

# **City of Karratha**

## ***Shire of Roebourne Town Planning Scheme No. 8 Amendment No. 46***

**A basic amendment to modify the Scheme text to make it consistent with the model and deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

## PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

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| <b>1. LOCAL AUTHORITY:</b>                      | City of Karratha                                 |
| <b>2. DESCRIPTION OF LOCAL PLANNING SCHEME:</b> | Shire of Roebourne Town<br>Planning Scheme No. 8 |
| <b>3. TYPE OF SCHEME:</b>                       | District Zoning Scheme                           |
| <b>4. SERIAL NUMBER OF AMENDMENT:</b>           | 46   |
| <b>5. PROPOSAL:</b>                             |  |

To amend the above Scheme to make it consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) by:

- (i) deleting those provisions which have now been superseded by the deemed provisions in Schedule 2 of the Regulations or address matters already addressed by the *Planning and Development Act 2005*;
- (ii) deleting or modifying those provisions and definitions not consistent with the model provisions in Schedule 1 of the Regulations;
- (iii) inserting 'supplemental' provisions in a newly created 'Schedule A – Supplemental Provisions';
- (iv) updating the use of terminology and terms throughout the Scheme to ensure consistency with the deemed and model provisions of the Regulations;
- (v) modifying the zoning table in the Scheme to make 'Home Occupation' a 'D' use in the Residential zone and to update terminology used in it; and
- (vi) re-order, re-configure and re-number parts, clauses and appendices, including cross referencing of parts, clauses and appendices, as required.

# **PLANNING AND DEVELOPMENT ACT 2005**

## **RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

### **CITY OF KARRATHA**

#### **SHIRE OF ROEBOURNE TOWN PLANNING SCHEME NO. 8**

#### **AMENDMENT 46**

RESOLVED that the Local Government pursuant to section 75 of the *Planning and Development Act 2005* (as amended), amend the above Local Planning Scheme by:

1. Replacing all references to:
  - 'Shire of Roebourne' or 'Shire of Roebourne's' with 'City of Karratha' or 'City of Karratha's' as appropriate;
  - 'Shire' or "Shire's" with 'City' or 'City's' as appropriate; and
  - 'Council', 'The Council' or 'the Council' with 'the local government';
2. Replacing all references to 'Town Planning Scheme' with 'Local Planning Scheme';
3. Replacing all references to 'planning approval' and 'planning applications' with 'development approval' and 'development applications' as appropriate;
4. Replacing all references to 'development plan', 'Development Plan' or 'endorsed development plan' with 'structure plan', 'Structure Plan' or 'approved structure plan' as appropriate;
5. Replacing all references to 'Residential Design Codes' or 'R Codes' with 'R-Codes', except for provision 6.1.1 in PART VI – DEVELOPMENT REQUIREMENTS of the Scheme;
6. On page 5, replacing '...The Act, makes the following Town Planning Scheme for...' with '...the Act, makes the following local planning scheme for...';
7. Modifying the index on pages 6 and to:
  - (a) remove or modify all clauses and parts from the index which will be removed from the Scheme or modified by this Amendment;
  - (b) replace '6.2 RESIDENTIAL DESIGN CODES' with '6.2 R-CODES'; and
  - (c) delete Appendices 2, 5 and 8 from the Appendix List and renumber the other appendices accordingly;
8. Modifying clause 1.1 CITATION (page 8) to replace '*Shire of Roebourne Scheme No. 8*' with '*City of Karratha Local Planning Scheme No. 8*' and to italicise 'Government Gazette';

9. Modifying clause 1.4 CONTENTS OF THE SCHEME to:
  - (a) delete 'and' at the end of point (a);
  - (b) replace '. (Sheets 1 – 16)' at the end of point (b) with a semicolon; and
  - (c) insert the following text after point (b);
    - '(c) The deemed provisions (set out in *the Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2); and
    - (d) the supplemental provisions contained in Schedule A.';
10. Modifying point (e) of clause 1.5 PURPOSES OF SCHEME to replace 'planning' with 'development' and point (g) of the same clause to replace 'Act' with 'Act';
11. Modifying subclause 1.9.1 of clause 1.9 INTERPRETATION to replace 'Residential Design Codes.' with 'R-Codes or the deemed provisions.';
12. Modifying clause 2.1 CATEGORIES to replace 'Reservation' with 'reservation' in both instances;
13. Modifying clause 2.2 DEVELOPMENT AND USE OF RESERVATIONS to replace 'written approval' with 'written development approval';
14. Modifying subclause 3.2.2 of clause 3.2 ZONING TABLE to replace 'AA' with 'D', 'SA' with 'A' and 'IP' with 'I';
15. Delete subclause 3.2.3 from clause 3.2 ZONING TABLE;
16. Modifying the Zoning Table to:
  - (a) to make 'Home Occupation' a 'D' use in the Residential zone;
  - (b) replace 'Transient Workforce Accommodation' with 'Workforce Accommodation'; and
  - (c) replace all instances of '...to be in accordance with an endorsed Development Plan' in the Urban Development and Industrial Development columns with '...shall have due regard to an approved structure plan';
17. Modifying Note 3 in subclause 3.2.3 of clause 3.2 Zoning Table to replace the current text with the following text: 'In considering an A use, the local government will have regard to clause 64 and Part 9 of the deemed provisions.';
18. Modifying subclause 3.2.4 of clause 3.2 ZONING TABLE to replace '... Appendix 1 it is deemed...' with '...Appendix 1 or the deemed provisions it is deemed...';
19. Modifying point (b) of subclause 3.2.5 of clause 3.2 ZONING TABLE to replace 'in accordance with Part IV including the advertising procedures of clause 4.3.' with 'in accordance with clause 64 and Part 9 of the deemed provisions.';
20. Deleting all of PART IV – USE AND DEVELOPMENT OF LAND;
21. Modifying the title of PART V – DEVELOPMENT OBJECTIVES AND LAND USE PLANNING POLICY to delete 'AND LAND USE PLANNING POLICY';

