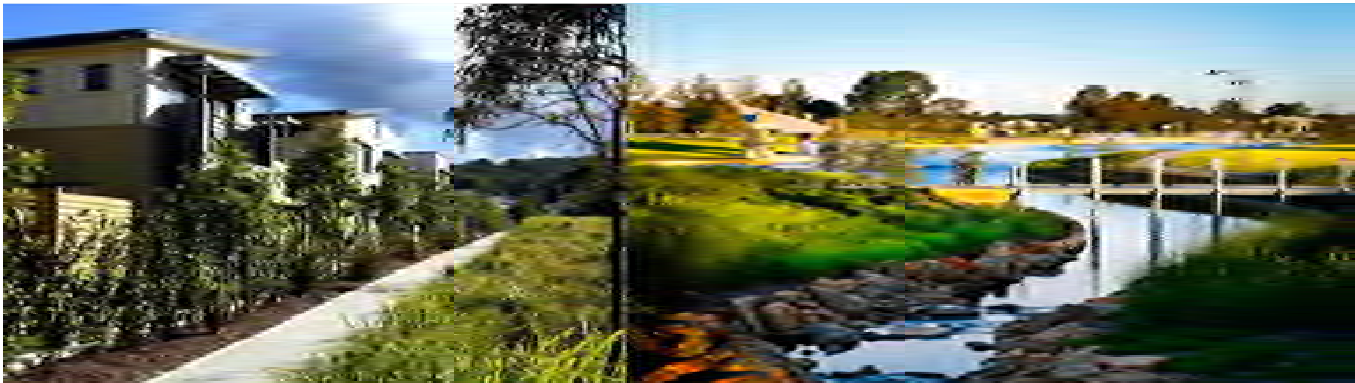


REPORT ITEM DIS084_V2 REFERS

Name	Init
SMITH	CF
SMITH	JM
SHARP	TW
SHARP	GM
ROGERSON	LM
JOHNSTON	RS
MACFARLANE	M
CIELAK	DL
OBREMSKI	DP
FORMAN PTY LTD	
CAMARRI NOMINEES PTY LTD	
BICKNELL	P
ALBIOL	PA
LANGSLOW	CJ
JOHN MILLS HOLDINGS PTY LTD	
YAN	MMH
ASHBURTON AIR SERVICES PTY LTD	
TASKER	SM
MORENO	FE
ATKINS	CD
PATON	EL
CARTER	CM
PATEMAN	DJ
MARSHALL	MJ
TINAPPLE	WL
KEHLET	DK
SOUTHERN EQUITY INVESTMENTS PTY LTD	
PATEMAN	DJ
A AITKEN PTY LTD	
ROBERTSON	GJ
RICHARDS	CA
GILES	MC
BURTON	AJ
BEENY	DJ
REDMOND	BR
MCCLINTOCK	BJ
BUSSELL	BM
BARTLETT	RD
OLIVER	LD
GENO	LM
GENO	BJ
BARNDON	DL
O'DONNELL	GM
MANSON	JS
LEMMENS	JM
ABELIA INVESTMENTS PTY LTD	
WALTON	MRH

REPORT ITEM DIS084_V2 REFERS

BARR	DJ
GROSVENOR	JP
ROBERTSON	GJ
ROBERTSON	GJ
SNOW	GGR
ROBERTSON	GJ
AVERN	LA
SPIERS	RR
CITY OF ALBANY (MANAGEMENT ORDER OR VESTED CROWN LAND)	
GILBERT	HC
MCINTOSH	TS
RULE	AF
CROWN LAND	
WEAVER	JR
CROWN LAND	
AVERN	LA
CARTER	AS
CARTER	D
WEBB	MP
AMAROO CARE SERVICES INC	
VILKUNA	ML
HOUSE	CB
HOUSE	MT
WOODBURY	JW
WOODBURY	DF
PANELLI	E
PANELLI	GO
FRANEY	PG
WALLIS	NJ
WALTOY PTY LTD	
HYSNEX PTY LTD	
OSBORNE METROOF	



Local Planning Scheme No. 1
Amendment No. 29

Addressing the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 1 – Model Provisions and Schedule 2 - Deemed Provisions, and including omnibus amendments.

Development Services

REPORT ITEM DIS084_V2 REFERS

Document Approval			
Document Development Officer:		Document Owner:	
Planning Officer		Executive Director Planning and Development Services	
Document Control			
File Number - Document Type:		LAMD29 – Local Planning Scheme Amendment	
Synergy Reference Number:		PSA1770888	
Meta Data: Key Search Terms		Local Planning; All; Whole; Scheme Amendment	
Status of Document:		Council decision: ??	
Document file details:		Location of Document: \\albany.city\data\Planning & Development\PLANNING\03 Amendments and structure plans\2LPS1	
Quality Assurance:		Executive Management Team; Planning and Development Committee; Council	
Distribution:		Public Document.	
Document Revision History			
Version	Author	Version Description	Date Completed
1.0	Strategic Planner	<i>Adopted by Planning and Development Committee on ?? 2017.</i> <i>Adopted by Council for the purpose of referral to the Environmental Protection Authority on ?? 2017.</i>	Sept 2017

CONTENTS

RESOLUTION

SCHEME AMENDMENT REPORT

1. INTRODUCTION

- a. Location
- b. Site Area
- c. Ownership
- d. Current and Surrounding Land Uses
- e. Physical Characteristics
- f. Infrastructure

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- a. State & Regional Planning Context
- b. Local Planning Strategy
- c. Local Planning Policies

3. PROPOSAL

4. CONCLUSION

5. AMENDMENT MAPS

ADOPTION

APPENDIX 1 – Water Corporation

PLANNING AND DEVELOPMENT ACT 2005

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

**LOCAL PLANNING SCHEME NO. 1
AMENDMENT NO. 29**

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, prepare the above Local Planning Scheme by:

- 1. Removing provisions, terms and definitions from *Local Planning Scheme No.1* that are superseded by the 'Deemed' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
- 2. Introducing supplemental provisions to the 'Deemed' provisions;**
- 3. Replacing and introducing new provisions consistent with the 'Model' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
- 4. Rezoning various land parcels not included in error at the time of gazettal of the scheme; and**
- 5. Changing the permissibility's in the zoning table for various use and development classes.**

Note: The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

1. INTRODUCTION

This amendment seeks to alter various parts of the *Local Planning Scheme No. 1* text and mapping to:

- (a) Remove any duplication of the 'deemed' provisions outlined in Schedule 2 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
- (b) Include any proposed supplemental 'deemed' provisions within a 'Schedule A Supplemental provisions to the 'deemed' provisions' and include this within the scheme text;
- (c) Align the structure and content of the City's scheme with the 'model' provisions outlined in Schedule 1 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
- (d) Rezone various land parcels not included in error at the time of gazettal of the scheme; and
- (e) Change the permissibility's in the zoning table for various use and development classes.

The new "deemed provisions" and "model provisions" under the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) (Regulations) came into force on 25 August 2015.

As a consequence of section 257B of the *Planning and Development Act 2005* (WA), the deemed provisions in Schedule 2 of the Regulations are now taken to be built into every local planning scheme in the State. To the extent that a local planning scheme is inconsistent with the deemed provisions, the deemed provisions are taken to prevail.

The model provisions provide a template for schemes. It is expected that local government planners and industry review or amend their local planning scheme to align with the model provisions.

Since the scheme gazettal on 28 April 2014, various errors and anomalies have been documented in *Local Planning Scheme No. 1*. While many of these are simple typographical errors, some have more significant implications, such as zoning changes that have reduced development potential for some landowners.

The City of Albany seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to amend the *City of Albany Local Planning Scheme No. 1* (LPS1).

REPORT ITEM DIS084_V2 REFERS

a) **Location**
City of Albany

b) **Site Area**
City of Albany

c) **Ownership**
Proposed amendments listed in schedule (No's 162- 169):

Amendment No	Address	Owner(s)
162	Lot 5 #437 Chester Pass Road Warrenup WA 6330	D Carter A Carter
163	Lot 21 #312 Albany Highway Centennial Park WA 6330	M Webb
164	Lot 304 # 63 Pioneer Road Centennial Park WA 6330	Ameroo Care Services Inc
165	Lot 250 #255 Lancaster Road McKail WA 6330	M Vilguna
166	Lots 871, 410, 411, 868 and 869 Chester Pass Road, Milpara WA 6330	Panelli, Franey, Wallis and Waltoy Pty Ltd, Hysnex Pty Ltd and Osborne Metroof.
167	Lot 26 #71 Shell Bay Road Lower King WA 6330	C & M House
168	Lot 6906 # 11-13 Ninde Street Spencer Park WA 6330 Reserve 26860	Vested to City of Albany
169	Lot 350 # 11 Shelly Beach Road Kronkup WA 6330	J & D Woodbury

d) **Current and Surrounding Land Uses**
N/A

e) **Physical Characteristics**
N/A

f) **Infrastructure**
N/A

2. LOCAL PLANNING CONTEXT

a) **State & Regional Planning Context**

The Planning and Development (Local Planning Schemes) Regulations 2015 came into force on 25 August 2015 to introduce 'model' and 'deemed' provisions. The 'model' provisions provide a template for schemes. Local Governments are required to include the 'model' provisions within their scheme(s). The 'deemed' provisions are taken to be built into every local planning scheme in the State. To the extent that a local planning scheme is inconsistent with the 'deemed' provisions, the 'deemed' provisions are taken to prevail. It is expected that local

government planners prepare their local planning scheme to align with the 'deemed' provisions.

b) Local Planning Strategy

The amendment is in keeping with the City's Local Planning Strategy 2010.

c) Local Planning Policies

The amendment is in keeping with Local and State Planning Policy.

3. PROPOSAL

The amendment seeks to bring about greater consistency with model and deemed provisions of the *Local Planning (Local Planning Schemes) Regulations 2015*. In particular, the Amendment:

- Removes provisions, terms and definitions from *Local Planning Scheme No.1* that are superseded by the Regulations;
- Replaces and introduces new provisions consistent with the model provisions; and
- Introduces supplemental provisions to the Deemed provisions.

The amendment also seeks to correct identified anomalies and errors in the Local Planning Scheme No.1 text, zoning table and mapping. In particular the Amendment No.29 proposes to:

- (a) Rezone Lot 5 Chester Pass Road, Warrenup from the General Agriculture zone to the Light Industry zone on Map 20 to correct a mapping error. Lot 5 was zoned Light Industry under former *Town Planning Scheme No. 3* and was rezoned to General Agriculture in *Local Planning Scheme No. 1* in error. As the lot is still occupied by a business and the zoning change has removed potential commercial development rights, it has been determined that the Light Industry zoning should be reinstated.
- (b) Rezone Lot 21 Albany Highway, Centennial Park from the 'Hotel/Motel' zone to the 'Highway Commercial' zone on Map 21 to correct a mapping error. Lot 21 was zoned Residential under former Town Planning Scheme No. 1A and was rezoned to Hotel/Motel in Local Planning Scheme No. 1 in error. As the lot is still occupied by an approved, non-conforming Veterinary Centre, the zoning change has impacted the potential for it to be developed. It has been determined that the Highway Commercial zone would be more suited to the existing development and approved use of the land as a Veterinary Centre.
- (c) Rezone Lot 304 Pioneer Road, Centennial Park from the Hotel/Motel zone to the Residential zone on Map 21 to correct a mapping error. Lot 304 was zoned Tourist Residential under former Town Planning Scheme No. 3 and was rezoned to Hotel/Motel in Local Planning Scheme No. 1 in error. As this change does not reflect the current use of the lot as an Aged Persons' Village and would preclude its planned expansion, it has been determined that the Residential zone should be applied.

- (d) Modify the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary around the Timewell Road Wastewater Treatment Plant on Map 21. The Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary currently encompasses the residence on Lot 250 Lancaster Road McKail, which resulted from the Special Control Area boundary being modified in accordance with the recommendations of the Water Corporation during the review of the Albany Local Planning Scheme. The former owners of Lot 250 contacted the City of Albany with concerns about this situation and were referred to the Water Corporation as the responsible authority. After protracted discussions between the former owners and the Water Corporation, a meeting was organised between those parties, along with representatives from the City of Albany and a representative from the office of the Minister for Water. It was acknowledged by the Water Corporation that the inclusion of the residence on Lot 250 within the Special Control Area boundary was an 'unintended consequence' of the expansion of the Wastewater Treatment Plant Odour Buffer, in line with the recommendations of an odour modelling report prepared in March 2009. The Water Corporation advised that if the City was not opposed, it could realign the Special Control Area boundary to excise the residence on Lot 250.
- (e) Modify the Industrial Area IA3 boundary around the Milpara Light Industrial Estate, John Street and Morris Road, Milpara on Map 21 to correct a mapping error and to correspond with the Scheme text. Industrial Area IA3 applies to Lots 870, 876 and 877 John Street and Lots 873, 874 and 875 Morris Road but not Lots 410, 411, 868, 869 and 871 Chester Pass Road, which have been included within the Industrial Area boundary in error.
- (f) Rezone a portion of Lot 26 Shell Bay Road, Lower King from the Parks and Recreation local scheme reserve to the Residential zone with the R5 residential density code on Map 22 to correct a mapping error. Lot 26 was zoned Rural under former Town Planning Scheme No. 3 and was rezoned to the Parks and Recreation local scheme reserve in Local Planning Scheme No. 1 in error. Although much of the lot extends across a portion of the King River foreshore, including a large tidal wetland area, this zoning change did not reflect the fact that approximately 5800m² of the lot is developed with a single house, outbuilding and garden ground. On this basis, it has been determined that the developed portion of the lot should be rezoned to the Residential zone with the R5 residential density coding, which is consistent with the adjoining lots to the north.
- (g) Rezone Lot 6906 Nind Street, Spencer Park from the Parks and Recreation local scheme reserve with the R80C residential density code to the Public Use:

Community purpose local scheme reserve with the R80C residential density code on Map 23 to correct a mapping error. Lot 6906 was zoned Private Clubs and Institutions under former Town Planning Scheme No. 1A and was rezoned to the Parks and Recreation local scheme reserve in Local Planning Scheme No. 1 in error. As Crown Land vested in the City of Albany for Community Purposes and currently used for a Community Purpose and as an Educational Establishment, it has been determined that the Public Use: Community Purpose local scheme reserve would be a more appropriate designation. The R80C density code is a result of the lot's inclusion within the Spencer Park Improvement Special Control Area and should be retained.

- (h) Rezone Lot 350 Shelley Beach Road, Kronkup from the General Agriculture and Rural Residential zones to the Clubs and Institutions zone on Maps 29 and 30 to correct a mapping error. Lot 350 was zoned Private Clubs and Institutions and Rural Residential under former Town Planning Scheme No. 3; however, the Private Clubs and Institutions zoned portion was rezoned to the General Agriculture zone in Local Planning Scheme No. 1 in error. As this change does not reflect the current use of the lot as an Educational Establishment and could preclude its future expansion, it has been determined that the Clubs and Institutions zone should be reinstated and expanded to encompass the entire lot.

4. CONCLUSION

The amendment is in keeping with proposes to bring about greater consistency with model and deemed provisions of the *Local Planning (Local Planning Schemes) Regulations 2015* and to correct identified anomalies and errors.

The support of the WAPC and the approval of the Minister for Planning are respectfully requested.

**Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME**

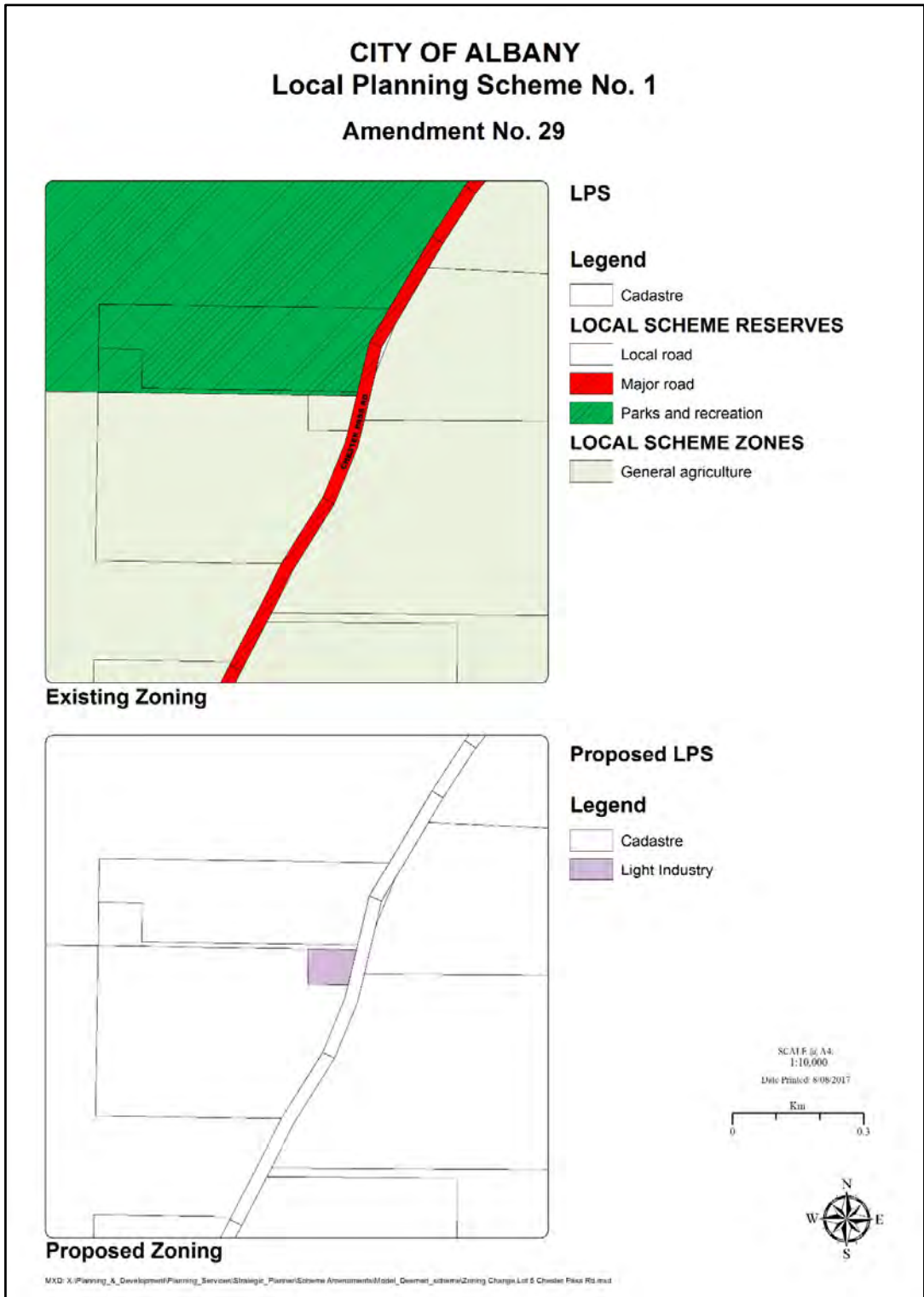
LOCAL PLANNING SCHEME NO. 1

AMENDMENT NO. 29

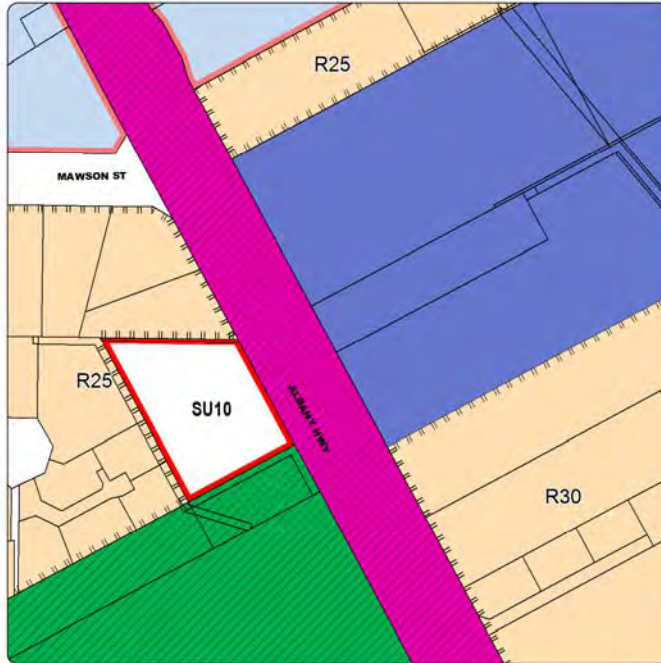
Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, prepare the above Local Planning Scheme by:

LIST COMPREHENSIVE DETAILS OF PROPOSED AMENDMENT AS IT WAS ADVERTISED.

5. AMENDMENT MAPs



CITY OF ALBANY Local Planning Scheme No. 1 Amendment No. 29



Existing Zoning

LPS



Legend

-  Cadastre
-  R Codes
-  Special use *SU1*
- LOCAL SCHEME RESERVES**
-  Local road
-  Parks and recreation
-  Priority road
- LOCAL SCHEME ZONES**
-  Highway commercial
-  Hotel / motel
-  Residential
-  Special use



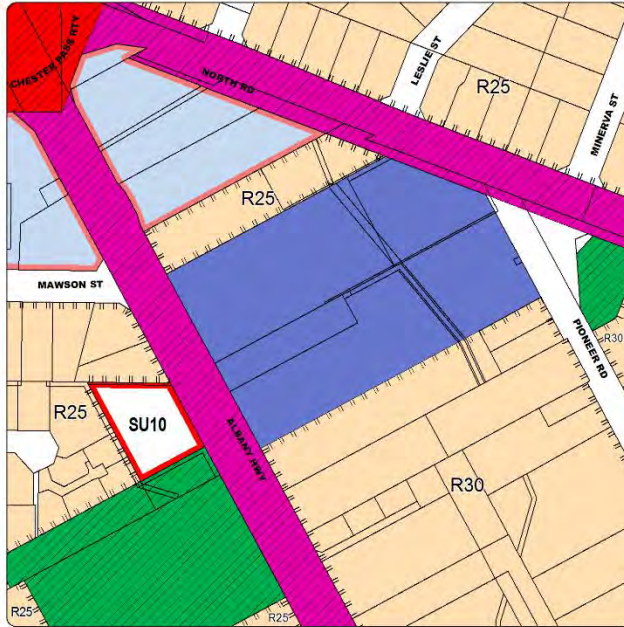
Proposed Zoning

Proposed LPS Legend

-  Cadastre
- Name**
-  Highway Commercial



CITY OF ALBANY
Local Planning Scheme No. 1
Amendment No. 29



Existing Zoning

LPS

Legend

- Cadastre
 - R Codes
 - Special use *SU1*
- LOCAL SCHEME RESERVES**
- Local road
 - Major road
 - Parks and recreation
 - Priority road
- LOCAL SCHEME ZONES**
- Highway commercial
 - Hotel / motel
 - Residential
 - Special use



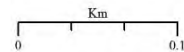
Proposed Zoning

Proposed LPS

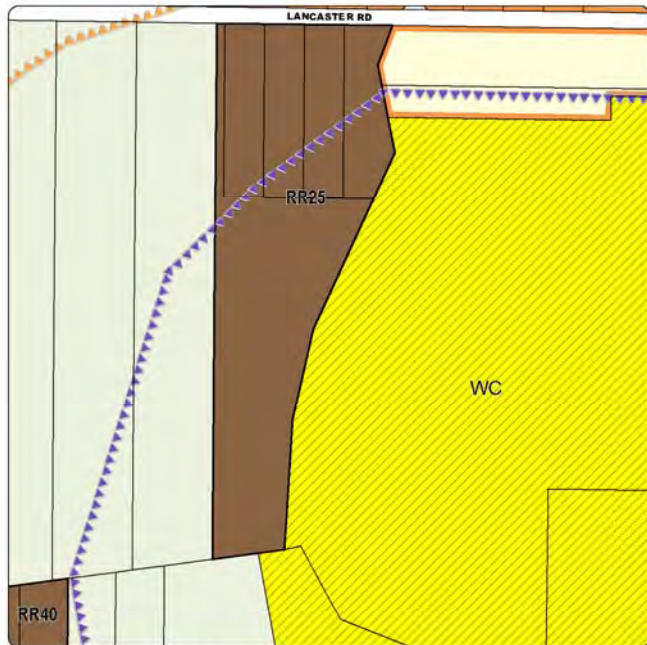
Legend

- Cadastre
- Residential

SCALE @ A4:
 1:3,407
 Date Printed: 8/08/2017



**CITY OF ALBANY
Local Planning Scheme No. 1
Amendment No. 29**

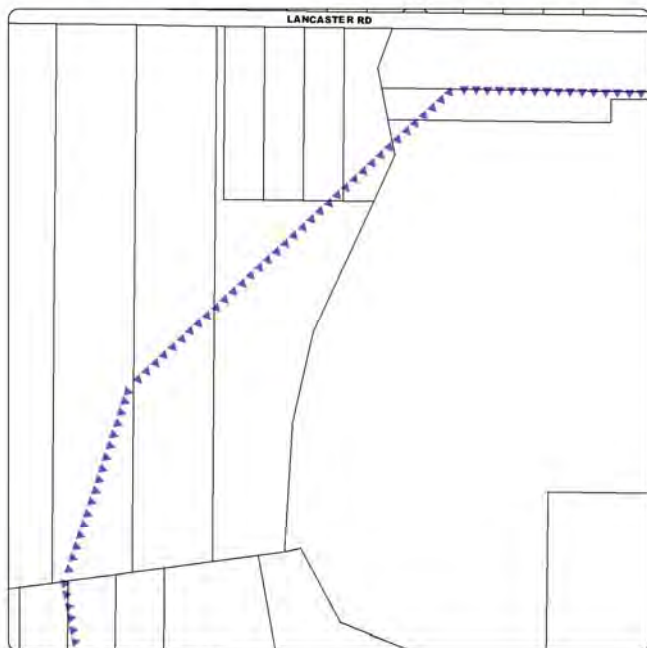


Existing Zoning

LPS

Legend



-  Cadastre
- Other Areas**
-  Albany speedway noise special control area (see c.6.5)
-  Water corporation waste water treatment plant odour buffer special control area (see c.6.6)
-  Rural residential RR1
- LOCAL SCHEME RESERVES**
-  Local road
-  Public use : Water corporation WC
- LOCAL SCHEME ZONES**
-  Future urban
-  General agriculture
-  Rural residential



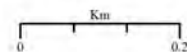
Proposed Zoning

Proposed LPS

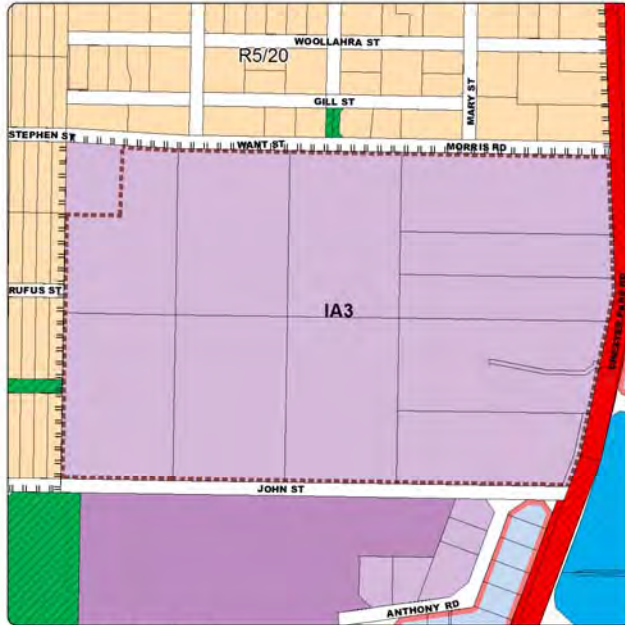
Legend

-  Cadastre
-  Water corporation waste water treatment plant odour buffer special control area (see c.6.6)

SCALE @ A4:
1:7,000
Date Printed: 8/08/2017



CITY OF ALBANY Local Planning Scheme No. 1 Amendment No. 29



Existing Zoning

LPS

Legend

- Cadastre
- R Codes
- Other Areas**
- Industrial area IA1
- LOCAL SCHEME RESERVES**
- Local road
- Major road
- Parks and recreation
- LOCAL SCHEME ZONES**
- General industry
- Highway commercial
- Light industry
- Neighbourhood centre
- Residential



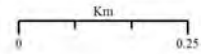
Proposed Zoning

Proposed LPS

Legend

- Industrial area
- Cadastre

SCALE @ A4:
1:8,000
Date Printed: 8/08/2017



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CITY OF ALBANY
Local Planning Scheme No. 1
Amendment No. 29



Existing Zoning

LPS

Legend

- Cadastre
 - R Codes
 - Rural residential *RR1*
- LOCAL SCHEME RESERVES**
- Local road
 - Parks and recreation
 - Priority road
- LOCAL SCHEME ZONES**
- General agriculture
 - Local centre
 - Residential
 - Rural residential



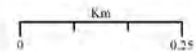
Proposed Zoning

Proposed LPS

Legend

- Cadastre
- Residential
- R Codes

SCALE @ A4:
 1:8,461
 Date Printed: 8/8/2017



**CITY OF ALBANY
Local Planning Scheme No. 1
Amendment No. 29**



Existing Zoning

LPS

Legend

- Cadastre
- R Codes

Other Areas

- Spencer Park improvement special control area (see c.6.7)

LOCAL SCHEME RESERVES

- Local road
- Parks and recreation

LOCAL SCHEME ZONES

- Neighbourhood centre
- Residential



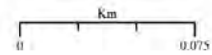
Proposed Zoning

Proposed LPS

Legend

- Cadastre
- Public Use: Community purpose

SCALE @ A4:
1:2,319
Date Printed: 8/08/2017



MXD: X:\Planning & Development\Planning_Services\Strategic_Planner\Scheme_Amendments\Model_Deemed_scheme\Zoning_Change_Lot_6906_Hind_Street.mxd

**CITY OF ALBANY
Local Planning Scheme No. 1
Amendment No. 29**



Existing Zoning

LPS

Legend

- Cadastre_Dissolved
- Additional use A1
- Rural residential RR1

LOCAL SCHEME RESERVES

- Local road

LOCAL SCHEME ZONES

- General agriculture
- Priority agriculture
- Rural residential



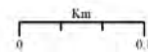
Proposed Zoning

Proposed LPS

Legend

- Cadastre_Dissolved
- Clubs and Institutions

SCALE @ A4
1:4,294
Date Printed: 8/08/2017



COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Albany at the Ordinary Meeting of the Council held on the [day] day of [month], 2017.

.....

MAYOR/SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Albany at the Ordinary Meeting of the Council held on the [day] day of [month], 2017, proceed to advertise this Amendment.

.....

MAYOR/SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the City of Albany at the Ordinary Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the City of Albany was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

MAYOR/SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....

**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

REPORT ITEM DIS084_V2 REFERS

FORM 6A - CONTINUED

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

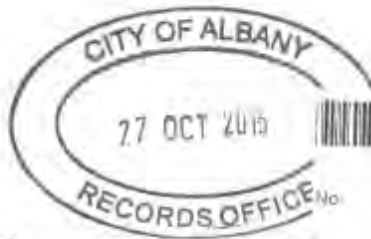
DATE.....

APPENDIX 1 – Water Corporation

Your Ref:
Our Ref: JT1 2008 17948 v01
Enquiries: Ian Kininmonth
Telephone: (08) 9420 2617



22nd October 2015



City of Albany Records
ICR15199921
A167692
27 OCT 2015
PLA/MPS

Mr Jan Van Der Mescht
Manager Planning Services
City of Albany
PO Box 484
ALBANY WA 6331

No.
/at
if
yVo

Dear Jan

Modification to Water Corporation Waste Water Treatment Plant Odour Buffer Special Control Area

Further to our meeting on 13th August 2015 in relation to the odour buffer impacting the Perry's property at lot 255 Lancaster Road, please find attached a copy of the modified odour buffer for the Albany Wastewater Treatment Plant.

The modification only impacts the north west section of the existing odour buffer.

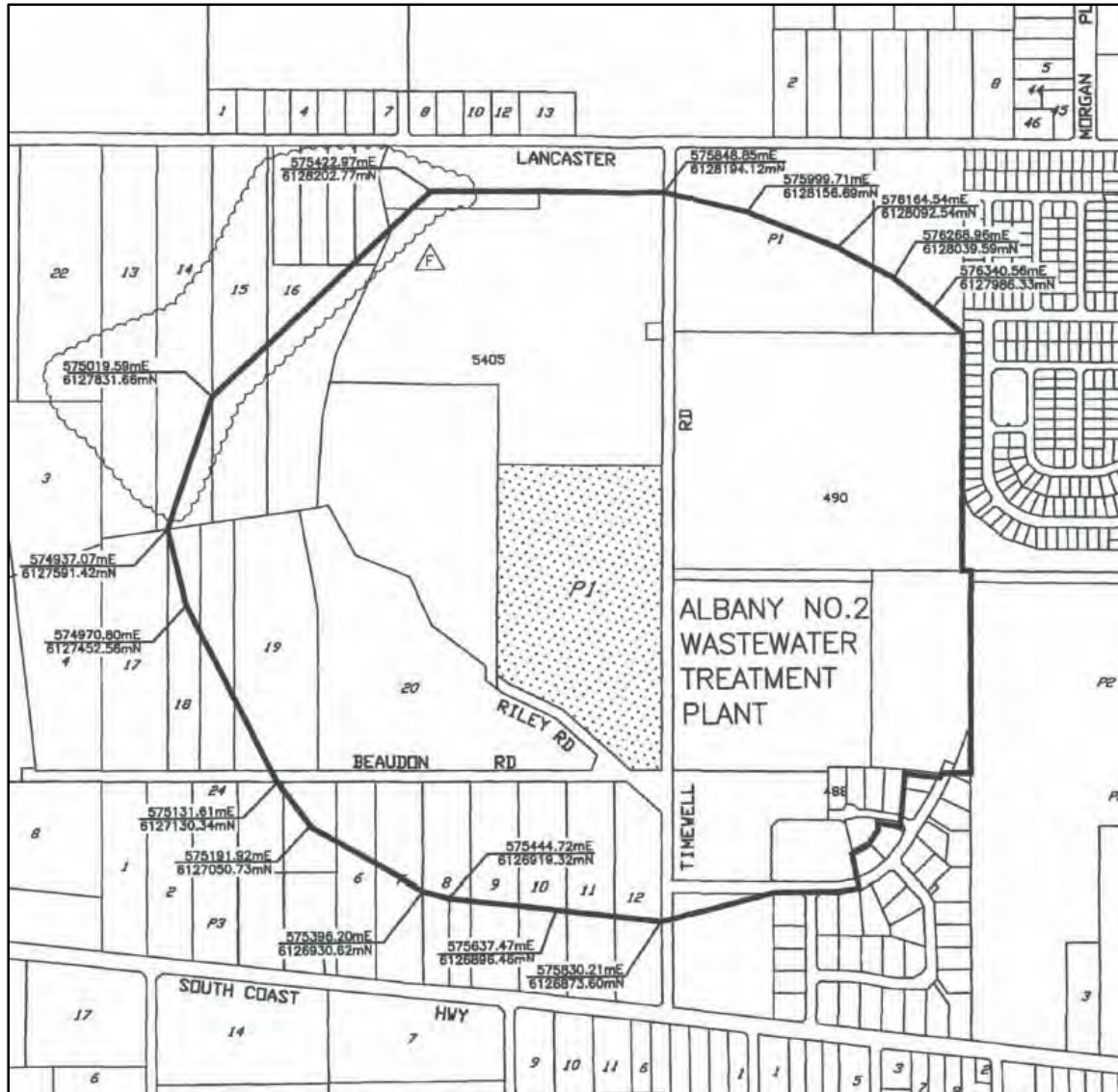
As discussed, we request that the Council include the modification be included in the next omnibus amendment to the town planning scheme.

