



SECTION 4 - TOWN PLANNING

**TP1 - LIGHT INDUSTRIAL AREA - CARETAKERS
RESIDENCE**

ENABLING LEGISLATION - TOWN PLANNING SCHEME NO. 5

OBJECTIVE

To landholders to provide security and avail the owner the option of living on the property whilst establishing their business.

POLICY

That Council will allow the erection of a caretakers residence in the light industrial area provided the building is of a secondary nature and meets the requirements of the Health Act and Building Code of Australia.

The building is not to consist of more than two bedrooms and a small office.

27.8.97

ADOPTED.....REVIEWED.....

TOWN PLANNING

TP 3 - MINING**ENABLING LEGISLATION****OBJECTIVE**

To project Council's support toward mining, to control the movement of transport and to protect the community and the environment.

POLICY

That this Council supports mining within its district providing the following conditions are agreed to by the developer.

- (a) Council reserves the right to determine which roads may be used to transport mining aggregate e.g. by-pass townsites.
- (b) The upgrading and maintenance of public roads to be undertaken where necessary by the developer and funded jointly by the Federal Government, State Government, mining company and Derby/West Kimberley Shire Council on an equal basis.
- (c) Processing plants to be designed and constructed to meet the requirements of the Mines Department, Environmental Protection Authority and other relevant State or Federal Authorities.
- (d) Any material leaving the plant/mine site to be equal to or below the acceptable radiation emissions level as determined or laid down by the Radiological Council.
- (e) Mine sites to be rehabilitated to the satisfaction of relevant State Authorities and Council. Further, the developer to prepare an overall landscape plan including how the land is to be rehabilitated together with a timetable of the total project.
- (f) That the developer be totally responsible for the provision of all other services except roads e.g. power, water, telephone, etc.

- (g) That the developer rezone the land to the appropriate zone at their cost.
- (h) That the transport of all radioactive substances is done in compliance with the "Code of Practice for the Safe Transport of Radioactive Substances" (International Code).
- (i) The transport and disposal of all wastes associated with the mining operation is to meet all standards and requirements of all relevant authorities.
- (j) The developer shall present plans for the management and monitoring of any potential environmental and social impacts.
- (k) The transportation of all material to be in covered wagons to prevent any spillage.
- (l) Suitable turn-arounds and bus shelters to be provided on all school bus routes on roads used by the mining company to the satisfaction of Council at the developer's cost.
- (m) The proponents must provide evidence that full information and consultation of those potentially impacted (e.g. those living nearest the project, residents living off access routes) have been consulted. This process to occur during the feasibility/planning stages of the project.

27.8.97

ADOPTED.....REVIEWED.....

TOWN PLANNING

TP 4 - AQUACULTURE**ENABLING LEGISLATION - ---**

The Shire of Derby/West Kimberley supports the establishment of commercial land based aquaculture projects in an environmentally effective and sustainable manner.

OBJECTIVES

- (a) To protect the economic viability of the general farming areas.
- (b) To facilitate the effective diversification of primary industry within the Shire of Derby/West Kimberley through the establishment of land based commercial aquaculture operations.
- (c) To retain the rural character of the area by preventing the operation of such activities in a manner detrimental to the amenity and/or environment of the area.
- (d) Applications are required for both restricted and unrestricted licences. These shall be advertised to adjoining property owners.

ASSESSMENT

In assessing the suitability of establishing a purpose built Aquaculture Project, Council shall have regard to the following matters:-

- (a) In determining any application, Council shall have regard to the objectives of the policy.
- (b) Compliance with the requirements and provisions of Council's Town Planning Scheme No. 5.
- (c) The potential effect on existing water resources in the locality.
- (d) Any potential effect on rural/agricultural activities. Council is not prepared to approve a proposal in conflict with adjacent rural or agricultural activities.

