A	D	X	X	A	X	
9 Club, Reception Centre	X	P	X	P	D	X	
10 Community Purpose	A	D	X	D	D	D	
11 Consulting Room	A	P	X	X	D	X	
12 Dry Cleaning Premises	X	D	D	D	D	X	
13 Eco Tourism	X	A	X	D	A	A	
14 Educational Establishment	A	A	X	X	X	X	
15 Exhibition Centre	X	D	X	D	A	X	
16 Fast Food Outlet	X	P	X	D	D	X	
17 Fish Shop	X	P	X	A	D	X	
18 Fuel Depot	X	X	P	X	X	X	
19 Home Business, Home Occupation, Home Office	D	X	X	X	X	X	
20 Hotel, Motel, Tavern	X	P	X	P	P	X	
21 Industry Cottage	D	P	P	X	X	A	
22 Industry Extractive	X	X	D	X	X	A	
23 Industry General	X	X	D	X	X	X	
24 Industry Hazardous	X	X	A	X	X	X	
25 Industry Light	X	X	P	X	X	X	
26 Industry Mining	X	X	X	X	X	A	
27 Industry Noxious	X	X	D	X	X	X	
28 Industry Service	X	D	P	X	X	A	
29 Medical Centre	X	D	X	A	D	X	
30 Motor Vehicle, Boat or Caravan Sales	X	P	D	X	X	X	
31 Motor Vehicle Repair	X	A	P	X	X	X	
32 Office	X	P	D	X	D	X	
33 Private Recreation	X	P	D	D	D	X	
34 Place of Worship	D	D	X	A	D	A	
35 Public Utility	D	D	D	D	D	D	
36 Residential Building	D	D	X	D	D	X	
37 Residential							
Single House	P	X	X	X	X	D	
Multiple Dwelling Grouped Dwelling	D	X	X	X	D	A	
Dwelling	D	X	X	X	D	A	
38 Restaurant	X	P	X	P	P	D	
39 Rural Pursuit	X	X	X	X	X	P	
40 Service Station	X	D	P	X	X	X	
41 Shop	X	P	A	D	P	D	
42 Short Stay Accommodation	A	X	X	A	A	X	
43 Showroom	X	D	D	X	X	X	
44 Trade Display	X	P	D	X	X	X	
45 Tourism Development	A	X	X	A	A	X	
46 Tourist Resort	X	X	X	A	X	X	
47 Warehouse	X	X	P	X	X	X	

4.4 INTERPRETATION OF THE ZONING TABLE

- 4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or
AMD 2 GG 16/6/17
 - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5 ADDITIONAL USES

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible under the Zoning Table in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.
AMD1 GG 27/7/18

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

4.6 RESTRICTED USES

There are no restricted uses which apply to the Scheme.

4.7 SPECIAL USE ZONES

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

4.8 NON-CONFORMING USES

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

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to Part 10 of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.
AMD 2 GG 16/6/17

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

4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

- 4.9.1 A person must not —
- (a) alter or extend a non-conforming use;
 - (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or

- (c) change the use of land from a non-conforming use to another non-conforming use,

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

- 4.9.2 An application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions. *AMD 2 GG 16/6/17*

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

4.10 DISCONTINUANCE OF NON-CONFORMING USE

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

4.11 TERMINATION OF A NON-CONFORMING USE

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

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

4.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

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

PART 5 - GENERAL DEVELOPMENT REQUIREMENTS

5.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

5.2 R-CODES

- 5.2.1 A copy of the R-Codes is to be kept and made available for public inspection at the offices of the local government.
- 5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the R-Codes is to conform to the provisions of those Codes.
- 5.2.3 The R-Codes density applicable to land within the Scheme area is to be determined by reference to the R-Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Planning Code density, as being contained within the area defined by the centre-line of those borders.

5.3 SPECIAL APPLICATION OF R-CODES

There are no exclusions or variations to the R-Codes which apply to the Scheme.

5.4 SITE AND DEVELOPMENT REQUIREMENTS

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

5.5 RESTRICTIVE COVENANTS

- 5.5.1 Subject to clause 5.5.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the R-Codes which apply under the Scheme.
- 5.5.2 Where clause 5.5.1 operates to extinguish or vary a restrictive covenant the local government is not to grant development approval to the development of the land which would, but for the operation of clause 5.5.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 64 of the deemed provisions. *AMD 2 GG 16/6/17*

5.6 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 5.6.1 Except for development in respect of which the R-Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 5.6.2 In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —
 - (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and *AMD 2 GG 16/6/17*
 - (b) have regard to any expressed views prior to making its determination to grant the variation.