22. Deleting clause 5.1: LOCAL LAND USE PLANNING POLICIES from PART V – DEVELOPMENT OBJECTIVES AND LAND USE PLANNING POLICY, in its entirety, and renumber subsequent clauses accordingly;
23. Changing the title of clause 5.2 DEVELOPMENT PLANS to '5.2 STRUCTURE PLANS';
24. Modifying subclause 5.2.1 of 5.2 DEVELOPMENT PLANS to:
  - (a) replace 'Council may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for:' with 'Prior to the local government considering subdivision or development applications a structure plan may be prepared for:';
  - (b) replace 'Development Plan precincts' in point (a) with 'Structure Plan areas'; and
  - (c) insert a colon at the end of points (a), (b) and (c), ';' and' at the end of point (d) and a full stop at the end of point (e);
25. Modifying subclause 5.2.2 of clause 5.2 DEVELOPMENT PLANS to replace 'upon endorsement of development plans or parts of development plans, ensure they are included in the Shire of Roebourne Local Planning Policy Manual as a policy statement.' with ' upon approval of structure plans by the Commission, or parts of structure plans, ensure they are included in the City of Karratha Local Planning Policy Manual as a local planning policy.';
26. Deleting subclauses 5.2.5 to 5.2.11 from clause 5.2 DEVELOPMENT PLANS, in their entirety;
27. Modifying clause 5.9 KARRATHA OBJECTIVES to:
  - (a) insert a full stop at the end of point (viii); and
  - (b) replace 'Prohibit' with 'Discourage' in point (xvii);
28. Changing the title of PART VI – DEVELOPMENT REQUIREMENTS to 'PART VI – GENERAL DEVELOPMENT REQUIREMENTS';
29. Modifying subclause 6.1.1 of Clause 6.1 OPERATIONS OF THIS PART to delete the following text:

'Unless otherwise indicated by this Scheme, the provisions of the Building Code of Australia apply to development in the Scheme area in addition to the development requirements of this Scheme.';
30. Changing the title of clause 6.2 RESIDENTIAL DESIGN CODES to '6.2 R-CODES';
31. Modifying the text of subclause 6.2.1 so that it states the following:

'For the purposes of this Scheme, R-Codes means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time.'
32. Modifying subclause 6.2.3 of clause 6.2 RESIDENTIAL DESIGN CODES to replace '...those Codes.' with '...the R-Codes.';

33. Modifying subclause 6.2.5 of clause 6.2 RESIDENTIAL DESIGN CODES to replace ‘... where approved in accordance with the Scheme.’ with ‘...where approved by the Western Australian Planning Commission in accordance with the Scheme.’;
34. Modifying subclause 6.3.1 of clause 6.3 RESIDENTIAL ZONES to replace ‘Part V’ with ‘Part 2 of the deemed provisions’;
35. Modifying subclause 6.3.2 of clause 6.3 RESIDENTIAL ZONES to replace ‘Policy Statement’ with ‘Local Planning Policy’;
36. Modifying subclause 6.3.3 of clause 6.3 RESIDENTIAL ZONES to replace ‘Notwithstanding clause 6.10.3 of Residential Design Codes.’ with ‘Notwithstanding the R-Codes provisions.’;
37. Modifying subclause 6.4.1 of clause 6.4 URBAN DEVELOPMENT ZONE to replace ‘... the Council may prepare or require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by the Council.’ with ‘... a Structure Plan may be prepared in accordance with Part 4 of the deemed provisions.’;
38. Deleting subclauses 6.4.2 and 6.4.3 from clause 6.4 URBAN DEVELOPMENT ZONE, in their entirety, and renumber subsequent clauses accordingly;
39. Modifying subclause 6.4.5 of clause 6.4 URBAN DEVELOPMENT ZONE to replace ‘Part V’ with ‘Part 2 of the deemed provisions’, ‘shall’ with ‘should’ and ‘Council’ with ‘the Council’;
40. Changing the title of 6.5 TRANSIENT WORKFORCE ACCOMMODATION to ‘6.5 WORKFORCE ACCOMMODATION’;
41. Modifying subclause 6.5.1 to replace ‘transient workforce accommodation’ with ‘work force accommodation’, ‘shall’ with ‘should’ and ‘Transient Workforce Accommodation Policy’ with ‘Transient Workforce Accommodation Local Planning Policy’;
42. Modifying subclause 6.5.2 to replace ‘transient workforce accommodation’ with ‘work force accommodation’;
43. Modifying subclauses 6.5.3 and 6.5.4 to replace ‘transient workforce accommodation’ with ‘work force accommodation’ and ‘... to Council’s satisfaction’ with ‘to the local government’s satisfaction’;
44. Modifying subclause 6.6.1 of clause 6.6 COMMERCIAL ZONES to replace ‘...contained in Part V or a Policy Statement in the Policy Manual.’ with ‘... contained in Part V and any local planning policies contained in the Policy Manual.’;
45. Modify subclause 6.6.2 of clause 6.6 COMMERCIAL ZONES to replace the entire subclause with the following sentence:

‘Prior to local government considering subdivision or development applications on land within the Town Centre, Commercial, Tourism, Mixed Business and City Centre zones, a structure plan may be prepared in accordance with Part 4 of the deemed provisions.’;

46. Deleting subclauses 6.6.2 and 6.6.2 from clause 6.6 COMMERCIAL ZONES, in their entirety, and renumber the subsequent subclause accordingly;
47. Modifying subclause 6.6A.2 of clause 6.6A CITY CENTRE to replace 'Transient Workforce Accommodation' with 'workforce accommodation';
48. Modifying subclause 6.6A.3 of clause 6.6A CITY CENTRE to:
  - (a) replace 'storey' with 'storeys' in both instances;
  - (b) replace '... specified by Council's Policy Manual.' with 'specified by a local planning policy in the Policy Manual.';
  - (c) replace 'Application' with 'application' in the third bullet point; and
  - (d) delete all of 'The Application for Planning Approval shall also address matters including:...' and all bullet points listed under it;
49. Modifying subclause 6.6A.4 of clause 6.6A CITY CENTRE to replace:
  - (a) 'R-IC' with 'R-AC';
  - (b) 'Council's Policy Manual' with 'a local planning policy in the Policy Manual.' in the first bullet point;
  - (c) 'Application' with 'application' in the third bullet point;
50. Modifying subclause 6.7.1 of clause 6.7 INDUSTRY to replace '...contained in Part V or a Policy Statement contained in the Policy Manual.' with '... contained in Part V and any local planning policy contained in the Policy Manual.';
51. Modifying subclause 6.7.2 of clause 6.7 INDUSTRY to replace '...within the strategic industry, industry or industrial development zones, public purpose or other reserves, or industry buffer Special Control Area, ...' with 'within the Strategic Industry, Industry or Industrial Development zones, public purpose or other reserves, or Industry Buffer Special Control Area, ...';
52. Modifying subclause 6.7.5 of clause 6.7 INDUSTRY to replace 'State government' with 'State Government';
53. Modifying subclause 6.7.7 of clause 6.7 INDUSTRY to replace '...contained in the Policy Manual.' with '...contained in a local planning policy in the Policy Manual.';
54. Deleting subclauses 6.7.11, 6.7.12 and 6.7.13 from clause 6.7 INDUSTRY, in their entirety, and renumber the subsequent subclause accordingly;
55. Deleting subclauses 6.8.2, 6.8.3 and 6.8.4 from clause 6.8 RURAL ZONES, in their entirety;
56. Deleting clauses 6.9 HERITAGE MATTERS to 6.11 CONTROL OF ADVERTISEMENTS from the Scheme, in their entirety, and renumber subsequent clauses accordingly;
57. Modifying subclause 7.1.1 of clause 7.1 OPERATION OF SPECIAL CONTROL AREAS to:
  - (a) replace 'Development Areas' with 'Structure Plan Areas' in both instances; and