Please do not hesitate to contact Ian Kininmonth if you require any further information.

Yours sincerely

A handwritten signature in blue ink, appearing to read "John Todd".

John Todd
Manager
Development Services Branch



LOCAL PLANNING SCHEME NO. 1
(vrs. 11/07/17)

'Standard' Amendment No.29

**Amending the scheme to make compliant with the
*Planning and Development (Local Planning Schemes) Regulations 2015 (Model and Deemed provisions) and
to resolve minor text and mapping errors.***

No.	Scheme Text page number and section Scheme Map Number	Correction
1.	No Page Number	<p>Amend text under heading "Preamble" by deleting paragraph 2.</p> <p><i>Paragraph 2 refers to local planning policy and strategy. The Planning and Development (Local Planning Schemes) Regulations 2015 (regs) deals with Local Planning policies and strategy.</i></p>
2.	No Page Number	<p>Amend text under heading "Preamble", paragraph 3 by deleting "<i>planning approval, enforcement of the Scheme provisions and</i>".</p> <p><i>The regs deals with approval and enforcement procedures.</i></p>
3.	Pgs. i - iv	<p>Amend text in the "Table of Contents" by:</p> <ol style="list-style-type: none"> 1. Deleting the following text "PREPARED BY THE....1" 2. Between old clauses 1.1 and 1.2, inserting the following: "1.2 COMMENCEMENT" 3. After new clause 1.2, inserting the following: "1.3 SCHEME REVOKED" 4. After new clause 1.3, inserting the following: "1.4 NOTES DO NOT FORM PART OF SCHEME" 5. Renumbering old clauses "1.2", "1.3", "1.4", "1.5", "1.6", "1.7", "1.8" and "1.9" to "1.5", "1.6", "1.7", "1.8", "1.9", "1.10", "1.11" and "1.12". 6. Deleting all the text contained in 'Part 2', including the heading. 7. Renumbering "Part 3" to "Part 2". 8. Inserting the new heading after old clause 3.3 as follows: "2.4 Additional uses for local reserves". 9. Renumbering "3.1", "3.2", "3.3", "3.4" and "3.5" to "2.1", "2.2", "2.3", "2.5" and "2.6" respectively. 10. Renumbering "Part 4" to "Part 3". 11. Renumbering "4.1", "4.2", "4.3", "4.4", "4.5", "4.6", "4.7", "4.8", "4.9" and "4.10" to "3.1", "3.2", "3.3", "3.4", "3.5", "3.6", "3.7", "3.8", "3.9" and "3.10". 12. In old clause 4.9, deleting the text "EXTENSIONS AND" and "A". 13. In old clause 4.10, deleting the text "DISCONTINUANCE" and replacing with "REGISTER". 14. Deleting old clauses 4.11 – 4.12. 15. Renumbering "Part 5" to "Part 4". 16. Renumbering "5.1", "5.2", "5.3", "5.4", "5.5", "5.6", "5.7" and "5.8" to "4.1", "4.2", "4.3", "4.4", "4.5", "4.6", "4.7" and "4.8". 17. Deleting old clause 5.9. 18. Renumbering "Part 6" to "Part 5". 19. Renumbering "6.1", "6.2", "6.3", "6.4", "6.5", "6.6" and "6.7" to "5.1", "5.2", "5.3", "5.4", "5.5", "5.6" and "5.7". 20. Deleting all the text contained in 'Part 7', 'Part 8', 'Part 9', 'Part 10' and 'Part 11'. 21. Inserting the new heading before 'SCHEDULE 1' as follows: "SCHEDULE A – SUPPLEMENTARY PROVISIONS" 22. Replacing the text "PLANNING APPROVAL", located under the heading 'SCHEDULE 9', with "DEVELOPMENT APPROVAL".

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>23. Under the heading 'TABLES', insert the following text: "TABLE 1 – RESERVE OBJECTIVES"</p> <p>24. Renumbering the old table numbers from "Table 1", "Table 2", "Table 3", "Table 4", "Table 5", "Table 6", "Table 7", "Table 8" to "Table 2", "Table 3", "Table 4", "Table 5", "Table 6", "Table 7", "Table 8" and "Table 9".</p> <p>Automatic update to reflect scheme changes.</p>
4.	Pg. 1	<p>Amend text at clause 1.1.1 by replacing existing clause 1.1.1 with "This local planning scheme is the City of Albany Local Planning Scheme No.1"</p> <p>Model provision</p>
5.	Pg. 1	<p>Amend text at clause 1.1 by inserting the following text after old clause 1.1.1, as follows:</p> <p style="padding-left: 40px;">"1.2 COMMENCEMENT Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the <i>Gazette</i>."</p> <p>Model provision</p>
6.	Pg.1	<p>Amend text at clause 1.1 by inserting the following text after new clause 1.2, as follows:</p> <p style="padding-left: 40px;">"1.3 SCHEME REVOKED"</p> <p>Model provision</p>
7.	Pg.1	<p>Renumber old clause "1.2.1" to "1.3.1"</p> <p>Automatic update to reflect scheme changes.</p>
8.	Pg.1	<p>Amend text at clause 1.1 by inserting the new heading and text after new clause 1.3 as follows:</p> <p style="padding-left: 40px;">"1.4 NOTES DO NOT FORM PART OF SCHEME Notes, and instructions printed in italics, do not form part of this Scheme."</p> <p>Model heading and provision.</p>
9.	Pg.1	<p>Renumber old clause "1.2" to "1.5".</p> <p>Automatic update to reflect scheme changes.</p>
10.	Pg.1	<p>Amend text at old clause 1.2 by deleting and replacing the text with "The City of Albany is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme".</p> <p>Model provision</p>
11.	Pg.1	<p>Renumber old clause "1.3" to "1.6".</p> <p>Automatic update to reflect scheme changes.</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
12.	Pg.1	<p>Renumber old clause "1.4" to "1.7".</p> <p>Automatic update to reflect scheme changes.</p>
13.	Pg.1	<p>Amend text at old clause 1.4.1 by deleting and replacing with the text "1.7.1 In addition to the provisions set out in this document (the scheme text), this Scheme includes the following — (a) the deemed provisions (set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2); (b) Supplemental Provisions contained in Schedule A; (c) Schedule 1-15; and (d) the Scheme Map."</p> <p>Model and deemed provisions</p>
14.	Pg.1	<p>Renumber old clause "1.4.2" to "1.7.2".</p> <p>Automatic update to reflect scheme changes.</p>
15.	Pg.1	<p>Renumber old clause "1.5" to "1.8".</p> <p>Automatic update to reflect scheme changes.</p>
16.	Pg.1/2	<p>Amend text at old clause 1.5 by deleting text and replacing with:</p> <p>"The purposes of the Scheme are to:</p> <ul style="list-style-type: none"> (a) set out the local government's planning aims and intentions for the Scheme area; and (b) set aside land as local reserves for public purposes; and (c) zone land within the Scheme area for the purposes defined in this Scheme; and (d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and (e) set out procedures for the assessment and determination of development applications; and (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and (g) make provision for the administration and enforcement of this Scheme; and (h) address other matters referred to in Schedule 7 of the Act." <p>Model provisions</p>
17.	Pg.2	<p>Renumber old clause "1.6" to "1.9".</p> <p>Automatic update to reflect scheme changes.</p>
18.	Pg.3	<p>Renumber old clause "1.7" to "1.10".</p> <p>Automatic update to reflect scheme changes.</p>
19.	Pg.3	<p>Renumber old clause "1.7.1" to "1.10.1".</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		Automatic update to reflect scheme changes.
20.	Pg.3	Amend text in old clause 1.7.1 (b) (i) by inserting the following text after the word and number 'Schedule 1'; "and Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015". To align with regs.
21.	Pg. numerous	Amending text in old clauses 1.7, 5.2, 5.6, old Table 7, old Table 8, old clause 6.7, Schedule 1, Schedule 2 (AU10, AU11, AU27) and Schedule 4 (SR21) by deleting "Residential Design Codes" and replacing with "R-Codes" To align with regs.
22.	Pg.3	Re-number old clause "1.7.2" to "1.10.2". Automatic update to reflect scheme changes.
23.	Pg.3	Amend text at old clause 1.7.2 by inserting the following text after the word and number 'Schedule 1'; ", Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015". To align with regs.
24.	Pg. 3	Amend text at old clause 1.7.2(b) by deleting the text "the Dictionary" and replacing with "Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015". To align with regs.
25.	Pg.3	Amend text at old clause 1.7.3, by deleting "Notes and instructions printed in italics are not part of the Scheme." A model provision is proposed (refer to No.8 in this schedule) as follows: "1.4 NOTES DO NOT FORM PART OF SCHEME 1.4.1 Notes, and instructions printed in italics, do not form part of this Scheme."
26.	Pg.3	Re-number old clause "1.8" to "1.11". Automatic update to reflect scheme changes.
27.	Pg.3	Amend text at old clause 1.8 by insertion of "to the extent of the inconsistency" at the end of the existing text.
28.	Pg.3	Re-number old clause "1.9" to "1.12". Automatic update to reflect scheme changes.
29.	Pg.4	Deletion of Part 2 of the scheme. Deemed Provision