Conditions of Approval

Council will apply conditions of approval as deemed necessary. Without limiting Council discretion, the following conditions shall apply:-

- (a) Prior to commencement of the operation, the applicant is to obtain approval from the Water and Rivers Commission, Department of Environmental Protection and the Department of Fisheries.
- (b) No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into water courses or easement drains but shall be so treated and/or absorbed on that lot to the satisfaction of the Principal Environmental Health Officer/Building Surveyor.
- (c) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste production or otherwise.
- (d) Signs may be erected or displayed to the requirement and satisfaction of Council. Prior to any sign being displayed, detailed plans shall be submitted to and approved by Council.
- (e) This approval may be cancelled by the Council should the proposal result in a detrimental effect on the amenity or environment of the area..
- (f) Compliance with the relevant Health Regulations to the satisfaction of the Shire Health Surveyor.

27.8.97

ADOPTED.....REVIEWED.....

TP 5 - RADIO MASTS

ENABLING LEGISLATION - BUILDING REGULATIONS 1989, BUILDING CODE OF AUSTRALIA

OBJECTIVE

To minimise visual impact of radio masts.

POLICY

Prior to the issue of a building licence for the erection of a radio mast, written consent must be obtained from the owners of adjoining properties.

The main structure of the radio mast is to be contained behind the building line.

27.8.97

ADOPTED.....REVIEWED.....

TOWN PLANNING

TP 7 - MINIMUM FINISHED FLOOR LEVEL FOR NEW BUILDINGS (OTHER THAN OUTBUILDINGS) FITZROY CROSSING AND CAMBALLIN

ENABLING LEGISLATION - TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) AND LOCAL GOVERNMENT ACT 1995 (AS AMENDED)

OBJECTIVE

To minimise the potential for flood damage to new buildings (other than outbuildings) within Fitzroy Crossing and Camballin.

APPLICATION OF POLICY

This policy applies to all new buildings other than outbuildings within Fitzroy Crossing and Camballin.

POLICY

Fitzroy Crossing

A minimum finished floor level of 112 metres AHD is required for all new buildings (other than outbuildings) in Fitzroy Crossing.

Camballin

A minimum finished floor level of 45.40 metres AHD is required for all new buildings (other than outbuildings) in Camballin.

Plans

Plans submitted for Planning Consent and Building Licence shall demonstrate compliance with this policy by identifying existing and proposed ground levels, finished ground levels and finished floor levels.

29.7.98

Adopted

Reviewed

TOWN PLANNING

TP 8 - TOWN CENTRE DEVELOPMENT POLICY

ENABLING LEGISLATION - TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) AND LOCAL GOVERNMENT ACT 1995 (AS AMENDED)
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OBJECTIVE

To facilitate development of mixed uses within the Town Centre zone taking into account the need for economic viability and protection of amenity for the various land uses.

POLICY

This policy applies to all land zoned Town Centre in Town Planning Scheme No. 5 Derby Townsite (see map attached to policy).

POLICY**Preamble**

This policy may be cited as the Town Centre Development Policy and shall come into operation at the time of endorsement by the Council of the Shire of Derby/West Kimberley.

Where definitions have not been included in this policy the definitions outlined in Appendix 1 of Town Planning Scheme No. 5 shall prevail.

The Council may, at any time, amend this policy and provisions relating thereto or may upon consideration of an application waive any conditions or impose special conditions it thinks fit to enable the proposal before it to meet with the objectives of the policy.

Landuses

The landuses permitted in the Town Centre zone shall be as is set down in Table 1 "Zoning/Landuse" of Town Planning Scheme No. 5 (as amended) and as per the provisions of this policy in regard to each landuse precinct.

Residential Precincts

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

- To retain the residential buildings and occupation of them where practicable.
- To encourage social interaction and activity between the residential component and that of the shopping, entertainment, service and employment functions.
- To promote an aesthetic and harmonious mixture of buildings and facades.

Residential development shall conform to the provisions of the Residential Planning Codes. The maximum residential density for residential only proposals is R35.

Only residential development shall be permitted in the Residential precincts.