- (b) delete '(f) Storm Surge Risk Areas – DELETED AMD 37 22/12/15' and renumber the subsequent points accordingly;
58. Changing the title of clause 7.2 DEVELOPMENT AREAS to '7.2 STRUCTURE PLAN AREAS';
59. Modifying subclause 7.2.1 of 7.2 DEVELOPMENT AREAS to:
- (a) delete points (a) and (b) and renumber point (c) accordingly; and
  - (b) replace the following text in point (c) "'Development Plan Area" has the same meaning as the term "Development Area", and specified by the Council and included in Appendix 7 of the Scheme as requiring an adopted Development Plan prior to development.' with "'Structure Plan Area" means an area included in Appendix 7, or any other part of the Scheme as requiring an approved Structure Plan prior to development.';
60. Modifying subclause 7.2.3.2 of clause 7.2 DEVELOPMENT AREAS to replace '... there is a Development Plan for the Development Plan for...' with '...there is an approved Structure Plan for...';
61. Modifying subclause 7.2.3.3 of clause 7.2 DEVELOPMENT AREAS to:
- (a) replace '... a Council may recommend subdivision or ...' with '...under clause 27 of the deemed provisions, the local government may recommend subdivision approval or...' and '...Development Plan Area.' with '... Structure Plan Area.'; and
  - (b) delete 'An application for development within a Development Plan Area for which a Development Plan is not in place shall include an assessment of the effect of the proposal on: ...' and points listed below this sentence, in their entirety;
62. Deleting subclause 7.2.3.4 of clause 7.2 DEVELOPMENT AREAS, in its entirety;
63. Deleting subclauses 7.2.4 to 7.2.15 of clause 7.2 DEVELOPMENT AREAS, in their entirety;
64. Deleting subclause 7.3A.2 of clause 7.3A INDUSTRY BUFFERS, in its entirety;
65. Deleting clause 7.5 STORM SURGE RISK AREA, in its entirety, and renumber subsequent clauses accordingly;
66. Deleting subclause 7.6.2 of clause 7.6 COSSACK HISTORIC TOWN, in its entirety, and renumber subsequent subclauses accordingly;
67. Modifying subclause 7.7.3 of clause 7.7 DAMPIER SALT to replace '*Environmental Protection Act*' with '*Environmental Protection Act 1986*';
68. Modifying subclause 7.8.3 of clause 7.8 WITHNELL BAY to replace 'Department of Environment and Conservation' with 'Department of Environment Regulation';
69. Modifying point (c) of clause 8.1 NON-CONFORMING USE RIGHTS to replace '*Planning and Development Act*' with '*Planning and Development Act 2005*';



70. Modifying subclause 8.2.2 of clause 8.2 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE to replace '...with clause 4.3.3.' with '...with Part 8 of the deemed provisions.';
71. Modifying subclause 8.4.2 of clause 8.4 DISCONTINUANCE OF NON-CONFORMING USE to replace '*Planning and Development Act*' with '*Planning and Development Act 2005*';
72. Deleting PART IX – ADMINISTRATION from the Scheme, in its entirety;
73. Inserting a new 'SCHEDULE A – SUPPLEMENTAL PROVISIONS' in the Scheme after the Adoption and Final Approval page and insert the following text in this Schedule:

'61. Development for which development approval is not required:

  - (1) Development approval of the local government is not required for the following works:
    - (a) The development of land in a reserve, where such land is held by the local government or a public authority, and where the proposed development is 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, unless the land is located in a storm surge risk area identified under clause 6.17;
    - (b) the use of the land which is a permitted (P) use in the zone in which the that land situated provided it does not involve the carrying out of any building or other works and the requirements of clause 3.2.4 have been satisfied;
    - (c) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
    - (d) the carrying out of works urgently necessary for public safety, the safety or security of plant or equipment or the maintenance of essential services;
    - (e) the erection of a boundary fence in areas not covered by the R-Codes, except as otherwise required by the Scheme;
    - (f) the erection on a lot of a single house, including swimming pool(s), outbuilding(s) and ancillary works in a zone in which a single house is a permitted (P) use, and not covered by the R-Codes, except as otherwise provided by the Scheme;
    - (g) the development of land in a rural setting where local government has resolved that an approved structure plan adequately addresses local government requirements for development approval;
    - (h) the parking of a moveable dwelling where local government has previously approved the use of the site for that purpose;
    - (i) demolition except as otherwise required by the Scheme and the deemed provisions;

- (j) a anemometer if located on a site for less than three years, or if located in a residential area, less than fourteen metres in height above the ground of five metres in height if attached to a building;
- (k) a children's cubbyhouse;
- (l) external lighting normal to a dwelling;
- (m) buildings or works associated with a circus or carnival provided in compliance with the publication *Circuses: code of practice for the conduct of circuses in Western Australia*;
- (n) signage, except as otherwise required by the Scheme;
- (o) a temporary shed, structure or shipping container for construction purposes located on site for which a building licence and/or planning approval has been granted;
- (p) except as otherwise required by the Scheme, a satellite dish with a diameter not exceeding 1200 millimetres;
- (q) antenna not located within the primary street setback area, not within one metre of any property boundary and not greater than fourteen metres in height above the ground of five metres in height if attached to any building;
- (r) solar collectors physically attached to a building not forming part of a minor utility installation or utility installation;
- (s) routine repairs and maintenance, except as otherwise required by the Scheme; and
- (t)
  - (i) the carrying out of any mining operations authorized by the *Mining Act 1978*; and
  - (ii) the doing of any lawful act, incident or conducive to mining operations; and
  - (iii) any activity that is exempt from the requirement of planning approval under any State Agreement Act.