No.	Scheme Text page number and section Scheme Map Number	Correction																
30.	Pg. numerous	<p>Renumber subsequent clauses of the scheme to reflect the deletion of Part 2.</p> <p>i.e.</p> <ul style="list-style-type: none"> • “Part 3 – Reserves” with “Part 2 Reserves”. • “3.1 Reserves” with “2.1 Reserves”. • “4.1” with “3.1” and Replacement of “4.1.1” with “3.1.1”. <p>Automatic update to reflect scheme changes.</p>																
31.	Pg. 6	<p>Amend text at old clause 3.3 by deleting existing text and replacing with:</p> <p>“2.3.1 In this clause —</p> <p style="padding-left: 40px;"><i>Department of Main Roads</i> means the department principally assisting in the administration of the <i>Main Roads Act 1930</i>;</p> <p style="padding-left: 40px;"><i>Western Australian Road Hierarchy</i> means the document of that name available on the website maintained by the Department of Main Roads.</p> <p>2.3.2 Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.</p> <p>2.3.3 The objectives of each local reserve are as follows —</p> <p>Table 1 – Reserve Objectives</p> <table border="1" data-bbox="647 871 2112 1374"> <thead> <tr> <th>Reserve Name</th> <th>Objectives</th> </tr> </thead> <tbody> <tr> <td>Environmental conservation</td> <td> <ul style="list-style-type: none"> • To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. • To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves. </td> </tr> <tr> <td>Local Road</td> <td> <ul style="list-style-type: none"> • To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy. </td> </tr> <tr> <td>Priority Road</td> <td> <ul style="list-style-type: none"> • To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy. </td> </tr> <tr> <td>Major Road</td> <td> <ul style="list-style-type: none"> • To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy. </td> </tr> <tr> <td>Rail</td> <td> <ul style="list-style-type: none"> • To set aside land required for passenger rail and rail freight services. </td> </tr> <tr> <td>Parks and recreation</td> <td> <ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of public recreational facilities. </td> </tr> <tr> <td>Public use</td> <td> <ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure. </td> </tr> </tbody> </table> <p>Model Provision</p>	Reserve Name	Objectives	Environmental conservation	<ul style="list-style-type: none"> • To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. • To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves. 	Local Road	<ul style="list-style-type: none"> • To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy. 	Priority Road	<ul style="list-style-type: none"> • To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy. 	Major Road	<ul style="list-style-type: none"> • To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy. 	Rail	<ul style="list-style-type: none"> • To set aside land required for passenger rail and rail freight services. 	Parks and recreation	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of public recreational facilities. 	Public use	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure.
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No.	Scheme Text page number and section Scheme Map Number	Correction
32.	Pg. 6	<p>Amend text at old Part 3 by inserting the following after old clause 3.3 or after new clause 2.3.3:</p> <p>“2.4 Additional uses for local reserves There are no additional uses for land in local reserves that apply to this scheme.”</p> <p>Model Provision</p>
33.	Pg. 6	<p>Re-number old clause “3.4”, “3.4.1”, 3.4.2”, 3.4.3” and “3.5” to “2.5”, “2.5.1”, 2.5.2”, 2.5.3” and “2.6” respectively.</p> <p>Automatic update to reflect scheme changes.</p>
34.	Pg. Numerous	<p>Amend text at old clauses 3.4, 3.5, 5.2, 5.3, 5.5, 5.6, 5.7, 5.8, 6.2, 6.3, 6.4, 6.5, 6.6, Schedule 1, Schedule 2 (AU14, AU16, AU18, AU19, AU20, AU30), Schedule 4 (SU3, SU6, SU7, SU8, SU9, SU10, SU11, SU12, SU14, SU18, SU19, SU20, SU21, SU22, SU23, SU24, SU25), Schedule 11 (IA2, IA4), Schedule 12 (CZ1, RR36) by deleting “planning approval” and replacing with “development approval”.</p> <p>Automatic update to reflect scheme changes.</p>
35.	Pg. 6	<p>Amend text at old clause 3.4.1(b) by deleting “under Part 9 of the Scheme” and replacing with “in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>Part 9 is being deleted as per deemed provisions</p>
36.	Pg. 6	<p>Amend text at old clause 3.4.2(a) by deleting “clause 10.2” and replacing with “Schedule 2 Part 9 cl.67 Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>Clause 10.2 is being deleted as per deemed provisions</p>
37.	Pg. 14	<p>Amend text at old clause 4.2.23 Deletion of “, spacious” from Clause 4.2.23 to improve the wording of the clause.</p> <p>The clause currently reads “To provide for large, spacious residential lots”; the words “large” and “spacious” are effectively synonyms in this context.</p>
38.	Pg. 14-15	<p>Amend text at old clause 4.3 by deleting clauses 4.3.1 – 4.3.3 and the notes 1-4 in the table and replacing with “The zoning table for this scheme is as follows –” and then moving the old ‘Table 1’ and inserting after old clause 4.3.</p> <p>Model provision</p>
39.	Pg.15	<p>Amend text at old clause 4.4 by deleting clauses 4.4.1-4.4.2 and replacing with:</p> <p>“3.4.1 The permissibility of uses of land in the various zones in the Scheme area 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.</p> <p>3.4.2 The symbols used in the zoning table have the following meanings —</p> <p>P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;</p> <p>D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;</p> <p>A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;</p> <p>X means that the use is not permitted by this Scheme.</p> <p><i>(A symbol must appear in the cross-reference of a use class against all the zones in the zoning table.)</i></p> <p>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 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.</p> <p style="padding-left: 40px;">2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.</p> <p>3.4.3 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.</p> <p>3.4.4 The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —</p> <p style="padding-left: 20px;">(a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or</p> <p style="padding-left: 20px;">(b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or</p> <p style="padding-left: 20px;">(c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.</p> <p>3.4.5 If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.</p> <p>3.4.6 If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless —</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>(a) the development approval application relates to land that is being used for a non-conforming use; and (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.</p> <p>3.4.7 If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —</p> <p>(a) a structure plan; (b) an activity centre plan; (c) a local development plan.”</p> <p>Model provision</p> <p>Do not delete existing Table 1 – Zoning Table and “Table Notes: 1 Denotes those land uses that may be permitted by the Local Government prior to completion of the Structure Plan for the individual Rural Village zoned area. All other land use may only be permitted if included within an adopted Structure Plan. 2 Schedule 11 may vary or remove permissibility of uses on land identified in the Schedule. 3 Development of a second Grouped Dwelling may be granted subject to clause 5.5.16.1 of the Scheme. 4 Development of a Shop on land zoned ‘Regional Centre Mixed Business’ shall be subject to clause 5.5.7.1 of the Scheme”</p>
40.	Pg. 16-20	<p>Amend the heading of old Table 1 by deleting “Table 1” and replacing with “Table 2”.</p> <p>Automatic update to reflect scheme changes.</p>
41.	Pg. 16	<p>Amend text at old Table 1: Zoning Table, old clauses 5.5.3.1, 5.5.14.2.5(a), 5.5.17.1(b), 5.8.5.1, 5.6.4, old Table 5, Schedule 2, Schedule 11 (IA2), Schedule 12 (CZ2, CZ3), Schedule 14 (RR1C, RR3B, RR4A, RR5, RR6, RR8, RR9, RR10, RR11, RR12, RR13, RR14, RR17, RR21, RR22, RR25, RR27, RR28, RR29, RR30, RR31, RR32, RR33, RR34, RR35, RR36, RR37, RR39, RR40, RR42, RR44, SR1, SR2, SR3, SR4, SR5, SR6, SR7, SR8, SR9, SR10, SR11, SR12, SR13, SR14, SR18, SR20, SR21 by deleting “Ancillary Accommodation” and replacing with “Ancillary Dwelling”.</p> <p>The land use term ‘Ancillary Accommodation’ has been superseded by ‘Ancillary Dwelling’ in the Model Provisions for Local Planning Schemes and the Residential Design Codes of WA.</p>
42.	Pg. 16-20	<p>Amending text in the old Table 1 by deleting “clause 5.5.3”, “clause 5.5.13”, “clause 5.5.14” and “clause 5.5.18” and replacing with “clause 4.5.3”, “clause 4.5.13”, “clause 4.5.14” and “clause 4.5.18”.</p> <p>Automatic update to reflect scheme changes.</p>
43.	Pg. 16	<p>Amend text in Table 1 by deleting “D” at cross reference “Ancillary Accommodation” (now Ancillary Dwelling) and “Zones” and replacing with “p”</p> <p>To comply with Deemed provision (61(1)(d))</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
44.	Pg. 17	<p>Amend text in Table 1 by deleting “X” at cross reference ‘Civic Use’ and “Zones” and replace with “A”.</p> <p>It is proposed to alter the permissibility of ‘Civic Use’ in all zones to allow civic uses to be considered in order facilitate Government departments, instrumentalities of the Crown, or the Local Government in delivering services to the public.</p>
45.	Pg. 17	<p>Amend text in Table 1 by deleting “X” at cross reference ‘Educational Establishment’ and “Light Industry” and replace with “A”.</p> <p>The exclusion of this land use from the Light Industry zone precludes certain types of development, such as vocation-based training facilities, driver education centres, etc. It is proposed to reintroduce the use class into the zone for this reason.</p>
46.	Pg. 17	<p>Amend text in Table 1 by deleting “X” at cross reference ‘Holiday Accommodation’ and “Regional Centre Mixed Use” zone and replace with “A”.</p> <p>In the Regional Centre Mixed Use zone the following uses can be considered:</p> <p>Single House – ‘P’</p> <p>Bed & Breakfast/Farm stay – ‘A’</p> <p>Boarding/Guest/Lodging House – ‘A’</p> <p>Holiday House – ‘A’</p> <p>However, ‘Holiday Accommodation’ is currently prohibited. As this zone is the fringe around the CBD where core services are provided, it is considered appropriate to include Holiday Accommodation as a use that may be permitted in the zone at the local government’s discretion, following advertising in accordance with Schedule 2, Part 8, Cl. 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
47.	Pg. 17	<p>Amend text in Table 1 by deleting “A” at cross reference ‘Home Occupation’ and “Regional Centre Mixed Business” zone and replace with “X”.</p> <p>It has been recognised that the ‘Home Occupation’ use has been included in the Regional Centre Mixed Business zone in error. A ‘Home Occupation’ is defined in the Scheme as an occupation carried out in a dwelling or on land around a dwelling by the occupier of the dwelling. As ‘Grouped Dwelling’, ‘Multiple Dwelling’, Single Bedroom Dwelling’ and ‘Single House’ are prohibited in the zone, a ‘Home Occupation’ could not be approved.</p>
48.	Pg. 18	<p>Amend text in Table 1 by deleting “D” at cross reference ‘Home Office’ and “Regional Centre Mixed Business’ zone and replace with ‘X’.</p> <p>It has been recognised that the ‘Home Office’ use has been included in the Regional Centre Mixed Business zone in error. A ‘Home Office’ is defined in the Scheme as a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling. As ‘Grouped Dwelling’, ‘Multiple Dwelling’, Single Bedroom Dwelling’ and ‘Single House’ are prohibited in the zone, a ‘Home Office’ could not be approved.</p>
49.	Pg. 18	<p>Amend text in Table 1 by deleting “A” at cross ‘Home Store’ and “Regional Centre Mixed Business” zone and replace with ‘X’.</p> <p>It has been recognised that the ‘Home Store’ use has been included in the Regional Centre Mixed Business zone in error. A ‘Home Store’ is defined in the Scheme as any shop with a net lettable area not exceeding 100m² attached to a dwelling and which is operated by a person resident in the dwelling. As ‘Grouped Dwelling’, ‘Multiple Dwelling’, Single Bedroom Dwelling’ and ‘Single House’ are prohibited in the zone, a ‘Home Store’ could not be approved.</p>
50.	Pg. 19	<p>Amend text in Table 1 by deleting:</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<ul style="list-style-type: none"> • “D” at cross “Service Station” and “Regional Centre” zone and replace with ‘A’; • “P” at cross “Service Station” and “Highway Commercial” zone and replace with ‘A’; • “D” at cross “Service Station” and “Neighbourhood Centre” zone and replace with ‘A’; • “D” at cross “Service Station” and “Local Centre” zone and replace with ‘A’; • “D” at cross “Service Station” and “General Industry” zone and replace with ‘A’; • “P” at cross “Service Station” and “Light Industry” zone and replace with ‘A’; <p>Considered important to seek agency and public input prior to considering a development application for a service station.</p>
51.	Pg. 20	<p>Amend the ‘Table Notes’ located under the old Table 1 by deleting “clause 5.5.16.1” and “clause 5.5.7.1” and replacing with “clause 4.5.16.1” and “clause 4.5.7.1”</p> <p>Automatic update to reflect scheme changes.</p>
52.	Pg. 21	<p>Amend text at old clause 4.7.1 by deleting the clause 4.7.1 and replacing with:</p> <p>“3.7.1 Schedule 4 sets out –</p> <ul style="list-style-type: none"> (a) special use zones for specified land that are in addition to zones in the zoning table; and (b) the classes of special use that are permissible in that zone; and (c) the conditions that apply in respect of the special uses”. <p>Model provision</p>
53.	Pg. 21-22	<p>Amend text at clauses 4.8 – 4.12 (Non-conforming Uses) by deleting clauses 4.8-4.12 and replacing with the following;</p> <p>“3.8 Non-conforming uses</p> <p>3.8.1 Unless specifically provided, this Scheme does not prevent –</p> <ul style="list-style-type: none"> (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or (b) the carrying out of development on land if – <ul style="list-style-type: none"> (i) before the commencement of this Scheme, the development was lawfully approved; and (ii) the approval has not expired or been cancelled. <p>3.8.2 Subclause (1) does not apply if –</p> <ul style="list-style-type: none"> (a) the non-conforming use of the land is discontinued; and (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use. <p>3.8.3 Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local</p>

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		<p>government —</p> <ul style="list-style-type: none"> (a) purchases the land; or (b) pays compensation to the owner of the land in relation to the non-conforming use. <p>3.9 Changes to non-conforming use</p> <p>3.9.1 A person must not, without development approval —</p> <ul style="list-style-type: none"> (a) alter or extend a non-conforming use of land; or (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or (c) repair, rebuild, alter or extend a building used for a (d) non-conforming use that is destroyed to the extent of 75% or more of its value; or (e) change the use of land from a non-conforming use to another use that is not permitted by the Scheme. <p>3.9.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.</p> <p>3.9.3 A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use —</p> <ul style="list-style-type: none"> (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and (b) is closer to the intended purpose of the zone in which the land is situated. <p>3.10 Register of non-conforming uses</p> <p>3.10.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.</p> <p>3.10.2 A register prepared by the local government must set out the following —</p> <ul style="list-style-type: none"> (a) a description of each area of land that is being used for a non-conforming use; (b) a description of any building on the land; (c) a description of the non-conforming use; (d) the date on which any discontinuance of the non-conforming use is noted. <p>3.10.3 If the local government prepares a register under subclause (1) the local government —</p> <ul style="list-style-type: none"> (a) must ensure that the register is kept up-to-date; and

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		<p>(b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and</p> <p>(c) may publish a copy of the register on the website of the local government.</p> <p>3.10.4 An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.”</p> <p>Model provision</p>
54.	Pg. 23	<p>Amend text at old clause 5.2.2(a) by deleting the text “clause 9.4” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
55.	Pg. 23	<p>Amend text at old clause 5.2.3(a) by deleting the text “clause 10.2” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
56.	Pg. 23	<p>Amend text at old clause 5.3.2 by deleting the text and replacing with “Refer to State Planning Policy 2.6 – State Coastal Planning Policy”</p> <p>The State Planning Policy 2.6 – State Coastal Planning Policy is the relevant legislative document</p>
57.	Pg. 25	<p>Amend text in old clause 5.3.6.2 by deleting the text “clause 5.3.6.1” and replacing with “clause 4.3.6.1”.</p> <p>The text currently does not have a reference No.</p>
58.	Pg. 26	<p>Amend text in old clause 5.3.7.4 by deleting the text “clause 5.3.7.2” and replacing with “clause 4.3.7.2”.</p> <p>The text currently does not have a reference No.</p>
59.	Pg. 27	<p>Amend text at old clause 5.4 by deleting the text and replacing with “Refer to Part 10A – Bushfire risk management of the <i>Planning and Development (Local Planning Schemes) Amendment Regulations 2015</i>.”</p> <p>The Planning and Development (Local Planning Schemes) Amendment Regulations 2015 deal with bushfire risk management.</p>
60.	Pg. 29	<p>Amend text at clause 5.5.3.1 by deleting the text “under clause 5.9 of the Scheme” and replacing with “in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
61.	Pg. 29	<p>Amend text in old clause 5.5.3.2 by deleting the text “clause 5.5.3.1” and replacing with “clause 4.5.3.1”.</p> <p>Automatic update to reflect scheme changes.</p>
62.	Pg. 29	<p>Amend text in old clause 5.5.4.1 by deleting the text “Part 2 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		To align with regs.
63.	Pg. 30	Amend text in old clause 5.5.6.1 by deleting the text “clause 5.5.6.5” and replacing with “clause 4.5.6.5”. Automatic update to reflect scheme changes.
64.	Pg. 30	Amending text in old clause 5.5.6.4 by deleting the text “Table 7” and replacing with “Table 8”. Automatic update to reflect scheme changes.
65.	Pg. 30	Amend text in clause 5.5.6.5 by deleting the text “Part 2 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”. To align with regs.
66.	Pg. 34	Amend text in clause 5.5.10.1 by deleting the text “Table 2” and replacing with “Table 3”. Automatic update to reflect scheme changes.
67.	Pg. 34	Amend text in old table 2 (clause 5.5.10.1) by deleting the text “Table 2” and replacing with “Table 3”. Automatic update to reflect scheme changes.
68.	Pg. 36	Amend text in clause 5.5.11.1 by deleting the text “Table 3” and replacing with “Table 4”. Automatic update to reflect scheme changes.
69.	Pg. 36	Amend text at old table 3 by deleting the text “Table 3” and replacing with “Table 4”. Automatic update to reflect scheme changes.
70.	Pg. 38	Amend text at old clause 5.5.13.2.1(a) by deleting the text “and/or outbuilding”. The size of outbuildings is managed by the City’s outbuilding policy, which limits heights to around 4.8m. A 7.5m outbuilding has the potential to impact on the amenity of the area.
71.	Pg. 38	Amend text at old clause 5.5.13.2.2 by deleting the text and replacing with “Refer to Part 10A – Bushfire risk management of the <i>Planning and Development (Local Planning Schemes) Amendment Regulations 2015.</i> ” The Local Planning Scheme Amendment Regulations 2015 deal with bushfire risk management.
72.	Pg. 41	Amend text at old clause 5.5.13.2.9 by deleting the text “clause 5.8.2” and replacing with “clause 4.8.2”. Automatic update to reflect scheme changes.
73.	Pg. 41	Amend text at old clause 5.5.13.2.10(b) by deleting the text “clause 5.6.9” and replacing with “clause 4.6.9”. Automatic update to reflect scheme changes.

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No.	Scheme Text page number and section Scheme Map Number	Correction
74.	Pg. 44	<p>Amend text at old clause 5.5.14.2.3(a) by deleting the text “and/or outbuilding”.</p> <p>The size of outbuildings is managed by the City’s outbuilding policy, which limits heights to around 4.8m. A 7.5m outbuilding has the potential to impact on the amenity of the area.</p>
75.	Pg. 46	<p>Amend text at old clause 5.5.14.2.7(b) by deleting the text “clause 5.5.14.2.2(b)(i)” and replacing with “clause 4.5.14.2.2(b)(i)”.</p> <p>Automatic update to reflect scheme changes.</p>
76.	Pg. 46	<p>Amend text at old clause 5.5.14.2.8(d) by deleting the text “clause 5.5.14.2.8(a)-(c)” and replacing with “clause 5.5.14.2.8(a)-(c)”.</p> <p>Automatic update to reflect scheme changes.</p>
77.	Pg. 49	<p>Amend text at old clause 5.5.15.2.2(a) by deleting the text “and/or outbuilding”.</p> <p>The size of outbuildings is managed by the City’s outbuilding policy, which limits heights to around 4.8m. A 7.5m outbuilding has the potential to impact on the amenity of the area.</p>
78.	Pg. 49-50	<p>Amend text at old clause 5.5.15.2.3 by deleting the text and replacing with “Refer to Part 10A – Bushfire risk management of the <i>Planning and Development (Local Planning Schemes) Amendment Regulations 2015</i>.”</p> <p>The <i>Local Planning Scheme Amendment Regulations 2015</i> deal with bushfire risk management.</p>
79.	Pg. 51	<p>Amend text at old clause 5.5.15.2.7 by deleting the text “clause 5.8.2” and replacing with “clause 4.8.2”.</p> <p>Automatic update to reflect scheme changes.</p>
80.	Pg. 51	<p>Amend text at old clause 5.5.15.2.8 by deleting the text “clause 5.6.9” and replacing with “clause 4.6.9”.</p> <p>Automatic update to reflect scheme changes.</p>
81.	Pg. 52	<p>Amend text at old clause 5.5.15.2.9 by deleting the text “an overall Plan of Subdivision be prepared for adoption by the Local Government in accordance with Part 2 of the Scheme and endorsement of” and replacing with “the preparation of a structure plan, endorsed by”.</p> <p>To align with regs.</p>
82.	Pg. 53	<p>Amend text at old clause 5.5.17.1 by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
83.	Pg. 53	<p>Amend text at old clause 5.5.17.1 by deleting the text “clause 4.3.2” and replacing with “clause 3.4.2”.</p> <p>Automatic update to reflect scheme changes.</p>
84.	Pg. 54	<p>Amend text at old clause 5.5.17.3 by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
85.	Pg. 54	<p>Amend text at old clause 5.5.18.2.1(a) by deleting the text “and/or outbuilding”.</p> <p>The size of outbuildings is managed by the City’s outbuilding policy, which limits heights to around 4.8m. A 7.5m outbuilding has the potential to impact on the amenity of the area.</p>
86.	Pg. 55	<p>Amend text at old clause 5.5.18.2.2 by deleting the text and replacing with “Refer to Part 10A – Bushfire risk management of the <i>Planning and Development (Local Planning Schemes) Amendment Regulations 2015.</i>”</p> <p>The Local Planning Scheme Amendment Regulations 2015 deal with bushfire risk management.</p>
87.	Pg. 57	<p>Amend text at old clause 5.5.18.2.9 by deleting the text “clause 5.8.2” and replacing with “clause 4.8.2”.</p> <p>Automatic update to reflect scheme changes.</p>
88.	Pg. 59	<p>Amend text at clause 5.6.1 by deleting and replacing with the following text:</p> <p>“4.6.1.1 The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.</p> <p>4.6.1.2 The local government —</p> <ul style="list-style-type: none"> (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and (b) may publish a copy of the R-Codes on the website of the local government. <p>4.6.1.3 The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.</p> <p>4.6.1.4 The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (4.6.1.3).”</p> <p>Model provision</p>
89.	Pg. 59	<p>Amend text at old clause 5.6.2(a) by deleting the text “Table 4” and replacing with “Table 5”.</p> <p>Automatic update to reflect scheme changes.</p>
90.	Pg. 60	<p>Amend text in the table, which is located at old clause 5.6.2 by deleting the text “Table 4” and replacing with “Table 5”.</p> <p>Automatic update to reflect scheme changes.</p>
91.	Pg. 62	<p>Amend text at old clause 5.6.3.1 by deleting the text “clause 5.6.3.2” and replacing with “clause 4.6.3.2”.</p> <p>Automatic update to reflect scheme changes.</p>
92.	Pg. 62	<p>Amend text at old clause 5.6.3.2 by deleting the text “clause 5.6.3.1” and replacing with “clause 4.6.3.1”.</p> <p>Automatic update to reflect scheme changes.</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
93.	Pg. 62	Amend text at old clause 5.6.3.2 by deleting the text (X2) "clause 5.6.3.1" and replacing with "clause 4.6.3.1". Automatic update to reflect scheme changes.
94.	Pg. 62	Amend text at old clause 5.6.3.2 by deleting the text "clause 9.4" and replacing with "the Planning and Development (Local Planning Schemes) Regulations 2015". To align with regs.
95.	Pg. 62	Amend text at old clause 5.6.4 by inserting two additional clauses after the clause 5.6.4.3 as follows: "4.6.4.4 Ancillary dwellings shall be located either alongside or to the rear of the existing single house." "4.6.4.5 The materials, colours and finishes used in the construction of ancillary dwellings shall be consistent with those of the existing single house." The first clause is required to ensure that all development on a lot is constructed of materials and finished in a way that is consistent, in the interests of maintaining an aesthetic theme to protect the amenity of the locality. The second clause is required to ensure that ancillary dwellings are located in such a way that they are subservient to the main house.
96.	Pg. 66	Amend text at old clause 5.7.3.2(g) by deleting the text "clause 10.1" and replacing with "the Planning and Development (Local Planning Schemes) Regulations 2015". To align with regs.
97.	Pg. 66	Amend text at old clause 5.7.5 by deleting the text "shall" and replacing with "may". Development standards for outbuildings etc may be determined in accordance legislation other than a policy.
98.	Pg. 67	Amend text at old clause 5.8.1.8(b) by deleting the text "Part 5.9.2 of the Scheme" and replacing with "the Planning and Development (Local Planning Schemes) Regulations 2015". To align with regs.
99.	Pg. 67	Amend text at old clause 5.8.1.9 by deleting the text "clause 5.8.1.8" and replacing with "clause 4.8.1.8". Automatic update to reflect scheme changes.
100.	Pg. 68	Amend text at old clause 5.8.1.10 by deleting the text "clause 5.8.1.8(a)" and replacing with "clause 4.8.1.8(a)". Automatic update to reflect scheme changes.
101.	Pg. 68	Amend text at old clause 5.8.2.2 by deleting the text "clause 5.3.6" and replacing with "clause 4.3.6". Automatic update to reflect scheme changes.
102.	Pg. 69	Amend text at old clause 5.8.3.3 by deleting the text "clause 5.8.3.2" and replacing with "clause 4.8.3.2". Automatic update to reflect scheme changes.