Residential Development in Non-Residential Precincts

In areas not specified as a Residential precinct residential development may still be permitted as outlined below and in accordance with the Residential Planning Codes:

- Commercial Precinct – Mixed Use development (combined residential and commercial proposals) may be permitted. The maximum residential density permitted shall be R50. Caretaker's dwelling may be permitted at a rate of one per lot.
- Community Purposes precinct – Residential development may be permitted to a density of R35. Caretaker's dwellings may be permitted at a rate of one per lot.
- Industrial Precincts – Only Caretaker's Dwellings may be permitted at a rate of one per lot.

Service and Light Industry Precincts

The objectives for the industrial precincts are to:

- Enable the development of land for active employment and service to the general population in a convenient and accessible location.
- To encourage a development of a high and uniform standard for a wide range of activities;
- To maintain a standard of building frontage to enhance the overall streetscape and general amenity of the town centre.

Standards for Development

- Landscaping – not less than 10 percent of a lot shall be set aside for landscaping of which half shall be between the building liner and the front boundary of the lot. This landscaping shall be designed, developed and maintained in accordance with the provisions of Town Planning Scheme No. 5.

- Storage and Display – No dumping, storage of waste, stockpiling of materials or construction servicing or maintenance shall be permitted between the front building line and the street frontage. This shall not prohibit the display of finished products between the front building line and the street frontage as an open air display.
- Loading and Unloading – Areas for loading and unloading of vehicles carrying goods or commodities to or from the premises shall be provided as part of the overall development of the lot and maintained in accordance with the approved plan relating thereto.

Commercial Precinct

The objective is to encourage the development of a wide range of retail shopping facilities, services and offices in an environment which is safe and accessible, and harmonious in style, materials and general presentation to the street.

In considering applications for development Council shall have particular regard to:

- The gross leasable area of retail floor space to the population;
- The safe and convenient movement of pedestrians and vehicles around the site;
- The spacing and location of vehicular access points;
- The visual scale of the building in relation to neighbouring buildings;
- The external appearance of the building and associated signs, including the landscaping of the site;
- Any adverse effects on adjoining residential areas.

Building Height

Building height shall not exceed two storeys in accordance with the provisions of Town Planning Scheme No. 5.

Awnings/Verandahs

Awnings and verandahs may be constructed over a footpath provided that:

- It does not exceed 6 metres from the property line;
- It is of similar height and harmonises with the design of neighbouring awnings and verandahs; and
- In the case of verandahs, the posts are set back a minimum of 600mm from the kerb.

Landscaping

Shops – Landscaping shall be required at the discretion of Council

Offices – a minimum of 10% of the site area shall be landscaped.

Restaurants – a minimum of 10% of the site area shall be landscaped.

Loading and Unloading

In considering each application for development the Council shall ensure that adequate provisions is made for the loading and unloading of goods and commodities to and from the building and shall ensure the provisions will not cause disruption or disadvantage free movement of pedestrians and/or other vehicles in the general movement of parking thereof in a public street.

SIGNS

Community Purposes Precinct

The Council's objectives for the Community Purposes precinct are to provide the necessary facilities for the benefit of the community in general and to present a standard of development of a high environmental quality.

The standards of development shall be at the discretion of Council unless otherwise stated in the policy or in Town Planning Scheme No. 5.

DEVELOPMENT STANDARDS AND PROVISIONS – ALL PRECINCTS

Setbacks

Setbacks shall in accordance with those laid down in Town Planning Scheme No. 5.

Car Parking Provisions

Car Parking shall be provided in accordance with the provisions of Town Planning Scheme No. 5

Caretaker's Dwellings

Caretaker's Dwellings shall be as is defined in Appendix 1 of Town Planning Scheme No. 5.

Signs

The erection or display of advertising signs and signboards is prohibited unless in accordance with the provisions of Town Planning Scheme No. 5.

Untidy Sites

Where in the Council's view a property is not being maintained in a clean and tidy condition and that the unkept appearance of the property has a deleterious effect on the amenity of the area in which it is located, the Council may, by written notice require the owner, occupier or lessee of that land to undertake such works as may be necessary to restore or upgrade the condition of that property to a standard commensurate with those generally prevailing in the vicinity.