- 5.6.3 The power conferred by this clause may only be exercised if the local government is satisfied that —
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and *AMD 2 GG 16/6/17*
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.7 ENVIRONMENTAL CONDITIONS

- 5.7.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 9 of the Scheme.
- 5.7.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 5.7.3 The local government is to —
- (a) maintain a register of all relevant statements published under sections 48F and 48G of the *Environmental Protection Act 1986 (WA)(CI)*; and
 - (b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the Environmental Protection Act 1986 (WA)(CI).

5.8 URBAN DEVELOPMENT ZONE

- 5.8.1 In determining the permissibility of uses within the Urban Development Zone, the local government shall have due regard to any relevant and approved structure plan.
AMD 2 GG 16/6/17

5.9 TOURISM ZONE

- 5.9.1 A structure plan prepared and approved in accordance with Part 4 of the deemed provisions is required before any future subdivision or development is undertaken on land within the Tourism Zone.
AMD 2 GG 16/6/17

5.10 MIXED USE ZONE

Residential development in the Mixed Use zone shall be subject to the provisions of the R-Codes, except where varied by a local planning policy prepared under the deemed provisions of this Scheme.
AMD 2 GG 16/6/17

TABLE 2 - DEVELOPMENT TABLE

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Amusement Parlour or Club or Private Recreation	6	*	3	*	30	1 for every 4 persons whom the building is designed to accommodate.
Consulting Room	6	*	3	*	*	1 for every 30 m ² of floor area, plus for each person employed.
Child Care Centre	9	9	6	*	30	1 for every employee.
Educational Establishment	9	*	6	*	30	1 per full time employee, plus 1 bay for every 30 students.
Civic Use or Reception Centre	9	*	3	*	30	1 for every 4 persons whom the building is designed to accommodate.
Home Business or Home Occupation	As per R-Codes	As per R-Codes	As per R-Codes	*	As per R-Codes	As per R-Codes
Hospital	9	9	6	*	30	1 per 4 beds and 1 per employee
Residential Building	4	*	6	*	20	1 for every 2 rooms.
Hotel or Tavern	4	*	6	*	20	1 for every 2 rooms plus 1 per 4 m ² bar and lounge area.
Industrial	7.5	7.5	*	*	*	1 per 2 employees.
Motel	4	*	6	*	20	1 for every 2 rooms, plus 1 space per 25 m ² of service area.
Motor Vehicle, Boat or Caravan Sales	7.5	*	4	*	30	1 for every 150 m ² of site area
Office or Consulting Rooms or Medical Centre	6	*	3	*	*	1 for every 30 m ² of floor area, plus for each person employed.
Place of Worship	*	*	*	*	*	1 for every 4 persons whom the building is designed to accommodate.
Restaurant or Fast Food Outlet	4	*	3	*	*	1 for every 10 m ² of floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station or Motor Vehicle Repair or Fuel Depot	7.5	*	7.5	*	*	1 for every mechanic bay, plus 1 for each person employed on site.
Shop	4	*	*	*	*	1 for every 15 m ² of floor area.
Showroom	6	*	*	*	*	1 for every 100 m ² of floor area.

NOTES

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

PART 6 - SPECIAL CONTROL AREAS

6.1. OPERATION OF SPECIAL CONTROL AREA

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

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

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

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

- (a) The purpose of the Waste Water Treatment Plan Odour Buffer is to avoid the establishment of incompatible or odour-sensitive land uses or development within the buffer and protect the long term operation of the Christmas Island Waste Water Treatment Plan.
- (b) Notwithstanding any other provisions of the Scheme, a person must not commence or carry out any development or use of land within the Christmas Island Waste Water Treatment Plant Odour Buffer Special Control Area without first having applied for and obtained the development approval of the local government under Part 9 of the deemed provisions. *AMD 2 GG 16/6/17*
- (c) The local government in considering an application for development approval within the Christmas Island Waste Water Treatment Plant Odour Buffer Special Control Area is to have due regard to:
 - (i) the compatibility of the use or development with wastewater treatment plant infrastructure with regard to potential odour and noise emissions from the waste water treatment plant;
 - (ii) whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant;
 - (iii) the advice and recommendations of the Water Corporation of Western Australia and the WA Department of Environment Regulation and any relevant policies of the Department of Environment Regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy).