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103.	Pg. 70-72	Amend text in old clause 5.8.5 (including in the table) by deleting the text “Table 5” and replacing with “Table 6”. Automatic update to reflect scheme changes.
104.	Pg. 72	Amend text in old clause 5.8.5.2 by deleting the text “Table 5” and replacing with “Table 6”. Automatic update to reflect scheme changes.
105.	Pg. 74	Amend text at old clause 5.8.5.17 by deleting the text “clause 5.8.5.16” and replacing with “clause 4.8.5.16”. Automatic update to reflect scheme changes.
106.	Pg. 74	Amend text in clause 5.8.5.18(a) (including the table) by deleting the text “Table 6” and replacing with “Table 7”. Automatic update to reflect scheme changes.
107.	Pg. 75	Amend text at old clause 5.8.5.20(e) by deleting the text “clause 5.8.5.20(d)” and replacing with “clause 4.8.5.20(d)”. Automatic update to reflect scheme changes.
108.	Pg. 76	Amend text at old clause 5.8.5.21 by deleting the text “clause 5.8.5.20” and replacing with “clause 4.8.5.20”. Automatic update to reflect scheme changes.
109.	Pg. 76	Amend text at old clause 5.8.6.2 by deleting the text “clause 5.8.6.1” and replacing with “clause 4.8.6.1”. Automatic update to reflect scheme changes.
110.	Pg. 77-78	Amend text at old clause 5.8.7 (including in the table) by deleting the text “Table 7” and replacing with “Table 8”. Automatic update to reflect scheme changes.
111.	Pg. 78-79	Amend text at old clause 5.8.9 (including in the table) by deleting the text “Table 8” and replacing with “Table 9”. Automatic update to reflect scheme changes.
112.	Pg. 79	Amend text at old clause 5.8.9.2 by deleting the text “Table 8” and replacing with “Table 9”. Automatic update to reflect scheme changes.
113.	Pg. 79	Amend text at old clause 5.8.9.5(b) by deleting the text “clause 5.8.9.5(a)” and replacing with “clause 4.8.9.5(a)”. Automatic update to reflect scheme changes.
114.	Pg. 79	Amend text at old clause 5.8.9.6 by deleting the text “sub-clause 5.8.9.5(a)” and replacing with “clause 4.8.9.5(a)” Automatic update to reflect scheme changes.
115.	Pg. 80-95	Amend text at old clause 5.9 by deleting.

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116.	Pg. 96	<p>Delete the whole section. The Regs now deal with structure and contribution planning.</p> <p>Renumbering clauses in scheme to reflect the deletion of clause 5.9.</p> <p>e.g. Part 6 becomes Part 5.</p>
117.	Pg. 97	<p>Amend text at old clause 6.2.3 by deleting the text “clause 6.2.2” and replacing with “clause 5.2.2”.</p> <p>Automatic update to reflect scheme changes.</p>
118.	Pg. 102	<p>Replacement of “clause 5.9 of the Scheme” in section 6.7.3 with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
119.	Pg. 102	<p>Amend text at old clause 6.7.7 by deleting the text “clause 5.5.10” and replacing with “clause 4.5.10”.</p> <p>Automatic update to reflect scheme changes.</p>
120.	Pg. 103-109	<p>Amend text at old clauses 6.7.9, 6.7.10, 6.7.13, 6.7.14, 6.7.17, 6.7.18, 6.7.21, 6.7.22 by deleting the text “Table 1” and replacing with “Table 2”.</p>
121.	Pg. 107	<p>Amend text at clause 6.7.22 by deleting the text “Inner-Frame” and replacing with ‘Outer-Frame’.</p> <p>To correct a typographical error.</p>
122.	Pg. 108-110	<p>Amend text at old Part 7 by deleting the text.</p> <p>Delete the whole of Part 7. The Regs deal with Heritage provisions.</p>
123.	Pg. 111-112	<p>Amend text at Part 8 by deleting the text.</p> <p>To align with Model scheme.</p>
124.	Pg. 113-115	<p>Amend text at Part 9 by deleting the text.</p> <p>To align with Model scheme.</p>
125.	Pg. 116-119	<p>Amend text at Part 10 by deleting the text.</p> <p>To align with Model scheme.</p>
126.	Pg. 120-122	<p>Amend text at Part 11 by deleting the text.</p> <p>To align with Model scheme.</p>
127.	Pg. 123	<p>Amend text at the schedules part of the scheme by inserting a new schedule prior to the current schedule 1 with text as follows:</p> <p>“Schedule A – Supplementary Provisions</p> <p>These provisions are to be read in conjunction with the deemed provisions contained in the <i>Planning and Development (Local</i></p>

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Planning Schemes) Regulations 2015.

1. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions, with the exception of the following:

- (a) The carrying out of cut and fill, provided it does not exceed a 600 millimetre change to natural ground level and it is not within an area identified as being prone to flooding.
- (b) Development of a Relocated Dwelling
- (c) The development is proposed to be outside an approved building envelope.
- (d) The proposed dwelling will be located within 80 metres of a Heavy Freight Route.
- (e) The dwelling is in a Special Control Area.
- (f) The dwelling is in the Rural Residential, Special Residential, Rural Small Holding or Conservation zone.
- (g) The development is located within a flood prone area.
- (h) The development is less than the prescribed setbacks from a watercourse.

2. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions and including the following:

- (a) Any rural works/activity for example but not limited to ploughing, fencing, seeding, spraying, constructing a dam and harvesting undertaken as part of permitted agricultural/rural use.

3. All places included in the 'Table 11 – City of Albany List of Heritage Places' are worthy of conservation.

Table 11 - City of Albany list of Heritage Places		
CODE	NAME OF PLACE	ADDRESS
1.	DOG ROCK	North-west corner of Middleton Road and St Wurburg's Land.
2.	"PYRMONT" HOUSE	Pt. Lot 2, Sub. 41 Serpentine Road (north side, opposite Collie Street).
3.	FORMER ST JOSEPH'S CONVENT	Lot 28, Sub. 24, Aberdeen Street (east side, one lot north of Serpentine Road).
4.	ST JOSEPH'S CHURCH, BELL AND BELL TOWER	Lot 29, Sub. 24 (north-east corner Aberdeen Street and Serpentine Road).
5.	EDUCATIONAL RESOURCES CENTRE - FORMER PRIMARY SCHOOL	Reserve 4145 Sub. 125 Serpentine Road (south side, one lot west of York Street).
6.	FORMER HEADMASTER'S HOUSE	Sub 109 York Street - frontage also to Collie Street (west side, two lots south of Serpentine Road).
7.	HOUSE, 92-98 ABERDEEN STREET	Lot 2 Sub. 132 Aberdeen Street (east side, fifth lot south of Serpentine Road).
8.	TOWN HALL	Sub. 112 York Street (north west corner of Grey Street West).
9.	HOUSE, 60 GREY STREET EAST	Lot 1 Sub. 134 Grey Street East, (north side, second lot east of Aberdeen Street).
10.	SCOTS CHURCH	Pt. Sub. 101 York Street, (east side, four lots north of Peels Place).
11.	ALBANY CLUB	Pt. Sub. 100 Aberdeen Street (west side, third lot north of Peels Place).

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>12. ST JOHN'S CHURCH, RECTORY AND CHURCH HALL GROUP AND GROUNDS Sub. 117, York Street and Sub. 121, 122, 123 Duke Street, (north west corner of York and Duke Streets).</p> <p>13. "WOLLASTON HOUSE" Lot 6 Sub 61 Duke Street, (north east corner of Parade Street).</p> <p>14. WESLEY CHURCH Pt. Sub. 53 Duke Street, (north side of Duke Street, east corner of Cuthbert Street).</p> <p>15. WESLEY MANSE Pt. Sub. 53 Duke Street (north side of Duke Street, east corner of Cuthbert Street).</p> <p>16. "PATRICK TAYLOR COTTAGE" Sub. 44 and 45 Duke Street, (south side, sixth lot east of Parade Street).</p> <p>17. COURT HOUSE Pt. Sub. 39 and 40 Stirling Street, (north west corner of Collie Street or Council Street).</p> <p>18. OFFICES (FACADE), 137 YORK STREET Pt. Sub. 34 York Street (west side, three lots south of Peels Place).</p>
		<p>19. OFFICE (FACADES) 133-135 YORK STREET Pt. Sub. 34 York Street, (west side, three lots south of Peels Place).</p> <p>20. "ALBANY HOUSE" Pt. Sub. 33 York Street, (north west corner of Stirling Terrace).</p> <p>21. LONDON HOTEL (FACADE) Sub. 35 Stirling Terrace, (north side, second lot west of York Street).</p> <p>22. TAXI RANK AND REST ROOM Reserve 19464 Sub. 826 Stirling Terrace (south-west corner of York Street).</p> <p>23. GROUP OF FACADES: PTN. A.T.L. S31 (Empire Building); Pt. S30 (Bank of NSW); A.T.L. S27-29 (Boans); Lots 1 & 8 of S26; Pt. of A.T.L. S25; Lot 17 of A.T.L. S23 (Vancouver House); Lot S22 (Old Light Opera Co. Bld) Pt. of A.T.L. S21 (White Star Hotel); Lot 25 (Royal George Hotel, Glasgow House, Edinburgh House); Pt. of A.T.L. S18 (Argyle House); Pt. of A.T.L. S17. Stirling Terrace facades, (north side, moving from York Street to Spencer Street including corner building's facades).</p> <p>24. ROTUNDA Reserve 19465 Sub. 827 Stirling Terrace (opposite Railway Crescent).</p> <p>25. WAREHOUSE Sub. 19 Frederick Street, (south side, third lot west of Spencer Street).</p> <p>26. OLD POST OFFICE Reserve 2683 Stirling Terrace (opposite Spencer Street).</p> <p>27. OLD GAOL Reserve 22375 Sub. 874 Stirling Terrace (south east corner of Parade Street).</p> <p>28. POLICE QUARTERS AND STABLES Reserve 4156 Pt. Sub. 41 Parade Street, (east side, south of Railway line).</p> <p>29. RESIDENCY MUSEUM Reserve 4156 Pt. Sub. 41 Parade Street (east side, south of Railway line and at rear of lot).</p> <p>30. "CAMFIELD HOUSE" Sub. 46 Cnr. Serpentine Road and Crossman Street (north east cnr. of intersection).</p> <p>31. HOUSE, 142 SERPENTINE ROAD Lots 13 and 14 Serpentine Road (north side, 5 lots east of Elizabeth Street).</p> <p>32. "HILLSIDE HOUSE" Lot 15 Cliff Way (north side, third lot west of Parade Street).</p> <p>33. "MELVILLE HOUSE" Lot 33 Hotchin Avenue (south side, 3 lots west of Collie Street).</p>
		<p>34. HOUSE, 41 MELVILLE STREET Sub. 490 Cnr. Melville Street and View Street (north-west cnr of intersection).</p> <p>35. "THE ROCKS HOUSE", 182-188 GREY STREET Reserve 27280 Grey Street west (north side, 4 lots east of Melville Street - rear of lot).</p> <p>36. HOUSE, 170 GREY STREET WEST Lot 270 Cnr. Grey Street West and Parade Street (north-west cnr. of intersection).</p> <p>37. HOUSE, 148 GREY STREET WEST Lot 1 of Sub. 190 Grey Street West (north side, 2 lots west of Collie Street).</p> <p>38. HOUSE, 153 GREY STREET WEST Lot 11 Grey Street West (south side, 3 lots west of Collie Street).</p> <p>39. HOUSE, 28 VANCOUVER STREET Lot 182 Vancouver Street (north side, 3 lots east of Parade Street).</p> <p>40. "BANGOR HOUSE" Sub. 197 cnr. Vancouver Street and Parade Street (north west cnr. of intersection).</p> <p>41. HOUSE, 82 VANCOUVER STREET Sub. 245 Vancouver Street (north side, 7 lots east of Bay Street).</p> <p>42. OLD HOSPITAL Reserve 3693 Sub. 228 Vancouver Street (south side, 5 lots west of Melville Street).</p> <p>43. FORMER MATTHEW CULL'S HOUSE Lot 13 of Sub. 303 Middleton Road (north side, 5 lots west of Campbell Street).</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>44. HOUSE, 33 ROWLEY STREET Lot 4 Rowley Street (west side, 5 lots north of Grey Street East).</p> <p>45. HOUSE, 35 ROWLEY STREET Lot 2 Rowley Street (west side, 2 lots north of Grey Street East).</p> <p>46. TERRACE HOUSES, 63-69 SPENCER STREET Pt. Sub. 144 cnr. Spencer Street and Grey Street East (south-west cnr. of intersection).</p> <p>47. HOUSE AND FORMER SHOP - FORMER INN Pt. Sub. 144 cnr. Spencer Street and Earl Street (north west cnr. of intersection).</p> <p>48. HOUSE, 62 SPENCER STREET Lot 5 of Sub. 342 Spencer Street (east side, 7 lots south of Grey Street East).</p> <p>49. HOUSE, 64 SPENCER STREET Lot 6 of Sub. 342 Spencer Street (east side, 6 lots south of Grey Street East).</p> <p>50. MASONIC HALL Lot 21 of Sub. 332 cnr. Spencer Street and Earl Street (south east cnr. of intersection).</p> <p>51. HOUSE, 120 BURGOYNE ROAD Lot 463 Burgoyne Road (north side, 2 lots west of Mount Street).</p> <p>52. SIR RICHARD SPENCER'S GRAVE Reserve 23769 Sub. 998 Seymour Street (west side, 4 lots south of Nelson Street).</p>
		<p>53. "THE OLD FARM STRAWBERRY HILL" INCLUDING MINER'S COTTAGE Reserve 24864 Sub. 1105 and Pt. Lot 19 and Old Farm Road Reserve - situated off Middleton Road (north side, mid-way between Bluff Street and Seymour Street).</p> <p>54. "HAWTHORNDENE HOUSE" Lot 25 Seymour Street (east side, 3rd lot south of Hanson Street).</p> <p>55. DESERT MOUNTED CORPS MEMORIAL Reserve 27116 - summit of Mt. Clarence, end of Apex Drive (western end of reserve).</p> <p>56. HOUSE, 68 BRUNSWICK ROAD "BRACKENHURST" Lot 13 cnr. Brunswick Road and Cuddihy Avenue (north west cnr. of intersection).</p> <p>57. APEX PARK Lot Nos. 1289 and 6700 Reserve No. 25382 bounded by Hanrahan Road, Parker, Lambert and Menzies Streets.</p> <p>58. HOLMES PARK Lot 7265, Reserve No. 32935 Ulster Road, south-west cnr. of Martin Road</p> <p>59. SPENCER PARK WILDFLOWER RESERVE Reserve No. 28725, bounded by Burville Street and Mokare Road.</p> <p>60. LION STREET RESERVE AND MOUNT MELVILLE Land generally bounded by Lion Street, Serpentine Road, Johnston, Robinson and Bay Street, Grey Street West, Carlisle Street and Spearwood Road. It includes Reserve Nos. 21300 and 2681.</p> <p>61. MT ELPHINSTONE Land located west of Elphinstone Road, north of Robinson Road, east of Frenchman's Bay Road and Ware Road and south of Elleker Road.</p> <p>62. MOKARE PARK Lot No. 1202, Reserve No. 23397 bounded by Serpentine Road, Crossman and Robinson Streets and Melville Drive.</p> <p>63. BOB THOMSON GARDENS Lot 1155, Reserve No. 24429 bounded by Middleton Road and Boronia and Burt Streets.</p> <p>64. WAGGON ROCK Lot 1153, Reserve No. 27460 and Lot 12 Serpentine Road.</p> <p>65. LAWLEY PARK Sub. E2, Reserve No. 6596, Lots 165 and 166 Brunswick Road, Lot 828, Reserve No. A19466, Lot 845, Reserve No. 8765, situated south side of Stirling Terrace and Brunswick Road.</p> <p>66. MT CLARENCE, MT ADELAIDE AND BALSTON GARDENS Land generally bounded by Palmer, Mill, Innes and Clarence Streets, Burgoyne Road, Marine Drive, King George Sound from Semaphore Point to Ellen Cove, Adelaide Crescent, Hare, King and Burt Streets.</p> <p>67. BLUFF ROCK Land generally bounded by Tassell and Collingwood Streets and Bathurst Place. It includes Reserve No. 24409 and 5155.</p>
		<p>68. LAKE SEPPINGS Land bounded by Lake Seppings Drive, Loftie, Collingwood, Griffiths, Bird and Troode Streets, Golf Links Road and Beach Road, including Reserve Nos. 22058, 1299, 29187 and 23775.</p> <p>69. MIDDLETON BAY RESERVE Middleton and Emu Beaches and Foreshores. It includes Reserve Nos. 14789 and 15879 and 36320.</p> <p>70. GREEN ISLAND Green Island, Reserve No. A24808.</p> <p>71. SWARBRICK PARK Land situated east of Emu Point between Oyster Harbour and Middleton Bay, comprising Reserve Nos. A21729 and 33309.</p> <p>72. OYSTER HARBOUR Land bounded by Collingwood and Butcher Streets, Mermaid Avenue, Clarke and Swarbrick Streets and Oyster Harbour, including Reserve Nos. A6862, Part 15879 and Part 22698.</p>