Advice Note re Mining Operations:

Where any mining operations, as that term is defined in section 8 of the *Mining Act 1978*, or any lawful act, incident or conducive to mining operations, or any activity under a State Agreement, within the terms of the exemption in item (q) above, is exempt from the requirement of development approval, assessment of the proposal from a planning perspective may nevertheless be required under the State Agreement or State Agreement Act, or for the purpose of a determination under the *Mining Act 1978* or pursuant to a grant, approval or permit under that Act. If so, the proposal must be submitted to the local government to give due consideration to the effects and planning significance of the activity so as to enable informed comment to be given to the State or the relevant agency.'

- (u) Subject to the provisions of the *Main Roads (Control of Advertisements) Regulations 1996*, and notwithstanding the provisions of Part 7 of the deemed provisions, the local government's prior development approval is not required in respect of those advertisements which are exempt from or otherwise satisfy the requirements for particular signs under the Council's

Local Law relating to Signs, Hoardings and Bill Posting. These exemptions do not apply to land, buildings, objects, structures and places included on the Heritage List or the subject of an approved Structure Plan.

(2) Development approval of the local government is not required for the following uses:

- (a) Street trading if exempted or otherwise approved under a Local Law;
- (b) The keeping of bees; and
- (c) A family day care centre unless the land is located in a storm surge risk area identified under clause 6.17.'; and

67. Matters to be considered by local government

- (a) whether stormwater runoff has been adequately provided for and whether existing overland flowpaths are suitably protected or substituted;
- (b) Applications for development approval within the Accommodation Precinct of the City Centre zone shall address the following matters:
  - (i) a streetscape analysis;
  - (ii) amenity impacts;
  - (iii) building height;
  - (iv) setbacks;
  - (v) public domain enhancement;
  - (vi) limited vehicle access ways, shared driveways and secondary street access;
  - (vii) sustainability initiatives;
  - (viii) signage;
  - (ix) architectural merit;
  - (x) heritage values;
  - (xi) public art; and
  - (xii) other information as may be required by Council;
- (c) When considering development applications which include transportable buildings and structures the local government should have regard for:
  - (i) whether the structure is to be permanent or temporary;
  - (ii) the location and design of the structure in relation to surrounding structures and other physical features;
  - (iii) the footings and other methods of stabilising the structure; and
  - (iv) proposed landscaping to be associated with the structure.
- (d) When considering planning applications for development approval within the Industry Buffers Special Control Area, the local government shall consider the impact of the proposal on the efficient development of the strategic industrial area.';

74. Deleting the following general definitions from APPENDIX 1 – DICTIONARY OF DEFINED TERMS, in their entirety:
- Act;
  - advertisement;
  - amenity;
  - Building Code of Australia; and
  - development plan;
75. Modifying the general definitions in APPENDIX 1 – DICTIONARY OF DEFINED TERMS as detailed below:
- (a) change the definition of ‘development’ to ‘shall have the same meaning as in the *Planning and Development Act 2005*.’;
  - (b) modify the definition of ‘precincts’ to show the correct spelling of ‘identified’;
  - (c) change the definition of ‘policy manual’ to ‘the City of Karratha Land Use Planning Policy Manual being the collection of local planning policies adopted by the local government.’;
  - (d) change the definition of ‘Scheme’ to ‘*City of Karratha Local Planning Scheme No. 8*.’;
  - (e) change the definition of ‘street frontage’ to the following:  
‘in relation to a building –
    - (a) if the building is used for residential purposes, has the same meaning given in the R-Codes; or
    - (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of the lot meet and, if a lot abuts two or more road reserves, the one to which the building or proposed building faces.’; and
  - (f) modify the definition of ‘subdivision’ to replace ‘*Strata Titles Act*’ with ‘*Strata Titles Act 1985*.’;
76. Deleting the land use definition for ‘owner’ from APPENDIX 1 – DICTIONARY OF DEFINED TERMS, in its entirety;
77. Modifying the land use definitions in APPENDIX 1 – DICTIONARY OF DEFINED TERMS as detailed below:
- (a) change the definition of ‘childcare premises’ to ‘has the same meaning as in the *Community Services (Child Care) Regulations 1988*.’;
  - (b) modify the definition of ‘community use’ to replace ‘...social and recreation...’ with ‘...social or recreational...’;
  - (c) change the definition of ‘family day care centre’ to ‘means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*.’;

- (d) change the definition of 'hospital' to 'means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927*.'; and
  - (e) replace the definition for 'transient workforce accommodation' with the following definition for 'workforce accommodation':
    - 'means premises, which may include modular or relocatable buildings, used-
    - (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
    - (b) for any associated catering, sporting and recreational facilities for the occupants and authorised visitors.';
78. Deleting APPENDIX 2 – APPLICATIONS FOR PLANNING APPROVAL for the Scheme, in its entirety, and renumber subsequent appendices accordingly;
79. Deleting APPENDIX 5 – NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING APPROVAL for the Scheme, in its entirety, and renumber subsequent appendices accordingly;
80. Changing the title of APPENDIX 7 – DEVELOPMENT AREAS to 'APPENDIX 7 – STRUCTURE PLAN AREAS';
81. Modifying APPENDIX 7 – DEVELOPMENT AREAS to:
- (a) replace all references to 'Detailed Area Plans' with 'Local Development Plans'; and
  - (b) delete all instances of the following clause throughout Appendix 7 (in relation to DA1, DA3, DA5 to DA7, DA9, DA10, DA12 to DA22, DA25 and DA42):
    - 'The provisions of the Scheme shall apply to the land classified under the Development Plan, in accordance with clause 7.2.11.4.', in its entirety;
82. Deleting APPENDIX 8 – MATTERS TO BE ADDRESSED BY DEVELOPMENT PLANS, in its entirety, and renumber the subsequent appendix accordingly.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017

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Chief Executive Officer

## SCHEME AMENDMENT REPORT

### 1.0 PURPOSE

Amendment No. 46 proposes to amend the *Shire of Roebourne Town Planning Scheme No. 8* (the Scheme) to make it consistent with the model and deemed provisions specified in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

### 2.0 BACKGROUND

The Scheme was originally gazetted in August 2000 and prepared pursuant to the requirements of the *Town Planning Regulations 1967* (as amended), which have since been superseded by the Regulations when they came into effect in 2015.

The Regulations address a number of matters in relation to the local planning framework including the contents of local planning schemes. In this respect, the Regulations prescribe model and deemed provisions for local planning schemes.