6.1.4 Groundwater Protection Special Control Area

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

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

- (b) The objectives of the Groundwater Protection Special Control Area are to –
 - (i) provide a basis for the protection of public drinking water resources through the control of land use or development which has the potential to prejudice the quality of water supplies for public use;

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

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

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

SCHEDULES

Schedule A	Supplemental Provisions
Schedule 1	Dictionary of Defined Words and Expressions
	1. General definitions
	2. Land use definitions
Schedule 2	Additional Uses
Schedule 3	Special Uses
Schedule 4	Exempted Advertisements
Schedule 5	Application for Development Approval
Schedule 6	Notice of Public Advertisement of Development Approval

SCHEDULE A - SUPPLEMENTAL PROVISIONS

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA) (CI)*.

Clause 7:

Commonwealth Heritage List is pursuant to the *Environmental Protection and Biodiversity Conservation Act 1999*.

Clauses 8(2):

- (d) is to include on the Heritage List the relevant properties and the places on the Commonwealth Heritage List.

Clause 8(4):

- (c) the Australian Heritage Council.

Clause 9(2):

- (d) a list of any buildings, objects structures or places contained in the Commonwealth Heritage List.

Clause 9(3):

- (d) If a local government proposes to designate an area as a heritage area, the local government is to provide the Australian Heritage Council with a copy of the proposed Local Planning Policy for the heritage area.

Clause 9(7):

- (c) the Australian Heritage Council.

Clause 10:

- (3) In granting an incentive under Clause 12(4) the local government may enter into a heritage agreement with an owner who would benefit from the incentive. The agreement shall specify the owner's obligations and contain covenants noted on relevant Certificates of Title.

Clause 12:

- (4) In dealing with any application concerning or affecting a place of cultural heritage significance or a heritage area, the local government may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses.
- (5) Within a heritage area, the local government may permit on a residential lot an increase up to (as specified by the local government) of permitted dwelling density which otherwise would not apply on that lot under R Codes. The density bonus shall only be granted where the increased development would not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct and if one or more of the following circumstances apply:
 - (a) provision is made for the preservation of significant landscape features; including significant trees or other vegetation.
 - (b) provision is made for the carrying out of conservation works approved by the local government on a heritage place; or

- (c) an agreement is otherwise entered into for a contribution to be made to the local government's current municipal heritage conservation program.
- (6) In a case where the local government has allowed under Clause 12(4) and increase in the permitted dwelling density, the standards and provisions of the higher density code applicable to that permitted dwelling density shall apply.

Clause 61 (1):

- (k) those advertisements listed in Schedule 4 of this Scheme are exempt from development approval. The exemptions listed in Schedule 4 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage area established or designated under Part 7 of the Scheme.
- (l) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is located in a place that has been entered in the Commonwealth Heritage List under the *Environmental Protection and Biodiversity Conservation Act 1999*.
- (m) the demolition of any building or structure except where the building or structure is located in a place that has been entered in the Commonwealth Heritage List under the *Environmental Protection and Biodiversity Conservation Act 1999*.
- (n) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act; and
- (o) the carrying out of works urgently necessary in the public safety or for essential services.

Clause 61(2):

- (g) the use of land in a reserve, where such land is held by the local government or vested in a public authority for the purpose for which the land is reserved under the Scheme.
- (h) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- (i) the use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.

Clause 66:

- (5) The local government shall, in considering any application that may affect a heritage area or individual entry on the Commonwealth Heritage List. solicit the views of the Australian 2.Heritage Commission and any other relevant bodies and take those views into account when determining the application.

SCHEDULE 1 – DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

1. General definitions

In the Scheme —

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

Commission means the Western Australian Planning Commission;

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

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

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

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

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

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

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

local government means the local government responsible for this Scheme;
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Local Planning Strategy means the local planning strategy for this scheme prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA) (CI)* Part 3, as amended from time to time;
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lot has the same meaning as in the Planning & Development Act but does not include a strata or survey strata lot;

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

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

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

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

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

plot ratio in the case of residential dwellings has the same meaning as in the R-Codes;

precinct means a definable area where particular planning policies, guidelines or standards apply;

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

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

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

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

2. Land use definitions

In the Scheme —

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

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

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

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

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

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

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

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

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

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003 (WA)(CI)*; AMD 2 GG 16/6/17

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

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

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

child care premises means premises where -

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- (a) an education and care service as defined in the *Education and Care Service National Law (WA) Act 2012 (WA)(CI)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007 (WA)(CI)* section 4.