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		<table border="1" data-bbox="600 204 2056 842"> <tr> <td>73.</td> <td>HOUSE, 75 ALBANY HIGHWAY</td> <td>Lot 3 of A.S.L. 37 (south-west cnr. of Elizabeth Street and Albany Highway).</td> </tr> <tr> <td>74.</td> <td>HOUSE, 77 ALBANY HIGHWAY</td> <td>Lot 4 of A.S.L. 37 (south-east cnr. of Alicia Street and Albany Highway).</td> </tr> <tr> <td>75.</td> <td>HOUSE, 81 ALBANY HIGHWAY</td> <td>Lot 4 of A.S.L. 37 (south-east cnr. of Alicia Street and Albany Highway).</td> </tr> <tr> <td>76.</td> <td>HOUSE, 176 SERPENTINE ROAD</td> <td>Lot 1 of A.S.L. 47 (north-west cnr of Serpentine Road and Crossman Streets).</td> </tr> <tr> <td>77.</td> <td>HOUSE, 197 SERPENTINE ROAD</td> <td>Lot 4 of A.T.L. 125 (south side of Serpentine Road, 3 lots west of Serpentine Crescent).</td> </tr> <tr> <td>78.</td> <td>HOUSE, 172 GREY STREET</td> <td>Lot 2 of A.T.L. 269 Grey Street West (north side, second lot west of Parade Street).</td> </tr> <tr> <td>79.</td> <td>HOUSE, 176 GREY STREET WEST</td> <td>A.T.L. 268 Grey Street West (north side, fourth lot west of Parade Street).</td> </tr> <tr> <td>80.</td> <td>HOUSE, 198 GREY STREET</td> <td>Lot 8 of A.T.L. Pt. 260 Grey Street (north side, second lot west of Melville Street).</td> </tr> <tr> <td>81.</td> <td>HOUSE, 10 VANCOUVER STREET</td> <td>Lot 13 of A.T.L. 184 Vancouver Street (north side, fifth lot west of Collie Street).</td> </tr> <tr> <td>82.</td> <td>HOUSE, 42 VANCOUVER STREET</td> <td>Lot 5 of A.T.L. 200/199 Vancouver Street (north side, third lot west of Parade Street).</td> </tr> <tr> <td>83.</td> <td>HOUSE, 39 ROWLEY STREET</td> <td>Lot 2 Rowley Street (west side, eighth lot north of Grey Street East).</td> </tr> <tr> <td>84.</td> <td>HOUSE, 140 BURGOYNE ROAD</td> <td>Pt. of A.T.L. 458 Burgoyne Road (north side, third lot east of Bridges Street).</td> </tr> <tr> <td>85.</td> <td>HOUSE, 78 BRUNSWICK ROAD</td> <td>A.T.L. 376 Brunswick Road (fourth lot west of Cuddihy Avenue).</td> </tr> <tr> <td>86.</td> <td>HOUSE, 14 MOUNT STREET</td> <td>Lot 14 of A.T.L. 330 (east side of Mount Street, second lot north of Brunswick Road).</td> </tr> <tr> <td>87.</td> <td>HOUSE, 22 STIRLING TERRACE</td> <td>Lot 18 of A.T.L. 10 Stirling Terrace (fifth lot east of Spencer Street).</td> </tr> <tr> <td>88.</td> <td>HOUSE, 24 STIRLING TERRACE</td> <td>Lot 2 of A.T.L. S11 Stirling Terrace (fourth lot east of Spencer Street).</td> </tr> <tr> <td>89.</td> <td>HOUSE, 26 STIRLING TERRACE</td> <td>Lot 1 of A.T.L. S12 Stirling Terrace (third lot east of Spencer Street).</td> </tr> <tr> <td>90.</td> <td>STABLES AND GROUNDS, STIRLING TERRACE</td> <td>Pt. A.T.L. S13/14 Stirling Terrace (second lot east of Spencer Street at the rear of "Norman House").</td> </tr> <tr> <td>91.</td> <td>HOUSE, FREDERICK STREET</td> <td>Lot 7 of A.T.L. 333 Frederick Street (second lot east of Spencer Street).</td> </tr> <tr> <td>92.</td> <td>MOIR'S COTTAGE, STIRLING TERRACE</td> <td>Lot S18 Stirling Terrace at the rear of Edinburgh House.</td> </tr> <tr> <td>93.</td> <td>OAK TREES</td> <td>Lots 107 and 108, Sub Lot 394 Drew Street.</td> </tr> </table> <p data-bbox="600 880 927 906">4. Where desirable to:</p> <p data-bbox="600 928 1211 957">(a) Facilitate the conservation of a heritage place; or</p> <p data-bbox="600 976 1274 1005">(b) Enhance or preserve heritage values in a heritage area;</p> <p data-bbox="600 1027 2047 1088">the Local Government may vary any site or development requirement specified in the Scheme or the R-Codes by following the procedures set out in section 64 of the Deemed Provisions.”</p> <p data-bbox="600 1123 1361 1152">The above provisions are existing Local Planning Scheme 1 provisions.</p>	73.	HOUSE, 75 ALBANY HIGHWAY	Lot 3 of A.S.L. 37 (south-west cnr. of Elizabeth Street and Albany Highway).	74.	HOUSE, 77 ALBANY HIGHWAY	Lot 4 of A.S.L. 37 (south-east cnr. of Alicia Street and Albany Highway).	75.	HOUSE, 81 ALBANY HIGHWAY	Lot 4 of A.S.L. 37 (south-east cnr. of Alicia Street and Albany Highway).	76.	HOUSE, 176 SERPENTINE ROAD	Lot 1 of A.S.L. 47 (north-west cnr of Serpentine Road and Crossman Streets).	77.	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128.	Pg. 123	<p data-bbox="600 1161 2159 1222">Amend text at schedule 1 by inserting the following text after the schedule 1 heading, which reads ‘Schedule 1 – Dictionary of defined Words and Expressions’.</p> <p data-bbox="600 1257 1639 1286">“. Schedule comprises two sets of definitions, 1. General Definitions and 2. Land Use Definitions”</p> <p data-bbox="600 1321 1030 1350">To explain the layout of the schedule 1</p>																																																															
129.	Pg. 123-134	<p data-bbox="600 1359 1809 1388">Amend the text at schedule 1 by deleting the following definitions, which are contained in the Model provisions:</p> <p data-bbox="600 1423 2159 1484">“advertisement means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding</p>																																																															

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		<p>or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;</p> <p>amenity means all those factors which combine to form the character of an area and include the present and likely future amenity;</p> <p>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;</p> <p>CEO means the Chief Executive Officer of the City of Albany;</p> <p>commercial vehicle means any vehicle whether licensed or not and which is used or designed for use for or in conjunction with any business, trade or other commercial purpose and shall include any utility, van truck, trailer, tractor, agricultural implement, bus, earthmoving machinery/plant or other similar commercial vehicle, but does not include any vehicle designed as a passenger car or trailer or other similar small vehicle being suitable to carry loads of less than 1.5 tonnes;”</p> <p>floor area has the same meaning as in the <i>Building Code of Australia 1996</i> published by the Australian Building Codes Board;</p> <p>frontage when used in relation to a building that is used for:</p> <p>(a) residential purposes, has the same meaning as in the <i>Residential Design Codes</i>; and</p> <p>(b) purposes other than residential purposes, means the road alignment at the front of a lot, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;</p> <p>incidental use means a use of premises which is ancillary and subordinate to the predominant use;</p> <p>Local Government means the City of Albany;</p> <p>Local Planning Strategy means the Local Planning Strategy in respect of the Scheme, as endorsed by the Western Australian Planning Commission under Regulation 12B of the <i>Town Planning Regulations 1967</i> and amended from time to time;</p> <p>minerals has the same meaning as in the <i>Mining Act 1978</i>;</p> <p>net lettable area (nla) means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas:</p> <p>(a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;</p> <p>(b) lobbies between lifts facing other lifts serving the same floor;</p>

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		<p>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;</p> <p>(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;</p> <p>non-conforming use has the same meaning as it has in s.172 of the <i>Planning and Development Act 2005</i>;</p> <p>plot ratio, in the case of residential dwellings has the same meaning as in the <i>Residential Design Codes</i>; or in all other cases, shall mean the ratio of the gross total of all floor areas of buildings on a site to the area of land within the lot boundaries;</p> <p>precinct means a definable area where particular planning policies, guidelines or standards apply;</p> <p>predominant use means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;</p> <p>retail means the sale or hire of goods or services to the public;</p> <p>wholesale means the sale of goods or materials to be sold by others;</p> <p>agriculture – extensive means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;</p> <p>agriculture – intensive means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following:</p> <p>(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruits or nuts;</p> <p>(b) the establishment and operation of plant or fruit nurseries; or</p> <p>(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);</p> <p>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 two amusement machines operating within the premises;</p> <p>ancillary accommodation has the same meaning given to the term in the <i>Residential Design Codes</i>;</p> <p>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;</p> <p>animal husbandry – intensive means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production),</p>

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		<p>rabbits (for either meat or fur production) and other livestock in feedlots;</p> <p>bed and breakfast/farmstay means a dwelling, used by a resident of the dwelling, to provide accommodation for no more than six guests away from their normal place of residence on a short- term commercial basis within the dwelling and may include the provision of meals;</p> <p>betting agency means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i>;</p> <p>caravan park shall have the same meaning as given the term in the <i>Caravan Parks and Camping Grounds Act 1995</i>; and means an area of land on which caravans, or caravans and camps, are situated for habitation;</p> <p>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;</p> <p>car park 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;</p> <p>child care premises has the same meaning as given the term in the <i>Child Care Services Act 2007</i>;</p> <p>cinema/theatre means premises where the public may view a motion picture or theatrical production;</p> <p>civic use means premises used by a Government department, an instrumentality of the Crown, or the Local Government, for administrative, recreational or other purposes;</p> <p>club premises means premises used by a legally constituted club or association or other body of persons united by a common interest;</p> <p>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;</p> <p>consulting rooms means premises used by no more than two health practitioners for the investigation or treatment of human injuries or ailments and for general outpatient care.</p> <p>convenience store means premises:</p> <ul style="list-style-type: none"> (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 300m² net lettable area;

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		<p>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;</p> <p>educational establishment means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;</p> <p>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;</p> <p>family day care means premises used to provide family day care within the meaning of the <i>Child Care Services Act 2007</i>;</p> <p>fuel depot means premises used for the storage and sale in bulk of solid, 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;</p> <p>funeral parlour means premises used to prepare and store bodies for burial or cremation;</p> <p>garden centre means premises used for the propagation, rearing and sale of plants and may include the sale of garden implements and other products associated with horticulture and garden décor;</p> <p>holiday accommodation means any land and/or building providing accommodation and recreation facilities for guests/tourists on a short-term commercial basis and may include a shop or dining area incidental to the function providing limited services to patrons;</p> <p>holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast/farmstay. <i>AMD 13 GG 10/06/16</i></p> <p>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:</p> <ul style="list-style-type: none"> (a) does not employ more than two people not members of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 50m²; (d) does not 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