Non-Conforming Use of Land

Non-conforming uses shall be in accordance with the provisions of Town Planning Scheme No. 5.






31.3.99

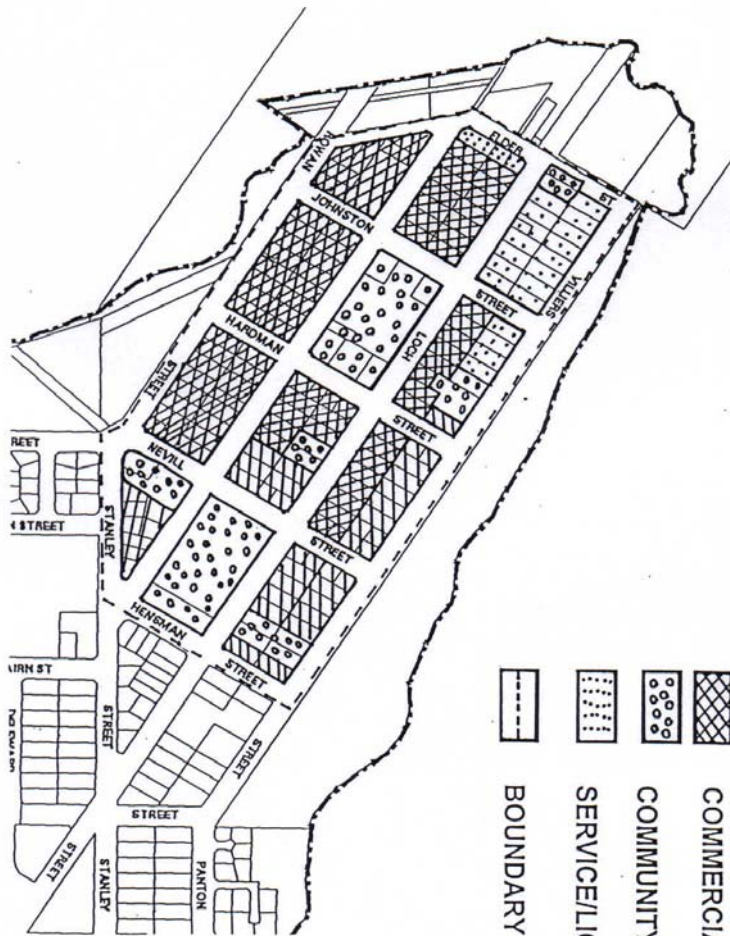
Adopted

Reviewed

TOWN CENTRE DEVELOPMENT POLICY

LEGEND

-  RESIDENTIAL
-  COMMERCIAL
-  COMMUNITY PURPOSES
-  SERVICE/LIGHT INDUSTRY
-  BOUNDARY OF POLICY AREA



Shire of Derby/West Kimberley

March 1999

TOWN PLANNING

**TP 9 - SUBDIVISION/DEVELOPMENT - ROAD
UPGRADING REQUIREMENTS****ENABLING LEGISLATION - TOWN PLANNING SCHEME NO. 5****OBJECTIVE**

To provide a consistent and equitable basis for the determination and application of road upgrading contributions on subdivision and development within the Rural Residential areas as designated under TPS No 5.

All Rural Residential development within the boundary of Town Planning Scheme No 5 shall be provided with sealed road access to a standard suitable to the ultimate development potential of the land fronting that road.

To ensure that where a subdivision or development gives rise to an immediate or future road upgrading requirement above a single residential equivalent, that the cost of that upgrading is met in part by the subdividor or developer.

POLICY

The policy is applicable to all development and subdivision of land zoned under Town Planning Scheme No 5 as Rural Residential.

POLICY PROVISIONS

Council shall impose as a condition of development, and request as a condition of re-subdivision of existing rural residential lots the payment of a contribution of \$ 1000 per single residential equivalent or \$1000 per lot towards frontage road upgrading for all Rural Residential Development within the area of application of the policy.