Pursuant to section 257B of the *Planning and Development Act 2005* (the Act), the deemed provisions have automatic effect as part of all local planning schemes and prevail over any existing scheme provisions which they are not consistent with. Model provisions do not have automatic effect as part of a local planning scheme, but are to be included in a scheme when an amendment to a scheme is prepared or adopted pursuant to section 257A of the Act.

A key issue which arises from the above situation is that the Scheme contains provisions which have been superseded by the deemed provisions or are not consistent with the model provisions of the Regulations. This can create confusion and may lead to the provisions of the Scheme being misinterpreted. This issue is best resolved by amending the Scheme to make it consistent with the model and deemed provisions prescribed in the Regulations.

### 3.0 DETAILS OF THE AMENDMENT

The Amendment proposes to:

- delete scheme provisions, appendices and definitions which are superseded by the deemed provisions specified in Schedule 2 of the Regulations;
- delete or modify provisions and definitions to make them consistent with the model provisions and definitions specified in Schedule 1 of the Regulations;
- insert supplemental provisions in a newly created schedule titled 'Schedule A – Supplemental Provisions';
- update terminology and terms used in the Scheme to ensure consistency with those used in model and deemed provisions of the Regulations;
- deleting scheme provisions which address matters already addressed by the Act and any other relevant legislation;
- modify various scheme provisions which reference other policies to ensure consistency with the terminology used in these policies;

- modify the zoning table to make 'Home Occupation' a 'D' use in the Residential zone and update terminology in it;
- change all references to the 'Shire of Roebourne' to the 'City of Karratha';
- make a number of administrative changes to provisions throughout the Scheme text; and
- Renumbering the scheme parts, clauses and appendices, and any cross references to them, as appropriate.

Full details of the Amendment are contained in Appendix 1.

#### **4.0 AMENDMENT TYPE**

The Amendment is considered to be a basic amendment, consistent with the criteria outlined in regulation 34(c) of the Regulations, as it only proposes to:

- (a) make the scheme provisions consistent with the model provisions specified in Schedule 1 of the Regulations;
- (b) delete provisions which have been superseded by the deemed provisions specified in Schedule 2 of the Regulations; and
- (c) modify scheme provisions to make them consistent with an Act or State planning policy which applies to the Scheme.

## APPENDIX 1

### PLANNING AND DEVELOPMENT ACT 2005

#### CITY OF KARRATHA

#### SHIRE OF ROEBOURNE TOWN PLANNING SCHEME NO. 8 AMENDMENT 46

The City of Karratha under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above local planning scheme by:

1. Replacing all references to:
  - 'Shire of Roebourne' or 'Shire of Roebourne's' with 'City of Karratha' or 'City of Karratha's' as appropriate;
  - 'Shire' or "Shire's' with 'City' or 'City's' as appropriate; and
  - 'Council', 'The Council' or 'the Council' with 'the local government';
2. Replacing all references to 'Town Planning Scheme' with 'Local Planning Scheme';
3. Replacing all references to 'planning approval' and 'planning applications' with 'development approval' and 'development applications' as appropriate;
4. Replacing all references to 'development plan', 'Development Plan' or 'endorsed development plan' with 'structure plan', 'Structure Plan' or 'approved structure plan' as appropriate;
5. Replacing all references to 'Residential Design Codes' or 'R Codes' with 'R-Codes', except for provision 6.1.1 in PART VI – DEVELOPMENT REQUIREMENTS of the Scheme;
6. On page 5, replacing '...The Act, makes the following Town Planning Scheme for...' with '...the Act, makes the following local planning scheme for...';
7. Modifying the index on pages 6 and to:
  - (a) remove or modify all clauses and parts from the index which will be removed from the Scheme or modified by this Amendment;
  - (b) replace '6.2 RESIDENTIAL DESIGN CODES' with '6.2 R-CODES'; and
  - (c) delete Appendices 2, 5 and 8 from the Appendix List and renumber the other appendices accordingly;
8. Modifying clause 1.1 CITATION (page 8) to replace '*Shire of Roebourne Scheme No. 8*' with '*City of Karratha Local Planning Scheme No. 8*' and to italicise 'Government Gazette';



9. Modifying clause 1.4 CONTENTS OF THE SCHEME to:
  - (a) delete 'and' at the end of point (a);
  - (b) replace '. (Sheets 1 – 16)' at the end of point (b) with a semicolon; and
  - (c) insert the following text after point (b);
    - '(c) The deemed provisions (set out in *the Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2); and
    - (d) the supplemental provisions contained in Schedule A.';
10. Modifying point (e) of clause 1.5 PURPOSES OF SCHEME to replace 'planning' with 'development' and point (g) of the same clause to replace 'Act' with 'Act';
11. Modifying subclause 1.9.1 of clause 1.9 INTERPRETATION to replace 'Residential Design Codes.' with 'R-Codes or the deemed provisions.';
12. Modifying clause 2.1 CATEGORIES to replace 'Reservation' with 'reservation' in both instances;
13. Modifying clause 2.2 DEVELOPMENT AND USE OF RESERVATIONS to replace 'written approval' with 'written development approval';
14. Modifying subclause 3.2.2 of clause 3.2 ZONING TABLE to replace 'AA' with 'D', 'SA' with 'A' and 'IP' with 'I';
15. Delete subclause 3.2.3 from clause 3.2 ZONING TABLE;
16. Modifying the Zoning Table to:
  - (a) to make 'Home Occupation' a 'D' use in the Residential zone;
  - (b) replace 'Transient Workforce Accommodation' with 'Workforce Accommodation'; and
  - (c) replace all instances of '...to be in accordance with an endorsed Development Plan' in the Urban Development and Industrial Development columns with '...shall have due regard to an approved structure plan';
17. Modifying Note 3 in subclause 3.2.3 of clause 3.2 Zoning Table to replace the current text with the following text: 'In considering an A use, the local government will have regard to clause 64 and Part 9 of the deemed provisions.';
18. Modifying subclause 3.2.4 of clause 3.2 ZONING TABLE to replace '... Appendix 1 it is deemed...' with '...Appendix 1 or the deemed provisions it is deemed...';
19. Modifying point (b) of subclause 3.2.5 of clause 3.2 ZONING TABLE to replace 'in accordance with Part IV including the advertising procedures of clause 4.3.' with 'in accordance with clause 64 and Part 9 of the deemed provisions.';
20. Deleting all of PART IV – USE AND DEVELOPMENT OF LAND;
21. Modifying the title of PART V – DEVELOPMENT OBJECTIVES AND LAND USE PLANNING POLICY to delete 'AND LAND USE PLANNING POLICY';