REPORT ITEM DIS084_V2 REFERS

No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>(f) does not involve the use of an essential service of greater capacity than normally required in the zone;</p> <p>home occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:</p> <p>(i) does not employ any person not a member of the occupier's household;</p> <p>(ii) will not cause injury to or adversely affect the amenity of the neighbourhood;</p> <p>(iii) does not occupy an area greater than 20m²;</p> <p>(iv) does not display a sign exceeding 0.2m²;</p> <p>(v) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet; <i>AMD 13 GG 10/06/16</i></p> <p>(vi) 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 two tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and</p> <p>(vii) does not involve the use of an essential service of greater capacity than normally required in the zone;</p> <p>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:</p> <p>(a) entail clients or customers travelling to and from the dwelling;</p> <p>(b) involve any advertising signs on the premises; or</p> <p>(c) require any external change to the appearance of the dwelling.</p> <p>home store means any shop with a net lettable area not exceeding 100 m² attached to a dwelling and which is operated by a person resident in the dwelling;</p> <p>hospital means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;</p> <p>hotel means premises providing accommodation the subject of a hotel licence under the <i>Liquor Control Act 1988</i>, and may include a betting agency on those premises, but does not include a tavern or motel;</p> <p>industry – extractive means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>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;</p> <p>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;</p> <p>marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft;</p> <p>market means premises used for the display and sale of goods from stalls by independent vendors;</p> <p>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, minor medical and surgical treatment, and counselling);</p> <p>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 <i>Liquor Control Act 1988</i>;</p> <p>motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans;</p> <p>motor vehicle wash means premises where the primary use is the washing of motor vehicles;</p> <p>night club means premises: used for entertainment with or without eating facilities; and licensed under the <i>Liquor Control Act 1988</i>;</p> <p>office means premises used for administration, clerical, technical, professional or other like business activities;</p> <p>park home park has the same meaning as in the <i>Caravan Parks and Camping Grounds Regulations 1997</i>;</p> <p>place of worship means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;</p> <p>reception centre means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;</p> <p>recreation – private means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;</p> <p>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 <i>Liquor Control Act 1988</i>;</p> <p>restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>or delivery of:</p> <p>(a) publications that are classified as restricted under the <i>Classification (Publications Films and Computer Games) Enforcement Act 1996</i>;</p> <p>(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;</p> <p>rural pursuit means any premises used for:</p> <p>(a) the rearing or agistment of animals;</p> <p>(b) the stabling, agistment or training of horses;</p> <p>(c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or</p> <p>(d) the sale of produce grown solely on the lot,</p> <p>but does not include Agriculture – Extensive or Agriculture – Intensive;</p> <p>service station means premises used for:</p> <p>(a) the retail sale of petroleum products, motor vehicles accessories and goods of an incidental/convenience retail nature; and</p> <p>(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,</p> <p>but does not include premises used for a transport depot, panel beating, spray-painting, major repairs or wrecking;</p> <p>shop means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;</p> <p>tavern means premises licensed as a tavern under the <i>Liquor Control Act 1988</i> used to sell liquor for consumption on the premises;</p> <p>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;</p> <p>trade display means premises used for the display of trade goods and equipment for the purpose of advertisement;</p> <p>transport depot means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles and may include overnight accommodation on-site for the transport workers;</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>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;</p> <p>warehouse means premises used to store or display goods and may include sale by wholesale;</p> <p>wind farm means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in connection with, the generation of electricity by wind force but does not include turbines used principally to supply electricity for a domestic property or anemometers;</p> <p>winery means premises used for the production of viticultural produce and may include sale of the produce;</p>
130.	Pg. 136	<p>Amend text in schedule 2 (AU2 - 7) by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
131.	Pg. 137	<p>Amend text in schedule 2 (AU3 - 11) by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
132.	Pg. 137	<p>Amend text in schedule 2 (AU5 - 7) by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
133.	Pg. 138	<p>Amend text in schedule 2 (AU6 - 8) by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
134.	Pg. 139	<p>Amend text in schedule 2 (AU7 - 9) by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
135.	Pg. 140	<p>Amend text in schedule 2 (AU9 - 13) by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
136.	Pg. 142	<p>Amend text in schedule 2 (AU11 - 4) by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
137.	Pg. 146	<p>To align with regs.</p> <p>Amend text at schedule 2 (AU23 -1) by deleting the text “clause 5.8.5.1” and replacing with “clause 4.8.5.1”.</p> <p>Automatic update to reflect scheme changes.</p>
138.	Pg. 158	<p>Amend text in schedule 4 (SU2 - 21) by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
139.	Pg. 159	<p>Amend text in schedule 4 (SU3 – 3(b)) by deleting the text “Govenment” and replacing with “Government”.</p> <p>Typo error</p>
140.	Pg. 162	<p>Amend text in schedule 4 (SU3 – 14(b)) by deleting the text “clause 5.9 of the Scheme” and replacing with “the Planning and Development (Local Planning Schemes) Regulations 2015”.</p> <p>To align with regs.</p>
141.	Pg. 173	<p>Amend text in Schedule 4 – Special Use Zones, No. SU15 by deleting the text contained in clause 3(b)(ii) and replacing with the following text.</p> <p>“</p> <ul style="list-style-type: none"> • Hotel and/or Motel buildings are to be at a maximum height of 5 storeys; and • Holiday Accommodation buildings are to be at a maximum height of 6 storeys.” <p>Condition 3(b)(ii) currently sets a maximum building height limit of five metres, which is thought to be a typographical error and should have read ‘ 5 storeys’. However, this is compounded by the fact that the Albany Waterfront Structure Plan allows holiday accommodation buildings to be constructed to a maximum height of six storeys. It has therefore been determined that this condition should be replaced for consistency with the Structure Plan.</p>
142.	Pg. 176	<p>Amend text in in schedule 4 (SU17 – 1) by deleting “clause 4.3” and replacing with “clause 3.4”.</p> <p>Automatic update to reflect scheme changes.</p>
143.	Pg. 197	<p>Amend Schedule 6 by deleting and replacing with the following:</p> <p>“Schedule 6 - The form of an application for development approval is contained in the Planning and Development (Local Planning Schemes) Regulations 2015.”</p>
144.	Pg. 198	<p>Amend Schedule 7 by deleting and replacing with the following:</p> <p>“Schedule 7 - The form for providing additional information for development approval for advertisements is contained in the Planning and Development (Local Planning Schemes) Regulations 2015.”</p>

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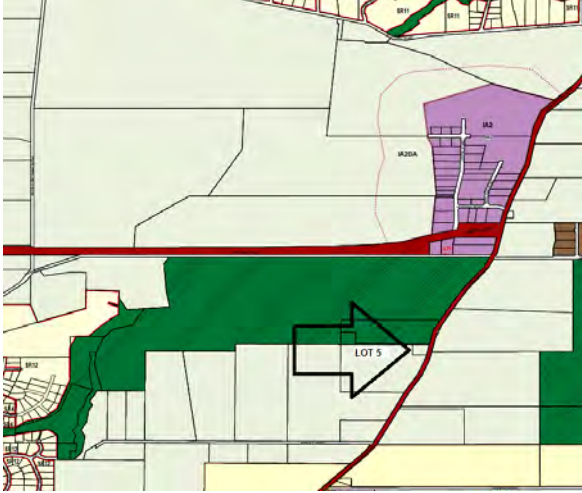
No.	Scheme Text page number and section Scheme Map Number	Correction						
145.	Pg. 199	<p>To align with regs.</p> <p>Amend Schedule 8 by deleting and replacing with the following:</p> <p>“Schedule 8 - The form of a notice of public advertisement of a planning proposal is contained in the Planning and Development (Local Planning Schemes) Regulations 2015.”</p> <p>To align with regs.</p>						
146.	Pg. 200	<p>Amend Schedule 9 by deleting and replacing with the following:</p> <p>“Schedule 9 - The form of a notice of determination on an application for development approval is contained in the Planning and Development (Local Planning Schemes) Regulations 2015.”</p> <p>To align with regs.</p>						
147.	Pg. 201	<p>Amend text at schedule 10 by deleting and replacing with the following:</p> <p>“</p> <p>(1) The conditions set out in the Table are environmental conditions that apply to this Scheme as a result of an assessment carried out under the <i>Environmental Protection Act 1986</i> Part IV Division 3.</p> <p>(2) The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.</p> <p>(3) The local government —</p> <p>(a) must make available for public inspection during business hours at the offices of the local government all statements relating to this Scheme published under the <i>Environmental Protection Act 1986</i> Part IV Division 3; and</p> <p>(b) may publish those statements on the website of the local government.</p> <table border="1" data-bbox="667 1262 1688 1385"> <thead> <tr> <th data-bbox="667 1262 1048 1305">SCHEME OR AMENDMENT NO.</th> <th data-bbox="1048 1262 1294 1305">GAZETTAL DATE</th> <th data-bbox="1294 1262 1688 1305">ENVIRONMENTAL CONDITIONS</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="667 1305 1688 1385"><i>There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme.</i></td> </tr> </tbody> </table> <p>To align with Model scheme.</p>	SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS	<i>There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme.</i>		
SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS						
<i>There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme.</i>								

REPORT ITEM DIS084_V2 REFERS

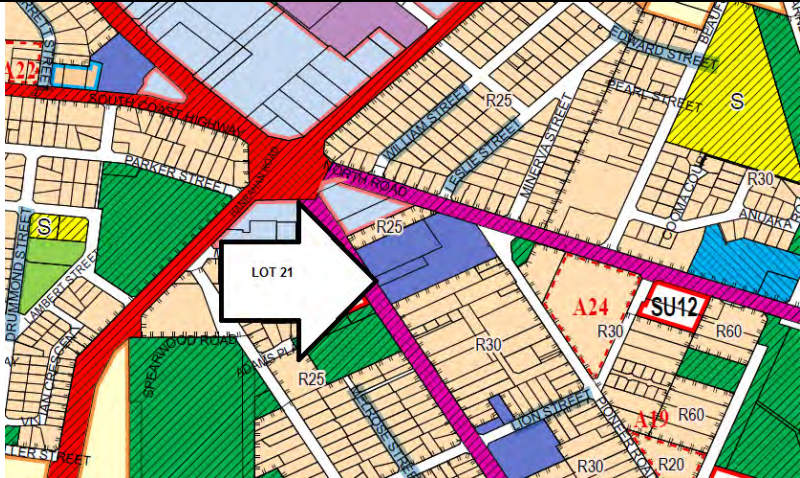
No.	Scheme Text page number and section Scheme Map Number	Correction
148.	Pg. 208-209	<p>Amend text at schedule 11, Industrial Area 4 (IA4) by deleting the text:</p> <p>“</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Holiday Accommodation; • Home Business; • Home occupation; • Home office” <p>The Industrial Area 4 provision 2.1 does not support sensitive uses (e.g. ancillary dwelling) within the buffer area, which is located around the industrial area 4 and which is zoned priority agriculture. The purpose of this is to protect the integrity of industrial land uses. There is however existing single houses located within the buffer area. The opportunity should be available to the existing dwellings, to accommodate incidental uses such as Ancillary Accommodation; Bed and Breakfast/Farmstay; Holiday Accommodation; Home Business; Home occupation; and Home office.</p>
149.	Pg. 209	<p>Amend text at schedule 11, Industrial Area 4 (IA4), clause 2.2 by deleting the text “including a Single House”</p> <p>The following clause 2.3 states: <i>No dwelling...shall be permitted within the Industry Buffer Area designated on the Scheme Map.</i></p>
150.	Pg. 209	<p>Amend text at schedule 11, Industrial Area 4 (IA4), clause 2.3 by deleting the text “or other habitable structures”</p> <p>This amendment 29 is proposing to enable the development of an ancillary dwelling associated with an existing single house.</p>
151.	Pg. 212-222	<p>Amend the heading of schedule 12 by deleting the text “Provisions”.</p> <p>Inclusion of the word ‘provisions’ from the title of Schedule 12 is inconsistent with the title format of Schedules 4, 14 and 15 which contain development conditions or provisions particular to certain zones but do not include “Provisions” in their respective titles.</p>
152.	Pg. 212	<p>Amend the text at schedule 12, clause 3.1, by deleting the text “(g) Single House” and inserting a new (second) dot point with the following text:</p> <p>“</p> <ul style="list-style-type: none"> • Single House” <p>Error in scheme text.</p>
153.	Pg. 213	<p>Amend the text at schedule 12, clause 3.2, dot point 2 by deleting the text “or non defined”.</p> <p>To conform to new provision 3.3 as described below.</p>
154.	Pg. 213	<p>Amend the text at schedule 12, by deleting clause 3.3 and replacing with the following text:</p>

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No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>“3.3 All other land uses, other than those listed in cl.3.1 and 3.2 above, are ‘X’ not permitted within CZ1”</p> <p>The new proposed clause is consistent with other conservation zones CZ2 and CZ3.</p>
155.	Pg. 224	<p>Amend text at schedule 14 (RR1C) by deleting the text “clause 5.5.13 and 4.2.14” and replacing with “clause 4.5.3 and 3.2.14”</p> <p>Automatic update to reflect scheme changes.</p>
156.	Pg. 241	<p>Amend text at schedule 14 (RR29) 2(a) by deleting text ‘1(a)’ and replacing with ‘1(b)’ and amend text at schedule 14 (RR29) 2(b) by deleting text ‘1(b)’ and replacing with ‘1(c)’.</p> <p>Error in scheme text.</p>
157.	Pg. 242	<p>Amend text at schedule 14 (RR29 - 7) by deleting the text “Clause 5.5.13.2.8 (i)”and replacing with “clause 4.5.13.2.8 (i)”.</p> <p>Automatic update to reflect scheme changes.</p>
158.	Pg. 243	<p>Amend text at schedule 14 (RR29 - 10) by deleting the text “Clause 5.8.2” and replacing with “clause 4.8.2”.</p> <p>Automatic update to reflect scheme changes.</p>
159.	Pg. 244	<p>Amend text at schedule 14 (RR30 - 4) by deleting the text “Clause 5.5.12.2.8” and replacing with “clause 4.5.12.2.8”.</p> <p>Automatic update to reflect scheme changes.</p>
160.	Pg. 257	<p>Amend text at schedule 14 (RR39 - 9) by deleting the text “Clause 5.5.13.2.8” and replacing with “clause 5.5.13.2.8”.</p> <p>Automatic update to reflect scheme changes.</p>
161.	Pg. 269	<p>Amend text at Schedule 15 SR1 6 by deleting the text and replacing with:</p> <p>“</p> <ul style="list-style-type: none"> (a) 15 metres from the front boundary; (b) 5 metres from the side boundary; and (c) 5 metres from rear boundaries, with the exception of Lots 600-602, where development shall be restricted to below the 18 metre contour.” <p>No rear setback has ever been prescribed with Special Residential Zone No. SR1, which leads to uncertainty for developers. Provision 5 and the attendant subdivision guide plan indicate ‘environmental elements’ that limit the location of development, though this is similarly unclear. It is therefore considered that a 5 metre rear setback is appropriate in most circumstances, with the exception of Lots 600-602, where the ‘environmental elements’ are present above the 18 metre contour.</p>
162.	Map 20	<p>Rezoning Lot 5 Chester Pass Road, Warrenup from the General Agriculture zone to the Light Industry zone on Map 20 to correct a mapping error.</p> <p>Lot 5 was zoned Light Industry under former Town Planning Scheme No. 3 and was rezoned to General Agriculture in Local Planning Scheme No. 1</p>

No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>in error. As the lot is still occupied by a business and the zoning change has removed potential commercial development rights, it has been determined that the Light Industry zoning should be reinstated.</p> 
163.	Map 21	<p>Rezoning Lot 21 Albany Highway, Centennial Park from the 'Hotel/Motel' zone to the 'Highway Commercial' zone on Map 21 to correct a mapping error.</p> <p>Lot 21 was zoned Residential under former <i>Town Planning Scheme No. 1A</i> and was rezoned to Hotel/Motel in <i>Local Planning Scheme No. 1</i> in error. As the lot is still occupied by an approved, non-conforming Veterinary Centre, the zoning change has impacted the potential for it to be developed. It has been determined that the Highway Commercial zone would be more suited to the existing development and approved use of the land as a Veterinary Centre.</p>

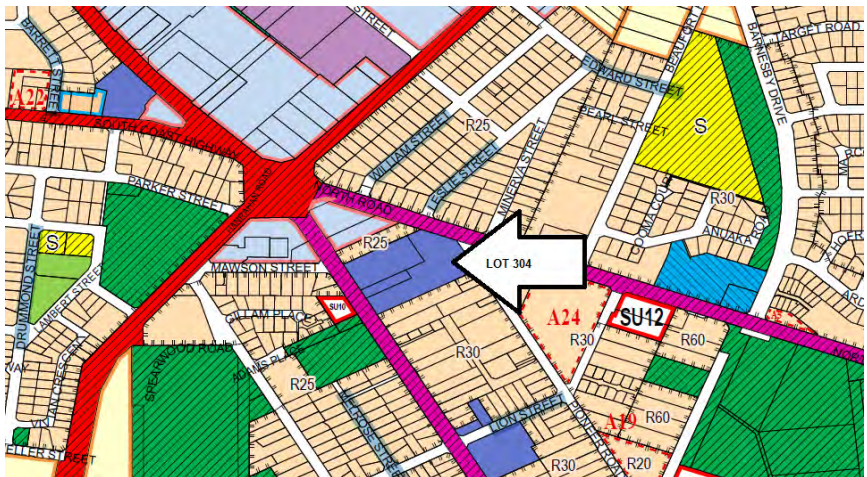
No.	Scheme Text page number and section Scheme Map Number	Correction
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164.	Map 21
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Rezoning Lot 304 Pioneer Road, Centennial Park from the Hotel/Motel zone to the Residential zone on Map 21 to correct a mapping error.

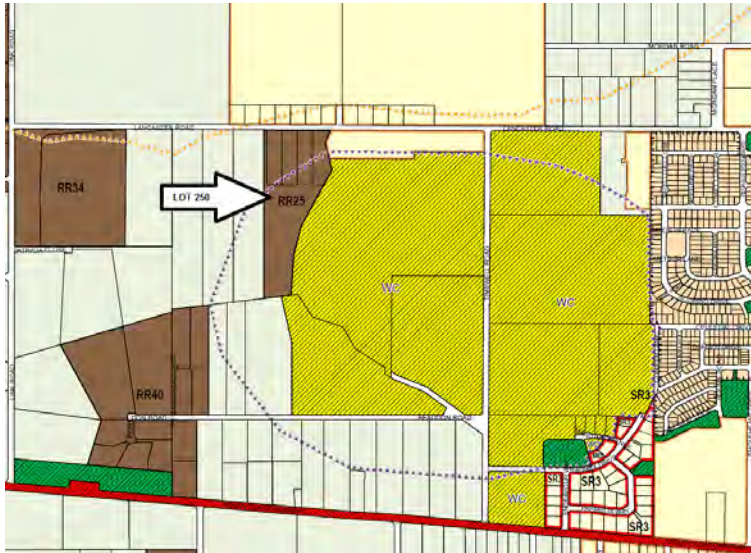
Lot 304 was zoned Tourist Residential under former *Town Planning Scheme No. 3* and was rezoned to Hotel/Motel in *Local Planning Scheme No. 1* in error. As this change does not reflect the current use of the lot as an Aged Persons' Village and would preclude its planned expansion, it has been determined that the Residential zone should be applied.