New Rural Residential Development shall be provided with sealed road access to a standard necessary to accommodate the projected traffic loads as determined by Council.

In determining the contribution resulting from each development or subdivision the contribution is only applicable to each additional lot or unit of development above a single residential equivalent, based on the following:

Tourist Accommodation Unit:-	0.3 x single residential equivalent
Aged persons accommodation:-	0.5 x single residential equivalent
Rural Industry:-	To be determined based on traffic generation.

The contribution rate shall be upgraded periodically in line with the WA Industrial Price Index.

The funds acquired as a result of this policy are to be set aside for the upgrading of the roads for which the contribution is paid with the contribution being applicable whether or not Council proposes to, or undertakes the works in the same financial year.

ADVERTISED	October, 2000
ADOPTED	30.11.2000
AMENDED

TOWN PLANNING

TP 10 - TRANSPORTABLE / RELOCATED DWELLINGS

ENABLING LEGISLATION - TOWN PLANNING SCHEMES NO. 5 (Derby), No.7 (Birdwood Rise) and INTERIM DEVELOPMENT ORDER NO. 7 (Fitzroy Crossing / Camballin)

1. Application

This Policy applies to applications for Planning Consent for residential development within the town site areas covered by Town Planning Schemes No. 5 and 7 (TPS No. 5 / 7) and Interim Development Order No. 7 (IDO No. 7). The Policy should be read, and operates in conjunction with the Schemes and IDO No. 7, which also set out the application requirements for such development.

2. Introduction

Council recognises that transportable buildings for residential purposes are a valid low cost alternative to on-site built dwellings. The planning implications with respect to the use of 'second-hand' dwellings as opposed to 'new', is addressed in the Policy and the Planning Consent required to be issued.

As distinct from the above, but of a similar nature, relocated houses also provide another residential development option. The implications for relocated houses are even greater than that for 'second-hand' transportable dwellings. Whatever the housing option, transportable or relocated, the issue is fundamentally one of structural integrity, suitability and compatibility with the housing stock established in the locality.

3. Objectives

- 3.1 To provide the opportunity for transportable and relocated dwellings to be utilised as a reduced housing cost option in appropriate locations.
- 3.2 To identify those situations and localities where Council will not support applications for second-hand transportable and relocated dwellings.
- 3.3 To ensure that the structural integrity of the transportable or relocated dwelling is of a satisfactory standard and that the architectural design and external appearance is compatible with the building standards, design and character of existing housing in the immediate locality of the proposal and that it will not detrimentally affect the character or amenity of the area.

8.

- 3.4 To provide guidance for applicants who wish to develop transportable or relocated dwellings in the area of policy application and for Council in determining such applications.
- 3.5 To provide the opportunity for residents and owners of land within the locality of the proposed development to make a submission to Council on any application for second-hand transportable or relocated dwellings.

4. Definitions

Extract - TPS No. 5 :

Transportable Building - means any structure that is prefabricated at any place other than on the site upon which it is to be erected, but does not include a 'Kit Home'.

Second-hand Building - means any building or structure which does not consist of substantially all new material and may be transported or moved to a site for the purpose of re-erection.

For the purpose of Policy TP 10 :

A "new transportable dwelling" refers to a prefabricated residential dwelling being delivered direct from the manufacture's premises to the site on which it is to be established.

A "second-hand transportable dwelling" refers to a prefabricated residential dwelling previously established on a site, other than the site for which approval is sought to locate the dwelling.

A "relocated dwelling" refers to a residential dwelling previously established on a site, other than the site for which approval is sought to locate the dwelling.

5. Development Applications - Planning Consent

All development of land within the defined area of a Scheme or IDO requires the Planning Consent of Council and is subject to the requirements and provisions of the Scheme or IDO. In addition to a Planning Consent, a Building Licence is also required to be obtained prior to the location of the dwelling on the property.

The proposed use of transportable and relocated dwellings for residential purposes requires a development application to be submitted and is subject to the following Policy requirements and development criteria.