22. Deleting clause 5.1: LOCAL LAND USE PLANNING POLICIES from PART V – DEVELOPMENT OBJECTIVES AND LAND USE PLANNING POLICY, in its entirety, and renumber subsequent clauses accordingly;
23. Changing the title of clause 5.2 DEVELOPMENT PLANS to '5.2 STRUCTURE PLANS';
24. Modifying subclause 5.2.1 of 5.2 DEVELOPMENT PLANS to:
  - (a) replace 'Council may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for:' with 'Prior to the local government considering subdivision or development applications a structure plan may be prepared for:';
  - (b) replace 'Development Plan precincts' in point (a) with 'Structure Plan areas'; and
  - (c) insert a colon at the end of points (a), (b) and (c), ';' and' at the end of point (d) and a full stop at the end of point (e);
25. Modifying subclause 5.2.2 of clause 5.2 DEVELOPMENT PLANS to replace 'upon endorsement of development plans or parts of development plans, ensure they are included in the Shire of Roebourne Local Planning Policy Manual as a policy statement.' with ' upon approval of structure plans by the Commission, or parts of structure plans, ensure they are included in the City of Karratha Local Planning Policy Manual as a local planning policy.';
26. Deleting subclauses 5.2.5 to 5.2.11 from clause 5.2 DEVELOPMENT PLANS, in their entirety;
27. Modifying clause 5.9 KARRATHA OBJECTIVES to:
  - (a) insert a full stop at the end of point (viii); and
  - (b) replace 'Prohibit' with 'Discourage' in point (xvii);
28. Changing the title of PART VI – DEVELOPMENT REQUIREMENTS to 'PART VI – GENERAL DEVELOPMENT REQUIREMENTS';
29. Modifying subclause 6.1.1 of Clause 6.1 OPERATIONS OF THIS PART to delete the following text:

'Unless otherwise indicated by this Scheme, the provisions of the Building Code of Australia apply to development in the Scheme area in addition to the development requirements of this Scheme.';
30. Changing the title of clause 6.2 RESIDENTIAL DESIGN CODES to '6.2 R-CODES';
31. Modifying the text of subclause 6.2.1 so that it states the following:

'For the purposes of this Scheme, R-Codes means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time.'
32. Modifying subclause 6.2.3 of clause 6.2 RESIDENTIAL DESIGN CODES to replace '...those Codes.' with '...the R-Codes.';

33. Modifying subclause 6.2.5 of clause 6.2 RESIDENTIAL DESIGN CODES to replace '... where approved in accordance with the Scheme.' with '...where approved by the Western Australian Planning Commission in accordance with the Scheme.';
34. Modifying subclause 6.3.1 of clause 6.3 RESIDENTIAL ZONES to replace 'Part V' with 'Part 2 of the deemed provisions';
35. Modifying subclause 6.3.2 of clause 6.3 RESIDENTIAL ZONES to replace 'Policy Statement' with 'Local Planning Policy';
36. Modifying subclause 6.3.3 of clause 6.3 RESIDENTIAL ZONES to replace 'Notwithstanding clause 6.10.3 of Residential Design Codes.' with 'Notwithstanding the R-Codes provisions.';
37. Modifying subclause 6.4.1 of clause 6.4 URBAN DEVELOPMENT ZONE to replace '... the Council may prepare or require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by the Council.' with '... a Structure Plan may be prepared in accordance with Part 4 of the deemed provisions.';
38. Deleting subclauses 6.4.2 and 6.4.3 from clause 6.4 URBAN DEVELOPMENT ZONE, in their entirety, and renumber subsequent clauses accordingly;
39. Modifying subclause 6.4.5 of clause 6.4 URBAN DEVELOPMENT ZONE to replace 'Part V' with 'Part 2 of the deemed provisions', 'shall' with 'should' and 'Council' with 'the Council';
40. Changing the title of 6.5 TRANSIENT WORKFORCE ACCOMMODATION to '6.5 WORKFORCE ACCOMMODATION';
41. Modifying subclause 6.5.1 to replace 'transient workforce accommodation' with 'work force accommodation', 'shall' with 'should' and 'Transient Workforce Accommodation Policy' with 'Transient Workforce Accommodation Local Planning Policy';
42. Modifying subclause 6.5.2 to replace 'transient workforce accommodation' with 'work force accommodation';
43. Modifying subclauses 6.5.3 and 6.5.4 to replace 'transient workforce accommodation' with 'work force accommodation' and '... to Council's satisfaction' with 'to the local government's satisfaction';
44. Modifying subclause 6.6.1 of clause 6.6 COMMERCIAL ZONES to replace '...contained in Part V or a Policy Statement in the Policy Manual.' with '... contained in Part V and any local planning policies contained in the Policy Manual.';
45. Modify subclause 6.6.2 of clause 6.6 COMMERCIAL ZONES to replace the entire subclause with the following sentence:

'Prior to local government considering subdivision or development applications on land within the Town Centre, Commercial, Tourism, Mixed Business and City Centre zones, a structure plan may be prepared in accordance with Part 4 of the deemed provisions.';

46. Deleting subclauses 6.6.2 and 6.6.2 from clause 6.6 COMMERCIAL ZONES, in their entirety, and renumber the subsequent subclause accordingly;
47. Modifying subclause 6.6A.2 of clause 6.6A CITY CENTRE to replace 'Transient Workforce Accommodation' with 'workforce accommodation';
48. Modifying subclause 6.6A.3 of clause 6.6A CITY CENTRE to:
  - (a) replace 'storey' with 'storeys' in both instances;
  - (b) replace '... specified by Council's Policy Manual.' with 'specified by a local planning policy in the Policy Manual.';
  - (c) replace 'Application' with 'application' in the third bullet point; and
  - (d) delete all of 'The Application for Planning Approval shall also address matters including:...' and all bullet points listed under it;
49. Modifying subclause 6.6A.4 of clause 6.6A CITY CENTRE to replace:
  - (a) 'R-IC' with 'R-AC';
  - (b) 'Council's Policy Manual' with 'a local planning policy in the Policy Manual.' in the first bullet point; and
  - (c) 'Application' with 'application' in the third bullet point;
50. Modifying subclause 6.7.1 of clause 6.7 INDUSTRY to replace '...contained in Part V or a Policy Statement contained in the Policy Manual.' with '... contained in Part V and any local planning policy contained in the Policy Manual.';
51. Modifying subclause 6.7.2 of clause 6.7 INDUSTRY to replace '...within the strategic industry, industry or industrial development zones, public purpose or other reserves, or industry buffer Special Control Area, ...' with 'within the Strategic Industry, Industry or Industrial Development zones, public purpose or other reserves, or Industry Buffer Special Control Area, ...';
52. Modifying subclause 6.7.5 of clause 6.7 INDUSTRY to replace 'State government' with 'State Government';
53. Modifying subclause 6.7.7 of clause 6.7 INDUSTRY to replace '...contained in the Policy Manual.' with '...contained in a local planning policy in the Policy Manual.';
54. Deleting subclauses 6.7.11, 6.7.12 and 6.7.13 from clause 6.7 INDUSTRY, in their entirety, and renumber the subsequent subclause accordingly;
55. Deleting subclauses 6.8.2, 6.8.3 and 6.8.4 from clause 6.8 RURAL ZONES, in their entirety;
56. Deleting clauses 6.9 HERITAGE MATTERS to 6.11 CONTROL OF ADVERTISEMENTS from the Scheme, in their entirety, and renumber subsequent clauses accordingly;
57. Modifying subclause 7.1.1 of clause 7.1 OPERATION OF SPECIAL CONTROL AREAS to:
  - (a) replace 'Development Areas' with 'Structure Plan Areas' in both instances; and