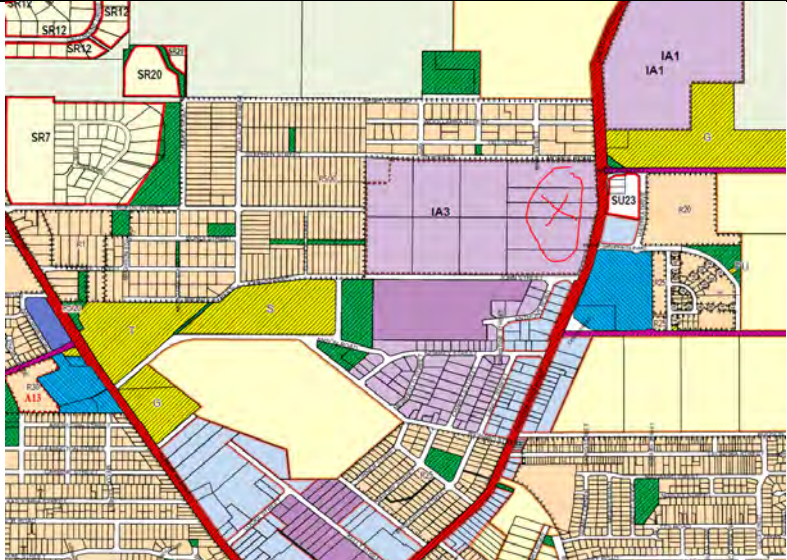



165.	Map 21
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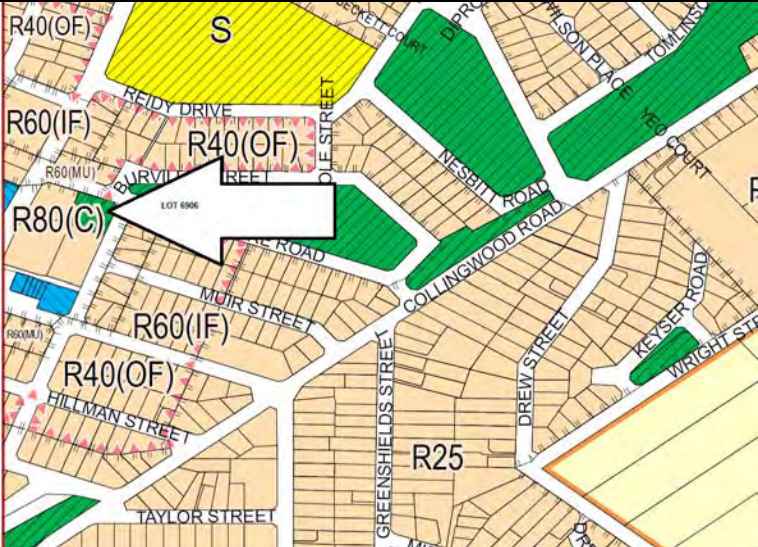
Modifying the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary around the Timewell Road Wastewater Treatment Plant on Map 21.

The Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area boundary currently encompasses the residence on Lot 250 Lancaster Road McKail, which resulted from the Special Control Area boundary being modified in accordance with the recommendations of the Water Corporation during the review of the Albany Local Planning Scheme. The former owners of Lot 250 contacted the City of Albany with

No.	Scheme Text page number and section Scheme Map Number	Correction
		<p>concerns about this situation and were referred to the Water Corporation as the responsible authority.</p> <p>After protracted discussions between the former owners and the Water Corporation, a meeting was organised between those parties, along with representatives from the City of Albany and a representative from the office of the Minister for Water. It was acknowledged by the Water Corporation that the inclusion of the residence on Lot 250 within the Special Control Area boundary was an 'unintended consequence' of the expansion of the Wastewater Treatment Plant Odour Buffer, in line with the recommendations of an odour modelling report prepared in March 2009. The Water Corporation advised that if the City was not opposed, it could realign the Special Control Area boundary to excise the residence on Lot 250. This was confirmed in a letter from the Minister for Water, dated 17 September 2015 (see Appendix 1) and a subsequent letter from the Water Corporation Manager Development Services, dated 22 October 2015 (see Appendix 2).</p> 
166.	Map 21	<p>Modifying the Industrial Area IA3 boundary around the Milpara Light Industrial Estate, John Street and Morris Road, Milpara on Map 21 to correct a mapping error and to correspond with the Scheme text.</p> <p>Industrial Area IA3 applies to Lots 870, 876 and 877 John Street and Lots 873, 874 and 875 Morris Road but not Lots 410, 411, 868, 869 and 871 Chester Pass Road, which have been included within the Industrial Area boundary in error.</p>

No.	Scheme Text page number and section Scheme Map Number	Correction
		
167.	Map 22	<p>Rezoning a portion of Lot 26 Shell Bay Road, Lower King from the Parks and Recreation local scheme reserve to the Residential zone with the R5 residential density code on Map 22 to correct a mapping error.</p> <p><i>Lot 26 was zoned Rural under former <i>Town Planning Scheme No. 3</i> and was rezoned to the Parks and Recreation local scheme reserve in <i>Local Planning Scheme No. 1</i> in error. Although much of the lot extends across a portion of the King River foreshore, including a large tidal wetland area, this zoning change did not reflect the fact that approximately 5800m² of the lot is developed with a single house, outbuilding and garden ground. On this basis, it has been determined that the developed portion of the lot should be rezoned to the Residential zone with the R5 residential density coding, which is consistent with the adjoining lots to the north.</i></p>

No.	Scheme Text page number and section Scheme Map Number	Correction
		
168.	Map 23	<p>Rezoning Lot 6906 Nind Street, Spencer Park from the Parks and Recreation local scheme reserve with the R80C residential density code to the Public Use: Community purpose local scheme reserve with the R80C residential density code on Map 23 to correct a mapping error.</p> <p>Lot 6906 was zoned Private Clubs and Institutions under former <i>Town Planning Scheme No. 1A</i> and was rezoned to the Parks and Recreation local scheme reserve in <i>Local Planning Scheme No. 1</i> in error. As Crown Land vested in the City of Albany for Community Purposes and currently used for a Community Purpose and as an Educational Establishment, it has been determined that the Public Use: Community Purpose local scheme reserve would be a more appropriate designation. The R80C density code is a result of the lot's inclusion within the Spencer Park Improvement Special Control Area and should be retained.</p>

No.	Scheme Text page number and section Scheme Map Number	Correction
		
169.	Maps 29 & 30	<p>Rezoning Lot 350 Shelley Beach Road, Kronkup from the General Agriculture and Rural Residential zones to the Clubs and Institutions zone on Maps 29 and 30 to correct a mapping error.</p> <p><i>Lot 350 was zoned Private Clubs and Institutions and Rural Residential under former <i>Town Planning Scheme No. 3</i>; however, the <i>Private Clubs and Institutions zoned portion</i> was rezoned to the General Agriculture zone in <i>Local Planning Scheme No. 1</i> in error. As this change does not reflect the current use of the lot as an Educational Establishment and could preclude its future expansion, it has been determined that the Clubs and Institutions zone should be reinstated and expanded to encompass the entire lot.</i></p>

No.	Scheme Text page number and section Scheme Map Number	Correction	
		<p>The map displays a residential subdivision with several roads: May Luther Road, Hodgson Road, Cyrillus Road, Shelley Beach Road, and West Cape Howe National Park. A large white arrow points to a lot labeled 'LOT 350' located between RR4 and RR36. Other lots are labeled RR14 and RR36.</p>	

Schedule of Submissions

LOCAL PLANNING SCHEME AMENDMENT No.29 – City of Albany

Submission comment in 'Black'

City response in 'Blue'.

City recommendation in 'Red'.

Note: This is a broad summary of the submissions only.

A copy of the submissions in full has been provided to the Council as a separate document.

No.	Address	Copy/Summary of Submissions
	AGENCY	
1.	MRWA	<p>Main Roads has no comment to make regarding the proposed scheme amendment.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>
2.	Environmental Protection Authority	<p>After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act) and that it is not necessary to provide any advice or recommendations.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>
3.	Department of Health	<p>The DOH has no objection to the proposed amendment.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>
4.	ATCO Gas	<p>ATCO Gas has no objection to the proposed amendment.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>
5.	Department of Primary Industries and Regional Development	<p>Department of Primary Industries and Regional Development (DPIRD) has no objection to the Scheme Amendments on the basis that the corrections for the provision of the various land parcels to allow rezoning.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>
6.	Department of Biodiversity, Conservation and Attractions.	<p>The Department of Biodiversity, Conservation and Attractions has no comments on this amendment.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>

7.	Water Corporation	<p>The Water Corporation has reviewed the proposed changes to the Scheme and the changes do not appear to impact on the Water Corporation's infrastructure or operations.</p> <p>Comment noted.</p> <p>No modification to amendment required.</p>
PUBLIC		
8.	Dr M Webb	<p>Support for the proposal to Rezone Lot 21 Albany Highway (veterinary centre) from the current zoning of Hotel/Motel to the proposed zoning of Highway Commercial.</p> <p>Comment noted.</p> <p>No modification to amendment required.</p>
9.	Large Format Retail Association	<p>The Large Format Retail Association recommended that the following four (4) modifications are made to the Amendment No.29:</p> <ol style="list-style-type: none"> 1. <i>Replicate all model terms and definitions contained in 'Schedule 1 Part 6' of the 'Planning and Development (Local Planning Schemes) Regulations 2015' within 'Schedule 1 of LPS1'.</i> <p>Uphold in part.</p> <p>It is recommended that the Council agree to replicate model terms and definitions contained in 'Schedule 1 Part 6' of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> within Schedule 1 of the City's Local Planning Scheme No.1. The exception to this is are the definitions <i>'Bulky Goods Showroom', 'Convenience Store' and 'Warehouse/storage'</i>.</p> <p>The model scheme definitions for 'Bulky Goods Showroom', 'Convenience Store' and 'Warehouse/storage', includes a number of uses in addition to uses currently included in the 'Showroom' definition could create unintended consequences to the implementation of the City's scheme. The additional-uses definition change for "bulky good showroom" could have particular unforeseen detrimental impacts on retail in the "Regional centre zone". The other two definitions have remained unchanged to avoid unforeseen impacts in the zones where they can be considered. These changes are therefore beyond the scope of the current amendment that is focused on low impact changes and fixing anomalies within the scheme.</p> <p>It is recommended that the following proposed scheme amendment, contained in the 'Amendment Schedule' at number 23 is deleted:</p> <p><i>Amend text at old clause 1.7.2 by inserting the following text after the word and number 'Schedule 1'; " , Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015".</i></p> <ol style="list-style-type: none"> 2. <i>Delete any existing defined words and expressions from 'Schedule 1 of LPS1' which duplicate or contradict the model terms and definitions contained in 'Schedule 1 Part 6' of the 'Planning and Development (Local Planning Schemes) Regulations 2015'. This should specifically include deletion of the 'Showroom' land use definition currently contained in 'Schedule 1 of LPS1'.</i> <p>Uphold in part.</p> <p>It is recommended that the Council agree to delete existing defined words and expressions from 'Schedule 1 of LPS1' which duplicate or contradict the model terms and definitions contained in 'Schedule 1 Part 6' of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. The exception to this is are the definitions <i>'Showroom', 'Convenience Store' and 'Warehouse'</i>.</p> <p>Changes to LPS1 to include the <i>'Bulky Goods Showroom', 'Convenience Store', 'Warehouse/storage'</i> and including <i>'Trade supplies' use and definitions</i> can be considered in a future scheme amendment, after consultation and due consideration.</p>

It is recommended that the proposed scheme amendment, contained in the 'Amendment Schedule' at number 129 is modified to read as follows:

Amend the text at schedule 1 by ~~deleting~~ replacing the following definitions, ~~which are contained in the~~ with Model provisions definitions:

advertisement means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

amenity means all those factors which combine to form the character of an area and include the present and likely future amenity;

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;

CEO means the Chief Executive Officer of the City of Albany;

commercial vehicle means any vehicle whether licensed or not and which is used or designed for use for or in conjunction with any business, trade or other commercial purpose and shall include any utility, van truck, trailer, tractor, agricultural implement, bus, earthmoving machinery/plant or other similar commercial vehicle, but does not include any vehicle designed as a passenger car or trailer or other similar small vehicle being suitable to carry loads of less than 1.5 tonnes;"

floor area has the same meaning as in the Building Code of Australia 1996 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 Residential Design Codes; and

(b) purposes other than residential purposes, means the road alignment at the front of a lot, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

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

Local Government means the City of Albany;

Local Planning Strategy means the Local Planning Strategy in respect of the Scheme, as endorsed by the Western Australian Planning Commission under Regulation 12B of the Town Planning Regulations 1967 and amended from time to time;

minerals has the same meaning as in the Mining Act 1978;

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 s.172 of the Planning and Development Act 2005;

plot ratio, in the case of residential dwellings has the same meaning as in the Residential Design Codes; or in all other cases, shall mean the ratio of the gross total of all floor areas of buildings on a site to the area of land within the lot boundaries;

	<p>precinct means a definable area where particular planning policies, guidelines or standards apply;</p> <p>predominant use means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;</p> <p>retail means the sale or hire of goods or services to the public;</p> <p>wholesale means the sale of goods or materials to be sold by others;</p> <p>agriculture – extensive means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;</p> <p>agriculture – intensive means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following:</p> <p>(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruits or nuts;</p> <p>(b) the establishment and operation of plant or fruit nurseries; or</p> <p>(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);</p> <p>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 two amusement machines operating within the premises;</p> <p>ancillary accommodation has the same meaning given to the term in the Residential Design Codes;</p> <p>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;</p> <p>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;</p> <p>bed and breakfast/farmstay means a dwelling, used by a resident of the dwelling, to provide accommodation for no more than six guests away from their normal place of residence on a short- term commercial basis within the dwelling and may include the provision of meals;</p> <p>betting agency means an office or totalisator agency established under the Racing and Wagering Western Australia Act 2003;</p> <p>caravan park shall have the same meaning as given the term in the Caravan Parks and Camping Grounds Act 1995; and means an area of land on which caravans, or caravans and camps, are situated for habitation;</p> <p>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;</p> <p>car park 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;</p> <p>child care premises has the same meaning as given the term in the Child Care Services Act 2007;</p> <p>cinema/theatre means premises where the public may view a motion picture or theatrical production;</p> <p>civic use means premises used by a Government department, an instrumentality of the Crown, or the Local Government, for administrative, recreational or other purposes;</p> <p>club premises means premises used by a legally constituted club or association or other body of persons united by a common interest;</p> <p>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;</p> <p>consulting rooms means premises used by no more than two health practitioners for the investigation or treatment of human injuries or ailments and for general outpatient care.</p>
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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 300m² 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;

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 used to provide family day care within the meaning of the Child Care Services Act 2007;

fuel depot means premises used for the storage and sale in bulk of solid, 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;

garden centre means premises used for the propagation, rearing and sale of plants and may include the sale of garden implements and other products associated with horticulture and garden décor;

holiday accommodation means any land and/or building providing accommodation and recreation facilities for guests/tourists on a short-term commercial basis and may include a shop or dining area incidental to the function providing limited services to patrons;

holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast/farmstay.
AMD 13 GG 10/06/16

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 two people not members of the occupier's household;

(b) will not cause injury to or adversely affect the amenity of the neighbourhood;

(c) does not occupy an area greater than 50m²;

(d) does not 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:

(i) does not employ any person not a member of the occupier's household;

(ii) will not cause injury to or adversely affect the amenity of the neighbourhood;

(iii) does not occupy an area greater than 20m²;

(iv) does not display a sign exceeding 0.2m²;

(v) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet; AMD 13 GG 10/06/16

(vi) 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 two tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(vii) 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 m² 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, and may include a betting agency on those premises, but does not include a tavern or motel;

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;

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, minor 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;

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

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

night club means premises: used for entertainment with or without eating facilities; and licensed under the Liquor Control Act 1988;

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;

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

reception centre means premises used for functions on formal or ceremonial occasions but not for unhosted 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;

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 Control Act 1988;

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:

(a) publications that are classified as restricted under the Classification (Publications Films and Computer Games) Enforcement Act 1996;

(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

rural pursuit means 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 or Agriculture – Intensive;

service station means premises used for:

(a) the retail sale of petroleum products, motor vehicles 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 other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

tavern means premises licensed as a tavern under the Liquor Control Act 1988 used to sell liquor for consumption on the premises;

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;

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

transport depot means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles and may include overnight accommodation on-site for the transport workers;

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;~~

wind farm means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in connection with, the generation of electricity by wind force but does not include turbines used principally to supply electricity for a domestic property or anemometers;

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

3. Within the 'LPS1 Zoning Table', replace 'Showroom' with 'Bulky Goods Showroom' and establish land use permissibility as follows within the 'LPS1' zones:

- 'P' within the Regional Centre Mixed Business and Highway Commercial zones.
- 'D' within the Regional Centre, Neighbourhood Centre and Light Industry zones.
- 'X' within all other zones (with the exception of the Future Urban, Rural Residential and Conservation Zones, for which no permissibility is established by the 'LPS1 Zoning Table').

Dismiss

Changes to LPS1 to include the 'Bulky Goods Showroom' and 'Trade supplies' use and definitions can be considered in a future scheme amendment, after consultation and due consideration.

No modification to amendment required.

4. Within the 'LPS1 Zoning Table', add 'Trade Supplies' as a new line entry, with permissibility as follows within the 'LPS1' zones:

- 'P' within the Regional Centre Mixed Business, Highway Commercial and Light Industry zones.
- 'D' within the Regional Centre and Neighbourhood Centre zones.
- 'X' within all other zones (with the exception of the Future Urban, Rural Residential and Conservation Zones, for which no permissibility is established by the 'LPS1 Zoning Table').

Dismiss

Changes to LPS1 to include the 'Bulky Goods Showroom' and 'Trade supplies' use and definitions can be considered in a future scheme amendment, after consultation and due consideration.

No modification to amendment required.