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

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

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

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

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

convenience store means premises —

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

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

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

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

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

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

family day care means premises where a family day care service as defined in the *Education and Care Service National Law (WA)(CI)* is provided;

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

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

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

funeral parlour means premises used to prepare and store bodies for burial or cremation;

home business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

home occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

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

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

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

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

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

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

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

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

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

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

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

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

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

industry - light means an industry —

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

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

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

industry - rural means —

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

industry - service means —

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

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

marina means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;

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

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

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

motel means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988 (WA)(CI)*; AMD 2 GG 16/6/17

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

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

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

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

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

night club means premises —

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

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

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

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

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

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

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

residential building has the same meaning as in the R-Codes;

restaurant means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons and includes a restaurant licensed under the *Liquor Licensing Control Act 1988 (WA)(CI)*.
AMD 2 GG 16/6/17

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of - AMD 2 GG 16/6/17

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995*.
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements;

rural pursuit means any premises used for —

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

but does not include agriculture – extensive, agriculture – intensive or aquaculture;

service station means premises used for —

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

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

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

short stay accommodation means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three months in any 12-month period and excludes those uses more specifically defined elsewhere.

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

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

tavern means premises licensed as a tavern under the *Liquor Control Act 1988 (WA)(CI)* and used to sell liquor for consumption on the premises;
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telecommunications infrastructure means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

tourism development means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests for leisure or vacation purposes and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three months in any 12-month period and excludes those uses more specifically defined elsewhere.

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

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

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

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

warehouse means premises used to store or display goods and may include sale by wholesale;

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

SCHEDULE 2 – ADDITIONAL USES

<u>NO.</u>	<u>LAND PARTICULARS</u>	<u>PERMITTED USES</u>	<u>DEVELOPMENT STANDARDS/CONDITIONS</u>
1	<p>Lots 417, 418, 419, 420 and 422 Kiln Place and Murray Road.</p> <p><i>AMD 1 GG 277/18</i></p>	<p>Showroom, Warehouse, Trade Display and Storage</p>	<p>The additional use shall be considered as 'A' uses-the uses are not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with the advertising requirements of clause 64 of the deemed provisions.</p>

SCHEDULE 3 – SPECIAL USES

<u>NO.</u>	<u>LAND PARTICULARS</u>	<u>PERMITTED USES</u>	<u>DEVELOPMENT STANDARDS/CONDITIONS</u>

SCHEDULE 4 – EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not applicable.
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.	Total area of any such advertisements shall not exceed 15m ² .
	A maximum of two free standing advertisement signs not exceeding 5m in height above ground level	Maximum permissible total area, shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex of facility concerned either from other private land or from public places and streets.	n/a

Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or Local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	n/a
	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 municipality, and	n/a
	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	n/a
All classes of buildings other than single family dwelling	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

SCHEDULE 5 – APPLICATION FOR DEVELOPMENT APPROVAL

PLANNING AND DEVELOPMENT ACT 2005 (WA) (CI) (AS AMENDED)

SHIRE OF CHRISTMAS ISLAND

APPLICATION FOR DEVELOPMENT APPROVAL

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

SCHEDULE 6 – NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT APPROVAL

SHIRE OF CHRISTMAS ISLAND

LOCAL PLANNING SCHEME NO. 2

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

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

LAND DESCRIPTION

LOT NO..... STREET

PROPOSAL

.....

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of

.....
CHIEF EXECUTIVE OFFICER

.....
DATE

ADOPTION

Adopted by resolution of the Local government of the Shire of Christmas Island at the general meeting of the Local government held on the ... day of ... 2011.

.....
Shire President

.....
Date:

.....
Chief Executive Officer

.....
Date:

FINAL APPROVAL

1. Adopted by resolution of the Local government of the Shire of Christmas Island at the general meeting of the Local government held on the ... day of ... 2011 and the seal of the Municipality was pursuant to that resolution in the presence of:

.....
Shire President

.....
Date

.....
Chief Executive Officer

.....
Date

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

.....
Delegated under S.16 of
Planning and Development Act 2005 (WA)(CI)

.....
Date

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

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

.....
Date