- (b) delete '(f) Storm Surge Risk Areas – DELETED AMD 37 22/12/15' and renumber the subsequent points accordingly;
- 58. Changing the title of clause 7.2 DEVELOPMENT AREAS to '7.2 STRUCTURE PLAN AREAS';
- 59. Modifying subclause 7.2.1 of 7.2 DEVELOPMENT AREAS to:
  - (a) delete points (a) and (b) and renumber point (c) accordingly; and
  - (b) replace the following text in point (c) "'Development Plan Area" has the same meaning as the term "Development Area", and specified by the Council and included in Appendix 7 of the Scheme as requiring an adopted Development Plan prior to development.' with "'Structure Plan Area" means an area included in Appendix 7, or any other part of the Scheme as requiring an approved Structure Plan prior to development.';
- 60. Modifying subclause 7.2.3.2 of clause 7.2 DEVELOPMENT AREAS to replace '... there is a Development Plan for the Development Plan for...' with '...there is an approved Structure Plan for...';
- 61. Modifying subclause 7.2.3.3 of clause 7.2 DEVELOPMENT AREAS to:
  - (a) replace '... a Council may recommend subdivision or ...' with '...under clause 27 of the deemed provisions, the local government may recommend subdivision approval or...' and '...Development Plan Area.' with '... Structure Plan Area.'; and
  - (b) delete 'An application for development within a Development Plan Area for which a Development Plan is not in place shall include an assessment of the effect of the proposal on: ...' and points listed below this sentence, in their entirety;
- 62. Deleting subclause 7.2.3.4 of clause 7.2 DEVELOPMENT AREAS, in its entirety;
- 63. Deleting subclauses 7.2.4 to 7.2.15 of clause 7.2 DEVELOPMENT AREAS, in their entirety;
- 64. Deleting subclause 7.3A.2 of clause 7.3A INDUSTRY BUFFERS, in its entirety;
- 65. Deleting clause 7.5 STORM SURGE RISK AREA, in its entirety, and renumber subsequent clauses accordingly;
- 66. Deleting subclause 7.6.2 of clause 7.6 COSSACK HISTORIC TOWN, in its entirety, and renumber subsequent subclauses accordingly;
- 67. Modifying subclause 7.7.3 of clause 7.7 DAMPIER SALT to replace '*Environmental Protection Act*' with '*Environmental Protection Act 1986*';
- 68. Modifying subclause 7.8.3 of clause 7.8 WITHNELL BAY to replace 'Department of Environment and Conservation' with 'Department of Environment Regulation';
- 69. Modifying point (c) of clause 8.1 NON-CONFORMING USE RIGHTS to replace '*Planning and Development Act*' with '*Planning and Development Act 2005*';

70. Modifying subclause 8.2.2 of clause 8.2 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE to replace '...with clause 4.3.3.' with '...with Part 8 of the deemed provisions.';
71. Modifying subclause 8.4.2 of clause 8.4 DISCONTINUANCE OF NON-CONFORMING USE to replace '*Planning and Development Act*' with '*Planning and Development Act 2005*';
72. Deleting PART IX – ADMINISTRATION from the Scheme, in its entirety;
73. Inserting a new 'SCHEDULE A – SUPPLEMENTAL PROVISIONS' in the Scheme after the Adoption and Final Approval page and insert the following text in this Schedule:

'61. Development for which development approval is not required:

  - (2) Development approval of the local government is not required for the following works:
    - (a) The development of land in a reserve, where such land is held by the local government or a public authority, and where the proposed development is 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, unless the land is located in a storm surge risk area identified under clause 6.17;
    - (b) the use of the land which is a permitted (P) use in the zone in which the that land situated provided it does not involve the carrying out of any building or other works and the requirements of clause 3.2.4 have been satisfied;
    - (c) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
    - (d) the carrying out of works urgently necessary for public safety, the safety or security of plant or equipment or the maintenance of essential services;
    - (e) the erection of a boundary fence in areas not covered by the R-Codes, except as otherwise required by the Scheme;
    - (f) the erection on a lot of a single house, including swimming pool(s), outbuilding(s) and ancillary works in a zone in which a single house is a permitted (P) use, and not covered by the R-Codes, except as otherwise provided by the Scheme;
    - (g) the development of land in a rural setting where local government has resolved that an approved structure plan adequately addresses local government requirements for development approval;
    - (h) the parking of a moveable dwelling where local government has previously approved the use of the site for that purpose;
    - (i) demolition except as otherwise required by the Scheme and the deemed provisions;

- (j) a anemometer if located on a site for less than three years, or if located in a residential area, less than fourteen metres in height above the ground of five metres in height if attached to a building;
- (k) a children's cubbyhouse;
- (l) external lighting normal to a dwelling;
- (m) buildings or works associated with a circus or carnival provided in compliance with the publication *Circuses: code of practice for the conduct of circuses in Western Australia*;
- (n) signage, except as otherwise required by the Scheme;
- (o) a temporary shed, structure or shipping container for construction purposes located on site for which a building licence and/or planning approval has been granted;
- (p) except as otherwise required by the Scheme, a satellite dish with a diameter not exceeding 1200 millimetres;
- (q) antenna not located within the primary street setback area, not within one metre of any property boundary and not greater than fourteen metres in height above the ground of five metres in height if attached to any building;
- (r) solar collectors physically attached to a building not forming part of a minor utility installation or utility installation;
- (s) routine repairs and maintenance, except as otherwise required by the Scheme; and
- (t)
  - (i) the carrying out of any mining operations authorized by the *Mining Act 1978*; and
  - (ii) the doing of any lawful act, incident or conducive to mining operations; and
  - (iii) any activity that is exempt from the requirement of planning approval under any State Agreement Act.