6. New Transportable Dwellings

The utilisation of 'new' transportable dwellings for residential development is of far less concern than those that are second-hand, particularly with respect to the age and condition of the structure. As the development implications of structural integrity, suitability and compatibility of a new dwelling is far less, the policy requirements are minimal in terms of dealing with applications to achieve similar outcomes as that applicable to traditional single housing.

Council will grant Planning Consent for the development of a new transportable dwelling, subject to :

- 6.1 The building being of a satisfactory standard and the architectural design and external appearance is compatible with the building standards, design and character of existing housing in the immediate locality of the proposed development and that in Council's opinion, will not detrimentally affect the character or amenity of the area.
- 6.2 Full length verandahs being provided at the front and rear of the dwelling.
- 6.3 Carport or garage being provided on site or attached to the dwelling.
- 6.4 A bond of \$5,000 per dwelling to be paid prior to the issue of a Building Licence. The bond will be held until the satisfactory completion of the Schedule of Works.

7. Second-hand Transportable and Relocated Dwellings

Applications for Planning Consent will be subject to advertising pursuant to TPS No. 5 in accordance with Clauses 7.3.3 (a) & (b) and thereafter referred to Council for determination.

In support of an application for Planning Consent the following additional information and documentation is required :

- photographs of each elevation of the dwelling
- a Schedule of Works for the proposed changes and upgrading of the dwelling
- list of external finishes
- Structural Certification in respect to the compliance of the dwelling with the BCA and the capacity of the dwelling to be moved.

8.

Although Council recognises that second-hand transportable and relocated dwellings may be a suitable housing option, these developments will not be approved in the following locations :

- Town Centre zoned area of TPS No.5
- new DOLA subdivision area bounded by Mimosa St, Ashley St and Rowan St
- residential land fronting Loch St, Clarendon St and the Derby Hwy within the TPS No.5 area

In respect to assessing the architectural design and external appearance of the dwelling the following criteria shall be used :

- similarity or compatibility of quality and condition of the external appearance of the dwelling relative to those established in the locality.
- age of the dwelling relative to that generally prevailing in the locality.
- size of the lot on which it is proposed to locate the dwelling, relative proximity to other dwellings and visibility from public spaces.
- proposed landscaping to be undertaken in conjunction with the location of the dwelling on the site.

Council may grant a Planning Consent to permit the erection or placement of a second-hand transportable or relocated dwelling on a residential lot, subject to :

- 7.1 The structural integrity of the dwelling being satisfactory.
- 7.2 The dwelling being of a satisfactory standard and that the architectural design and external appearance is compatible with the building standards, design and character of existing housing in the immediate locality of the proposed development and that in Council's opinion, will not detrimentally affect the character or amenity of the area.
- 7.3 A proposed Schedule of Works is to be provided for the upgrade of the dwelling in terms of its structural integrity and appearance prior to the issue of a Building Licence.
- 7.4 The Schedule of Works for the upgrade of the dwelling is required to be completed within 3 months of the location of the dwelling on-site and shall require the lodgment of a Bond as security against compliance with the Schedule of Works.

8.

- 7.5 A bond of \$10,000 per dwelling to be paid prior to the issue of a Building Licence. The bond will be held until the satisfactory completion of the Schedule of Works.
- 7.6 Where a dwelling contains asbestos, the applicant is required to provide advice on the appropriate measures and work to be undertaken for the transportation and establishment of the relocated dwelling in accordance with the requirements of the Health Act. This information is required to be submitted with the documentation for a Building Licence.
- 7.7 A Landscape Plan is required to be submitted prior to the issue of a Building Licence to ensure the development of the site does not have an adverse impact on the streetscape.
- 7.8 The dwelling is to be secured to the footings immediately on its relocation to the site.
- 7.9 No relocation of a dwelling is to be undertaken during the cyclone period in the wet season being specifically, 1st November to 30th April of the year.

ADVERTISED.....October 2000

ADOPTED.....30th November 2000.....

AMENDED 24th February 2003.....