Advice Note re Mining Operations:

Where any mining operations, as that term is defined in section 8 of the *Mining Act 1978*, or any lawful act, incident or conducive to mining operations, or any activity under a State Agreement, within the terms of the exemption in item (q) above, is exempt from the requirement of development approval, assessment of the proposal from a planning perspective may nevertheless be required under the State Agreement or State Agreement Act, or for the purpose of a determination under the *Mining Act 1978* or pursuant to a grant, approval or permit under that Act. If so, the proposal must be submitted to the local government to give due consideration to the effects and planning significance of the activity so as to enable informed comment to be given to the State or the relevant agency.'

- (u) Subject to the provisions of the *Main Roads (Control of Advertisements) Regulations 1996*, and notwithstanding the provisions of Part 7 of the deemed provisions, the local government's prior development approval is not required in respect of those advertisements which are exempt from or otherwise satisfy the requirements for particular signs under the Council's

Local Law relating to Signs, Hoardings and Bill Posting. These exemptions do not apply to land, buildings, objects, structures and places included on the Heritage List or the subject of an approved Structure Plan.

(2) Development approval of the local government is not required for the following uses:

- (d) Street trading if exempted or otherwise approved under a Local Law;
- (e) The keeping of bees; and
- (f) A family day care centre unless the land is located in a storm surge risk area identified under clause 6.17.'; and

67. Matters to be considered by local government

- (a) whether stormwater runoff has been adequately provided for and whether existing overland flowpaths are suitably protected or substituted;
- (b) Applications for development approval within the Accommodation Precinct of the City Centre zone shall address the following matters:
  - (i) a streetscape analysis;
  - (ii) amenity impacts;
  - (iii) building height;
  - (iv) setbacks;
  - (v) public domain enhancement;
  - (vi) limited vehicle access ways, shared driveways and secondary street access;
  - (vii) sustainability initiatives;
  - (viii) signage;
  - (ix) architectural merit;
  - (x) heritage values;
  - (xi) public art; and
  - (xii) other information as may be required by Council;
- (c) When considering development applications which include transportable buildings and structures the local government should have regard for:
  - (v) whether the structure is to be permanent or temporary;
  - (vi) the location and design of the structure in relation to surrounding structures and other physical features;
  - (vii) the footings and other methods of stabilising the structure; and
  - (viii) proposed landscaping to be associated with the structure.
- (d) When considering planning applications for development approval within the Industry Buffers Special Control Area, the local government shall consider the impact of the proposal on the efficient development of the strategic industrial area.';



74. Deleting the following general definitions from APPENDIX 1 – DICTIONARY OF DEFINED TERMS, in their entirety:

- Act;
- advertisement;
- amenity;
- Building Code of Australia; and
- development plan;

75. Modifying the general definitions in APPENDIX 1 – DICTIONARY OF DEFINED TERMS as detailed below:

- (a) change the definition of 'development' to 'shall have the same meaning as in the *Planning and Development Act 2005*.';
- (b) modify the definition of 'precincts' to show the correct spelling of 'identified';
- (c) change the definition of 'policy manual' to 'the City of Karratha Land Use Planning Policy Manual being the collection of local planning policies adopted by the local government.';
- (d) change the definition of 'Scheme' to '*City of Karratha Local Planning Scheme No. 8*.';
- (e) change the definition of 'street frontage' to the following:  
    'in relation to a building –
  - (c) if the building is used for residential purposes, has the same meaning given in the R-Codes; or
  - (d) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of the lot meet and, if a lot abuts two or more road reserves, the one to which the building or proposed building faces.'; and
- (f) modify the definition of 'subdivision' to replace '*Strata Titles Act*' with '*Strata Titles Act 1985*';

76. Deleting the land use definition for 'owner' from APPENDIX 1 – DICTIONARY OF DEFINED TERMS, in its entirety;

77. Modifying the land use definitions in APPENDIX 1 – DICTIONARY OF DEFINED TERMS as detailed below:

- (f) change the definition of 'childcare premises' to 'has the same meaning as in the *Community Services (Child Care) Regulations 1988*.';
- (g) modify the definition of 'community use' to replace '...social and recreation...' with '...social or recreational...';
- (h) change the definition of 'family day care centre' to 'means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*.';

- (i) change the definition of 'hospital' to 'means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927*.'; and
  - (j) replace the definition for 'transient workforce accommodation' with the following definition for 'workforce accommodation':
    - 'means premises, which may include modular or relocatable buildings, used-
    - (c) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
    - (d) for any associated catering, sporting and recreational facilities for the occupants and authorised visitors.';
78. Deleting APPENDIX 2 – APPLICATIONS FOR PLANNING APPROVAL for the Scheme, in its entirety, and renumber subsequent appendices accordingly;
79. Deleting APPENDIX 5 – NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING APPROVAL for the Scheme, in its entirety, and renumber subsequent appendices accordingly;
80. Changing the title of APPENDIX 7 – DEVELOPMENT AREAS to 'APPENDIX 7 – STRUCTURE PLAN AREAS';
81. Modifying APPENDIX 7 – DEVELOPMENT AREAS to:
- (a) replace all references to 'Detailed Area Plans' with 'Local Development Plans'; and
  - (b) delete all instances of the following clause throughout Appendix 7 (in relation to DA1, DA3, DA5 to DA7, DA9, DA10, DA12 to DA22, DA25 and DA42):
    - 'The provisions of the Scheme shall apply to the land classified under the Development Plan, in accordance with clause 7.2.11.4.', in its entirety;
82. Deleting APPENDIX 8 – MATTERS TO BE ADDRESSED BY DEVELOPMENT PLANS, in its entirety, and renumber the subsequent appendix accordingly.

## **ADOPTION**

Adopted by resolution of the Council of the City of Karratha at the Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

The Common Seal of the City of Karratha was hereunto affixed by the authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

Recommended/Submitted for Final Approval

\_\_\_\_\_  
Delegated under S.16 of P&D Act 2005

Date \_\_\_\_\_

Final Approval Granted

\_\_\_\_\_  
Minister for Planning

Date \_\_\_\_\_